

Student Handbook

2022 – 2023



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University Catalogue and Academic Year Calendar (catalogue.uarts.edu/)

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SECTION 1: UNIVERSITY OF THE ARTS MISSION AND CORE VALUES

OUR MISSION

To advance human creativity.

The University of the Arts is dedicated to advancing human creativity in an increasingly complex and technology-driven world.

We believe creativity is the true catalyst for social and economic change and the most essential skill for success in today's society.

We deliver a diverse curriculum, grounded in critical inquiry and creative practice, which enables students to both explore and transcend different artistic disciplines.

We are committed to being the place of choice for thinkers, doers and dreamers—a constantly evolving university devoted to the art and science of creativity for a better world.

CORE VALUES

Integrity and Diversity

We are a supportive community committed to individual and artistic integrity and inclusion. We promote and respect self-expression, a wide range of ideas, and diversity in all its forms.

Excellence, Creativity and Passion

With a focus on excellence, we inspire, challenge and support the unconventional thinkers, dreamers and doers who are passionate about using their creative works to impact society.

Connections and Collaboration

We connect design and the performing, visual, communication and liberal arts in the classroom and the community, expanding artistic possibilities, outcomes and lives through creative collaboration.

NOTICE OF NON-DISCRIMINATION AND EQUAL OPPORTUNITY

University of the Arts is a supportive community committed to individual and artistic integrity and inclusion. We promote and respect self-expression, a wide range of ideas and diversity in all of its forms. We are committed to creating an inclusive environment in which university community members are able to access academic, social, and recreational programs and services, as well as opportunities for admission and employment on an equitable and non-discriminatory basis.

University of the Arts does not discriminate on the basis of age, color, disability, gender identity, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, veteran status, and family medical or genetic information in its programs and activities, as required by Title IX of the Education Amendments of 1972, the Americans with Disabilities Act of 1990, as amended, Section 504 of the Rehabilitation Act of 1973, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and other applicable statutes and university policies. The university also prohibits acts of retaliation against those who report acts of harassment discrimination or who cooperate with the investigative process.

University of the Arts has designated the director for Title IX, equity and compliance as the Title IX coordinator responsible for ensuring compliance with Title IX and other state and federal laws addressing sex- and gender-based harassment, including sexual assault, sexual exploitation, sexual intimidation, dating and domestic violence, stalking and other forms of sexual violence based on sex, gender, sexual orientation or gender identity.

Inquiries, reports and complaints regarding equal opportunity, Title IX, ADA, and/or Section 504 should be directed to:

Director for Title IX, Equity and Compliance

Hamilton Hall, Room 151

320 S. Broad St.

Philadelphia, PA 19102

Phone: (215-717-6362

Email: titleix@uarts.edu

Website: uarts.edu/titleix

Portal: makeareport.uarts.edu

Complaints of discrimination, harassment, sexual violence and retaliation may be directed to the director for Title IX, equity and compliance. Complaints may also be filed with the United States Department of Education, the Office for Civil Rights at <https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>, the U.S. Equal Employment Opportunity Commission and/or the Pennsylvania Human Relations Commission.

SECTION 2: ACADEMIC POLICIES

ACADEMIC INTEGRITY POLICY

Academic integrity is a commitment to the core values of honesty, trust, fairness, respect and responsibility and their roles in ensuring the health and vigor of the academic and creative community.

Violations of Academic Integrity

Violations of academic integrity are considered to be acts of academic dishonesty and include, but are not limited to, cheating, plagiarizing, fabricating, denying others access to information or material and facilitating academic dishonesty. The lack of knowledge of citation procedures is an unacceptable explanation for plagiarism, as is having studied with another student and producing remarkably similar papers or creative works submitted separately by two students.

Since academic dishonesty takes place whenever anyone undermines the academic integrity of the institution or attempts to gain an unfair advantage over others, this list is not and cannot be exhaustive.

1. Attempting to commit academic dishonesty: Attempting or preparing to cheat, fabricate or plagiarize
2. Cheating: using unauthorized materials, information or study aids in any educational exercise
3. Obstruction: Denying others access to information or material
4. Fabrication: falsifying or inventing any information or citation in an educational exercise
5. Facilitating academic dishonesty: assisting others to cheat, plagiarize and/or fabricate information
6. Plagiarism: representing the ideas or language of another as one's own in any educational exercise
7. Multiple Submission: Submission of the same, or essentially the same, assignment for two or more classes without the direct prior permission of all instructor(s) involved

For information on University Academic Policies and Intellectual Property, refer to the University Catalogue: catalogue.uarts.edu

SECTION 3: CAMPUS POLICIES

The policies below, mandated for all students whether on or off campus, are not meant to serve as a comprehensive list and are subject to review and modification by the associate vice president for Student Affairs (or their designee) if review is deemed necessary for the safety and security of the UArts community.

UARTS HEALTHY PROMISE

Now more than ever, we as individuals must commit to protecting not only ourselves, but also our entire community. In order to reduce person-to-person transmission of COVID-19 and reduce the risks for all who return to University of the Arts, all students are required to agree to the [UArts Healthy Promise](#). The standards outlined in the UArts Healthy Promise are addenda to the student handbook, and adherence will be required. Each student returning to campus will be required to sign and acknowledge the UArts Healthy Promise.

ACCESS TO FACILITIES

By way of being registered for classes and having an account in good standing, students are granted access to all academic facilities on-campus, provided that they show and/or swipe a valid UArts ID at an electronic, computerized card reader upon entering. Every semester, identification cards—issued for all students, faculty, and employees—are validated by Student Financial Services or Human Resources. Public Safety officers may deny access to university facilities for anyone not carrying a validated identification card.

During 24-hour building access, students are permitted to enter academic buildings. Students are not permitted to occupy academic spaces in a way that would disrupt the academic community, such as performing activities of daily living in classrooms or other common spaces.

Each residence hall on campus is equipped with an electronic, computerized card reader. Only residents of the building can gain access by swiping their card through the card reader on each building. The system is operational 24 hours per day, seven days per week while classes are in session. Additionally, each resident is responsible for swiping themselves into the residence hall. No other residents or non-UArts affiliates should tailgate behind a current resident. The resident is responsible for anyone who tailgates in behind them. If you are having issues with the card reader, notify the Public Safety officer at the front desk of the building.

If, during the course of the year, a student should lose their ID card, they should contact Student Financial Services immediately. Replacement ID cards cost \$35, which can be charged to the student's account if they do not have the necessary funds available at the time of replacement.

Unauthorized entry, whether peacefully or by force, into a prohibited area or residence hall in which there is no documented reason for being present is prohibited.

ALCOHOL AND OTHER DRUGS

All members of the University of the Arts community are hereby notified of the primary components of the Substance Abuse Prevention Policy, in compliance with the Drug-Free Schools and Community Act of 1989 and subsequent amendments.

Local, State and Federal Laws

A person in the commonwealth of Pennsylvania who is under 21 years of age commits a summary offense if they attempt to purchase, consume, possess or transport alcohol.

Federal and state laws prohibit the possession, use and distribution of illegal drugs.

The following activities are considered violations of the UArts alcohol policy.

1. Consumption by underage persons on or off campus
2. Consumption on campus or possession of alcoholic beverages or containers intended to contain alcoholic beverages, whether empty of alcohol or used for purposes other than holding alcohol or not, regardless of age
3. Being intoxicated as indicated by appearance or behavior, such as slurred speech, an unstable walk, unconsciousness, destruction of property, the use of abusive language, alcohol on the breath, vomiting or disturbing others
4. The sale or trade of alcohol on campus property or to members of the University of the Arts community

All student conduct policies, including those related to drugs and alcohol, are applicable while a student is studying abroad. Students are expected to abide by the legal drinking age in the country or countries in which they are studying. If students choose to

consume alcoholic beverages while participating in a study abroad program, the university expects responsible behavior and moderation. Students are responsible for their behavior and any misconduct related to the consumption of alcohol.

Resident(s) in whose UArts housing alcohol is being consumed are responsible for the behavior of non-UArts guests.

Students found to be in the presence of alcohol but not drinking will be considered responsible for condoning the violation.

Alcohol is prohibited at any university-sponsored events for students with exceptions to this policy granted only by the associate vice president of Student Affairs (or their designee) and the director for Public Safety. Exceptions will **only** be considered with a faculty/staff sponsor and arrangements for food and beverage made through university partner Parkhurst Catering or a licensed bartender. The sponsoring faculty/staff member must complete the Alcohol Request field in the Room Reservation form in 25Live **no less than two (2) weeks prior to** the event. Approved events are required to have UArts Public Safety staff present. The sponsor and/or the students are responsible for all costs for the event.

The following are considered violations of the university drug policy.

1. Consumption or possession of illegal drugs on or off campus
2. Being under the influence of illegal drugs as indicated by appearance or behavior, such as slurred speech, an unstable walk, unconsciousness, the destruction of property, the use of abusive language, vomiting or disturbing others
3. The sale, distribution or trade of illegal drugs on campus property or to members of the University of the Arts community
4. Possession of drug paraphernalia
5. Being in the presence of drugs

Resident(s) in whose UArts housing drugs are being consumed are responsible for the behavior of non-UArts guests.

Students found to be in the presence of drugs but not using will be considered responsible for condoning the violation.

Any university official (including members of Public Safety, Campus Life and the Student Affairs staff) who has a reasonable suspicion that the alcohol or drug policy is being violated may access any university facility to determine an appropriate course of action. University officials are authorized to intervene in any situation that warrants action, including but not limited to the removal of attendees; closing of the event and/or the confiscation of alcohol, illegal drugs and paraphernalia; and notification of university personnel. All confiscated alcohol and drugs are turned over for disposal to the Office of Public Safety in conjunction with the Philadelphia Police Department.

When university officials confiscate illegal drugs, such items will be turned over to the Philadelphia Police Department, as required by law. Prosecution for violation of the law will be made at the discretion of the Philadelphia Police Department.

The university reserves the right to test a student for the presence of drugs in their system if necessary and may prevent a student's return to university housing (or withhold other privileges) until compliance and/or such tests show an absence of illegal drugs.

ALCOHOL AND OTHER DRUGS AMNESTY

Student health and safety are of primary concern of the university. As such, in cases of significant intoxication as a result of alcohol or other substance use, we encourage individuals to seek assistance for themselves or others.

Amnesty for the Reporting Party: The university encourages the reporting of code violations and crimes. Sometimes, students are hesitant to report to university officials because they fear that they may personally face sanctions due to policy violations involving underage drinking or drug use at the time of the incident. It is in the best interests of this community that students who experience crime(s) notify university officials as soon as possible. To encourage reporting, the university has a policy of giving such students amnesty from policy violations involving underage drinking or drug use at the time of the incident.

Amnesty for Help Seeking: The university encourages students to seek medical assistance for those in need, including oneself. Sometimes, students are hesitant to seek medical assistance for fear that they may get themselves in trouble. The university has a policy of giving amnesty from policy violations involving underage drinking or drug use at the time of help seeking for students who actively seek medical help for themselves or others or for students who provide help in seeking assistance.

The following situations are not covered by the Medical Amnesty Policy.

- Students waiting until the police or other authority arrive before seeking assistance
- Action by university faculty, staff or student
- Action by police or other law enforcement personnel
- Violations of the Code of Conduct other than the alcohol/drugs policy

Actions by the Office of Student Affairs

- Involved student(s) will be required to meet with a member of the office of Campus Life, or their designee, who may issue educational requirements that may include, but are not limited to, alcohol and/or drug education, counseling, and/or a substance abuse assessment.
- Serious or repeated incidents will prompt a higher degree of concern/response.
- Failure to complete the educational assignments or treatment recommendations will result in disciplinary action.
- The student will be responsible for any costs associated with drug or alcohol education interventions.

Application to Student Organizations

In circumstances in which an organization is found to be hosting an event where medical assistance is sought for an intoxicated guest, the organization (depending on the circumstances) may be held responsible for violations of the Alcohol and Other Drugs Policy. However, the organization's willingness to seek medical assistance for a member or a guest will be viewed as a mitigating factor in determining a sanction for any violations of the Alcohol and Other Drugs Policy.

AUTOMOBILES

Students are not permitted to maintain vehicles (except bicycles) on campus. Students may request an exemption to this policy from the Office of Educational Accessibility.

AUDIO AND VISUAL RECORDING

The unauthorized student recording of classroom or other academic activities (including advising sessions or office hours) is prohibited. Students requesting the use of assistive technology as an accommodation should contact the Office of Educational Accessibility at access@uarts.edu. The unauthorized use of classroom recordings—including distributing or posting them—is also prohibited. Students cannot copy, reproduce, display or distribute course materials.

COMPUTERS AND TECHNOLOGY

Improper use of university computing and information resources, telephones, and other equipment, whether for personal gain or profit, is prohibited. Under the auspices of the associate vice president for information technology, all university computer systems, including user files, may be monitored and/or confiscated at any time should any portion of the system be threatened, or its integrity, security or proper use be in question. Members of the university community should understand that all computer files and communications are subject to review and should not expect such files and communications to be private.

No user shall use the university's email systems or services for the purpose of transmitting fraudulent, defamatory, harassing, obscene or threatening messages, or for the promotion of non-university-authorized goods, services or personnel, or for any other communications that are prohibited by law.

The university reserves the right to restrict or rescind computing privileges, or the use of any other university facilities or resources, in accordance with this and other applicable university policies when the user has exhibited inappropriate behavior while using such resources.

This policy covers all types of inappropriate behavior. The following types of activities are selected examples of behaviors that are unethical, unlawful and/or inappropriate.

- Attempting to alter system, hardware, software or account configuration
- Accessing or monitoring another individual's accounts, files, software, electronic mail or computer resources without the permission of the owner
- Misrepresenting one's own identity or role or the identity of any other person in any type of electronic communication
- Intentionally or negligently revealing passwords or permitting another to use one's personal account
- Altering, destroying communications or intentionally compromising the security of electronic information passing through the UArts network
- Misrepresenting or implying that the content of a personal home page constitutes the views or policies of the university or altering the university's official website or related pages without prior authorization in writing
- Misusing the university's computing resources so as to reduce their efficiency or to affect access to the detriment of other users
- Producing chain letters or broadcasting messages to individuals or lists of users, or producing any communication that interferes with the work of others
- Breaching or attempting to breach computer security systems, with or without malicious intent
- Engaging in any activity that might be harmful to systems, the network or to any stored information such as creating or propagating viruses, worms, Trojan horses or other rogue programs, disrupting services, or damaging files.
- Wasting system resources or overloading the UArts network with extra data
- Violating copyright and/or software license agreements
- Using computing resources for commercial or profit-making purposes without the written authorization of the university

- Downloading or posting to university computers, or transporting across university networks, material that is illegal, proprietary, in violation of university contractual agreements or in violation of university policy
- Violating local, state or federal laws

Online Behavior

Students should be aware that their online activities are part of the public domain and, accordingly, should be handled with good judgment. The university does not actively monitor online activity outside the university domain and does not progressively monitor the web for violations of campus policies. However, if made aware, via an electronic medium, of activity that violates university policy, the university may take appropriate action, as it would if made aware through a conventional communications medium.

DAMAGE TO PROPERTY

Students are responsible for any damage that results from excess negligence or intentional act. Students may not make material alterations or additions to campus spaces or university-owned furniture. Littering, applying graffiti, public urination and/or other behavior which threatens the cleanliness and appearance of the university is prohibited.

DISCRIMINATION AND DISCRIMINATORY HARASSMENT

Discrimination is the act of treating someone differently or distinguishing them through preferential or unfavorable treatment. When that conduct occurs based on the individual's protected status—age, race, color, ancestry, national origin, religious creed, sex, sexual orientation, gender, gender identity, mental or physical disability, service in the uniformed services, veteran status, and any other characteristic prohibited by law—the conduct may violate university policy and state and federal law.

Conduct based on protected status that adversely affects a term or condition of an individual's education, living environment, employment, or participation in a university program or activity or is used as the basis for or a factor in decisions affecting an individual's education, living environment, employment or participation in a university program or activity violates university policy.

Harassment is a form of discrimination. Discriminatory harassment is unwelcome conduct based on a person's actual or perceived membership in a protected category, as defined above, and such conduct unreasonably interferes with, limits or effectively denies an individual's educational or employment access, benefits or opportunities by creating a hostile environment. The university does not tolerate discriminatory harassment of any employee, student, visitor or guest, and the university will act to stop and remedy all forms of harassment.

DISRUPTIVE BEHAVIOR

Intentional obstruction or disruption of teaching, research, administration, disciplinary procedures, other university activities or activities authorized to take place on university property and disorderly conduct including acts which breach the peace are strictly prohibited.

DISSENT AND DEMONSTRATIONS

There may be times that students will choose to dissent with university or public policy and openly demonstrate on campus. Demonstrations may be held on campus as long as they do not disrupt the operation of the university. Specifically, disruptions will include activities which:

1. Interfere with the rights of students, faculty, staff or guests of the university;
2. Disrupt or obstruct educational and other activities of the university;
3. Obstruct or restrict free movement of persons on any part of the university campus;
4. Interfere with the proper use of offices or other facilities to the students, faculty, trustees, staff or guests of the university;
5. Endanger the safety of any person at the university; and/or
6. Threaten or result in the destruction of property.

The student group must register its intent to demonstrate by submitting a letter to the associate vice president for Student Affairs at least 48 hours prior to the demonstration. To access a university space for the purpose of demonstrations, students must file a room-reservation request in 25Live. The associate vice president for Student Affairs can assist with room reservation requests.

FIRE SAFETY

Candles, hoverboards, incense, lanterns, potpourri and other flammable items including, but not limited to, electric frying pans, halogen lamps, immersion coils, fireworks, flammable liquids, space heaters and flammable decorations are not permitted on campus unless officially sanctioned and supervised by university officials. Tampering with alarm-pull stations or use of fire equipment, including sprinklers, extinguishers and/or hoses, in any manner for which it was not intended and/or without just cause and failing to evacuate from a building during a fire alarm are strictly prohibited.

GAMBLING

Any form of gambling on University of the Arts property or involving university functions, including but not limited to, extracurricular activities is prohibited. Gambling is defined as playing a game for money or property or otherwise placing a bet on an uncertain outcome.

HAZING

The purpose of the Hazing Policy is to protect the safety and rights of all students of University of the Arts who choose to join a club or other organization that is associated with the university. It applies to all such organizations, whether their facilities are located on or off the university campus. Hazing of a student by any organization or group of its members is prohibited.

For the purposes of this policy, hazing is defined as any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation, admission into or affiliation with any organization operating under the sanction of an institution of higher education or for the purpose of continuing or enhancing a minor's or student's membership or status in an organization. The term shall include, but is not limited to, conduct which causes, coerces or forces a minor or a student to violate federal or state criminal law; to consume any food, liquid, alcoholic liquid, drug or other substance that subjects a minor student to a risk of emotional or physical harm; to endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements; to endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual; sleep deprivation; exclusion from social contact or conduct that could result in extreme embarrassment; to endure brutality of a sexual nature; and to endure any other activity that creates a reasonable likelihood of bodily injury to the minor or the student. The foregoing definition is based on the Timothy J. Piazza Antihazing Law adopted by the commonwealth of Pennsylvania.

NON-ACADEMIC DISHONESTY

The following are prohibited.

- Aiding and abetting: knowingly encouraging, assisting and or being an accessory to any act prohibited by the Student Code of Conduct
- Eluding or evading: any statement, action or behavior with the intent of hiding the truth, including running or hiding from university personnel
- Forgery: the act to imitate or counterfeit documents, signatures and the like
- Lying: any statement, action or behavior used with the intent to deceive
- Possession of stolen property: any items of material value possessed or controlled by an individual without the explicit permission or authorization of the owner or the owner's designated representative
- Possession or use of a fake ID
- Theft: knowingly taking, or attempting to take, an item or items without the owner's expressed permission

POSTING IN CAMPUS BUILDINGS

Posting any material in University of the Arts buildings and spaces without prior approval is prohibited. Approval must be obtained in writing by a full-time staff or faculty member. The Office of Campus Life serves as the universal approver for any campus space. Requests for approval must be made to Campus Life in writing to campuslife@uarts.edu. Campus Life will review the posting and provide a response in up to two (2) business days. The content of any material will be reviewed for appropriateness in accordance with the policies of the Student Handbook. The Office of Campus Life does not assist in the printing or hanging of materials.

Posting materials larger than 187 square inches are prohibited. Posting materials may not be combined to exceed the 187 square inch limit, and must convey a complete word or thought. Posting materials may not be placed on trees, benches, tables, over campus way-finding signs and emergency exits, or over already existing signs, posters, and other posting materials. Posting materials may only be placed in designated posting areas: bulletin boards in Anderson, Gershman, and Terra Halls, next to the elevators in Terra Hall, and in the stairwells in Hamilton Hall.

SEX- AND GENDER-BASED MISCONDUCT

University of the Arts prohibits discrimination on the basis of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, and includes discrimination on the basis of gender, gender identity and sexual orientation in the educational environment. Sexual violence include sexual assault, dating violence, domestic violence, stalking and sexual exploitation.

The university's response to reported acts of discrimination based on sex will depend on the nature of the unwelcome conduct, the severity of the unwelcome conduct, the persistence of the unwelcome conduct, the pervasiveness of the unwelcome conduct, the

offensiveness of the unwelcome conduct, the location where the unwelcome conduct occurred, and the harm experienced and/or resulting from the unwelcome conduct.

The university's policy on Sex- and Gender-Based Misconduct Policy is contained in Appendix A. Questions about the policy, procedures and resources can be directed to the university's director for Title IX, equity and compliance at email address titleix@uarts.edu, by phone at 215- 717-6362, by visiting Hamilton Hall, Room 151, or by filing a report through the online portal housed at makeareport.uarts.edu.

SMOKING

University of the Arts maintains a smoke-free environment. Smoking is prohibited on all university property, including outdoor building courtyards, balconies, stairwells and steps. Smoking is, in part, defined as carrying or holding of any lit or ignited pipe, cigar, cigarette, electronic cigarette, or any other lit or battery operated smoking equipment or device. Smoking is permitted only outdoors and 20 feet from building entrances and exits. Students seeking support in smoking cessation should contact Student Health Services at healthservices@uarts.edu for assistance.

SOLICITATION

In an effort to assure a productive and harmonious work environment, persons not employed by University of the Arts may not make solicitations or distribute literature at the university at any time for any purpose. The university recognizes that students and alumni may have interests in events and organizations outside the university. However, students and alumni may not make solicitations or distribute literature concerning these activities on the university campus or by electronic mail.

UNIVERSAL WAIVER

In consideration of the University of the Arts providing students, guests, and community members the opportunity to participate in academic and co-curricular programs and activities, anyone on University of the Arts property, affiliated property, or participating in events associated or coordinated by the university acknowledge the receipt and sufficiency of this consideration and acknowledge that by participating in University of the Arts courses, programs, or events agree to release, relieve, discharge, and hold harmless the University of the Arts, its officers, trustees, faculty, administrators, employees, representatives, and volunteers from any and all liability or claim of liability, whether for personal injury, damage to property, or otherwise, arising out or in connection with, their voluntary participation in entering and occupying university-owned buildings, activities, programs, or travel sponsored by the University of the Arts, its departments, student groups, or other entities.

VIOLENCE

The university is committed to maintaining a safe working, learning and living environment for all members of the university community. Threats, acts of aggression, physical attack and violence are unacceptable in the university community.

WEAPONS

Students are not permitted to use or possess weapons that could be considered lethal, including those weapons in which the person has a permit, while on campus. Weapons on campus include, but are not limited to, firearms of any kind, tasers, kung fu sticks, shuriken, knives (other than eating utensils), cap guns, ammunition, fireworks and explosives (or explosive chemicals), among other dangerous weapons or substances. Weapons used as props, whether real or otherwise, are not permitted in the residence halls. Weapons used as props for performances/exhibits need permission from faculty and are not permitted outside the performance or exhibit space.

SECTION 4: RESIDENTIAL LIVING POLICIES

All policies outline the standards and behaviors expected of all University of the Arts students. There are additional standards and policies that apply to students living or signed in as a guest in university housing. The policies below are not meant to serve as a comprehensive list and are subject to review and modification by the senior director for student engagement as deemed necessary for the safety and security of the community. For more information regarding residential living, refer to the website at uarts.edu/students/housing.

ART PROJECTS AND SUPPLIES

Residents are expected to exercise caution when completing art projects or collecting materials to complete projects while in the residence halls. Paint should be used in an appropriate manner and in well-ventilated areas, including but not limited to, studios and designated classroom spaces. Students are not permitted to use paint, including spray paint, on any balconies or in stairwells. Students may not use spray paint in their residence hall room or in lounge space. Students may not store hazardous or unsafe materials in their residence hall room at the discretion of the senior director for student engagement. Drugs or alcohol and/or drug and alcohol paraphernalia used as a prop or as part of an art project is prohibited.

BAG CHECKS

Residents and guests may be asked to open their bags by Public Safety officers and Campus Life staff if circumstances warrant it. Residents or guests who are noncompliant with bag check requests may not be permitted to enter the building.

BED BUGS AND OTHER PESTS

The Office of Campus Life and the Facilities department are committed to a timely and effective response to any residents who suspect they may have bed bugs/pests. If pests are found, students should place a maintenance request and contact the resident assistant on duty. Resident assistants can provide traps, and the exterminator visits campus once a week to address any reported pest issues.

For the safety and health of our campus community, note the following guidelines in suspected bed bug findings.

1. Contact Campus Life staff, or go to the front desk of your residence hall and ask Public Safety to contact the Facilities staff. If bites have been experienced, visit Health Services as soon as possible for medical attention.
2. Facilities will contact the exterminator to inspect the apartment in question. Students may not, at any time, deny the Facilities department access to any part of their living space.
3. If the exterminator finds evidence of bed bugs in the apartment, the Office of Campus Life, in conjunction with Facilities, will provide the resident(s) in the affected apartment with a list of instructions that must be completed, in addition to the treatment that will be provided by the exterminator.
4. The university will not cover the cost of anything a student wishes to dry clean or have laundered by an outside vendor. UArts is not responsible for personal property that may be damaged due to bed bugs. Only the university's exterminator can confirm or deny the presence of bed bugs.
5. Bed bugs have the potential to cause serious community disruption to health and safety, and all students are expected to comply with all instructions given to them within 24 hours of bed bug confirmation.

BEHAVIORAL AGREEMENTS

Residents may be required to adhere to behavioral agreements should circumstances warrant such an agreement. Behavioral agreements are developed by the area coordinator (AC), the community standards coordinator, the senior director for student engagement and/or the associate vice president for Student Affairs, based on the nature of the concern. These agreements may require students to meet regularly with staff members in the Division of Student Affairs and/or follow behavioral expectations while living in residences. Failure to adhere to the terms of the agreement may result in the termination of a housing contract without refund.

BICYCLES

Outdoor bike racks are located at Furness Hall; students must provide their own locks. Bicycles should not be locked to railings, lamp posts or parked on safety ramps. Students cannot leave bicycles in hallways, stairwells or community rooms within residence halls. Students may store their bicycles in their room/apartment with their roommate's(s') approval. Bicycles stored in residence hall rooms cannot block the entrance or exit from the space.

CLOSING/BREAK

Residence halls close at various times throughout the academic year in accordance with the university calendar, including winter break and the end-of-year closing following the spring semester. Residents will be emailed closing information prior to each closing, and bulletin boards with information about closing will be posted on each residence hall floor. Residents should review and adhere to the closing checklist to avoid charges.

The Office of Campus Life understands that unique circumstances may result in students who need housing during scheduled breaks. Students requesting break occupancy must contact Campus Life at least three weeks prior to a winter or end-of-year closing. Additional documentation may be requested.

All break occupancy requests are subject to approval by Campus Life. Residents who are not approved for a break occupancy will be required to vacate campus housing for the duration of the break.

CONFISCATION

The Office of Campus Life reserves the right to remove any item(s) that is either prohibited by university policy or compromises student health or safety from the residential facilities, including students' apartments. In the event that a confiscation occurs while the resident is absent, a notice will be issued via phone or official university email.

DAMAGE TO PROPERTY/DAMAGE BILLING

Residents are individually responsible for damage beyond reasonable wear and tear to their residence hall room/apartment or university-owned furniture. Damage that results from excess negligence or an intentional act will be documented as per the UArts Code of Conduct. The resident may not make material alterations or additions to the apartment, residence hall or university-owned furniture. This prohibition includes, but is not limited to, the use of nails, screws, bolts or permanent adhesives.

All residents are equally responsible for damage to common areas within the residence halls, including but not limited to; lobbies, lounges, hallway space, laundry facilities or equipment provided for common use. In the event that the person(s) directly responsible are not identified, the Office of Campus Life will notify residents when and if there will be common space charges placed on their account. Advance notification of common space charges will be provided when possible. When a bill is assessed to the community, the area coordinator will notify all impacted residents of the damage, provide the cost to fix the problem (and a brief explanation of how the price is determined, when available), and encourage those responsible to take ownership and/or those students with information to report to Campus Life. Community billing is only reversed if the responsible individual is identified, either through proof (photographic, written, audio or video evidence) or a statement of admission from the responsible person is provided.

DEFENESTRATION

Residents may not defenestrate, which is the act of causing an object to fall out of a window. This includes, but is not limited to, trash, ashes, cigarette butts and other items or fluids. Students will be responsible for any injury or damage caused to university or private property damaged in the act of defenestrating.

EARLY ARRIVALS

If students return to campus prior to the start of the housing contract due to involvement in an official university function (i.e., on-campus employment, student organization leadership or requirements for academic purposes), early-arrival requests must be submitted by the sponsoring faculty or staff member via email to reslife@uarts.edu. Requests and sponsorship must be received by Aug. 1 for the fall semester and Jan. 1 for the spring semester.

Requests for students not sponsored by faculty or staff will generally not be approved.

Unauthorized Early Arrival Fee

Students who arrive on campus prior to their scheduled move-in date without prior approval may not be granted access to move in or may be subject to a \$100 daily fee. Students who arrive on campus prior to their scheduled move-in date to drop off personal

items will be considered early arrivals and may be charged the daily fee. Fees associated with early arrivals will be billed directly to the student's account.

EMPTY BEDS/BEDROOMS

Residents assigned to a space that has unoccupied beds or bedrooms should expect another student to be assigned to the space(s) at any time. Advance notification of a new roommate will be sent to students via official university email.

The university reserves the right to make room assignment and residence hall changes, which includes consolidating residents who have no roommates. All unoccupied spaces should be kept accessible and clean. Residents should not disassemble university issued furniture or utilize unoccupied beds, furniture or space. If a vacancy is not accessible and clean for an incoming resident, the resident(s) of the assignment may be charged the cost of housekeeping and maintenance work required to prepare the space for new residents(s). The cost will be split among the occupants of the designated assignment.

FIRE SAFETY

Residents are required to exit residence halls immediately in the event of a fire alarm and may not return to the residence hall until instructed to do so by the university. The resident may not:

1. Intentionally cause a false fire alarm;
2. Interfere with the proper functioning of the fire safety system;
3. Tamper with the sprinkler, smoke detector or fire hose system; or
4. Misuse the chemical fire extinguishers.
5. Place items on an active heating device.

The following items and/or acts are prohibited.

1. Items that involve or could involve an open flame, including but not limited to candles, incense, sterno lamps and kerosene lamps
2. Any electrical device the university deems a fire hazard including but not limited to electrical outlet powered string/rope lights, halogen lamps, hoverboards, extension cords and live Christmas trees; students may use surge protector power strips in lieu of extension cords and battery operated string/rope lights in lieu of electric outlet-powered string/rope lights.
3. Wall tapestries, flags or other wall hangings unless made from fabrics that are compliant with NFPA 701 flammability standards
 - a. Compliance may be established by a label on the fabric item, or by treating the fabric with an approved product. Following the treatment of fabrics, students must send notification to reslife@uarts.edu, attesting to this treatment along with the receipt for purchase of the product and the product label.
 - b. The fire marshal or the university may cut and test a piece of these fabrics, and students must accept that as a condition of having fabric hangings in university housing.
 - c. Tapestries may not be hung from the ceiling and should instead be hung flush to a wall.
4. Smoking, polluting or lingering on the fire escapes or stairwells, as they provide an egress to the ground level in case of fire
5. An obstructed path from the bed to the front door

FURNITURE

All the furniture and appliances provided by the university remain the property of the university throughout the resident's occupancy. The resident may not remove or disassemble any university-owned furniture or appliances in the apartment. Furniture cannot be taken outside the residence or used as lawn furniture. The resident may not remove any university-owned items from the common spaces in the residence hall. Any furniture brought into the halls that is deemed a health hazard, as defined by the senior director for student engagement, is subject to removal. Construction such as, but not limited to, panels, dividers, lofts, shelves and bunks, are not permitted. Beds may not be placed on top of other furniture. Dressers may not be stacked. Residents are not permitted to move university furniture into an unsafe position.

Students will be charged for damaged and missing furniture. Requests for repairs or replacement can be done by submitting a work request.

GUESTS/VISITATION

A guest is defined as any person not assigned to the resident host's room. Resident hosts must sign in their guest(s), following proper procedure at the front desk of their residence hall. Resident hosts may not have more than three (3) guests signed in at any given time. Each guest is required to leave a photo identification card at the front desk while in the building. The guest(s) ID card(s) must remain at the desk until the guest(s) vacate the building. Acceptable forms of photo ID include a driver's license, a non-driver's ID, a school ID, or a passport. No other forms of ID will be accepted. Guests without ID will not be permitted access into the residence hall, except in emergencies. Guests without ID, seeking access in the event of an emergency, must have approval

from Campus Life staff to access the residence halls. Resident hosts must escort their guest(s) at all times in the building, including when they exit the building.

Resident hosts are responsible for their guest's actions. A guest may not occupy a resident host's room when the host is not present. A resident may not pressure a roommate to tolerate the presence of a guest. All guests to a room are subject to the agreement of all room residents. The presence of guests must not restrict free access for assigned residents to all common spaces and any private space they may have, or create any situation that infringes on the need of roommates to remain undisturbed. Any student wishing to visit a hall other than the hall to which they are assigned must be signed in as a guest by a resident of that hall. Students may not sign in or sign out guest(s) for other residential students. UArts students, in the role of guest or host, are responsible for following the guest policy.

Residents are permitted to have overnight guests in accordance with the above-mentioned policy. Cohabitation is not permitted and is defined at the discretion of the senior director for student engagement. Residents who have guests that are deemed to be cohabitating or causing a disruption to the community will be asked to have their guest leave.

No guest, regardless of age, may bring alcoholic beverages or any other prohibited item into the residence halls.

To host a guest overnight without a valid photo ID, or a guest between the ages of 11 and 16, the parent or guardian of the minor must complete the [Guest Application](#) no later than two (2) business days prior to the date of the visit and wait for approval before the guest is permitted on campus.

Guests of University of the Arts agree to release, relieve, discharge, and hold harmless the University of the Arts, its trustees, faculty, administrators, staff, employees, representatives, and volunteer leaders from any and all liability or claim of liability in accordance with the Universal Waiver policy found in Section 3 of this Handbook.

Verified immediate family members who come to visit a residential student and do not have proper ID may be issued an emergency ID by the professional on duty (POD) staff member. Students should contact the Public Safety officer at the front desk of the residence hall for assistance in contacting the POD. Requests from non-family members without ID who request building access will be handled on a case-by-case basis by the Public Safety officer at the desk and the POD. Emergency IDs will only be issued when non-admittance to the residence halls could impact a person's safety. Emergency IDs will not be issued to guests simply because they do not have proper identification.

HEALTH AND SAFETY INSPECTIONS

Residents are responsible for keeping their apartments in a safe and healthy condition. The Office of Campus Life performs regular inspections of the resident's apartment to ensure compliance with university standards of health and safe living practices. The dates and approximate times of these inspections will be scheduled with residents at least 48 hours in advance and conducted by two (2) residential staff members from Campus Life. Residents who do not pass inspection will be subject to additional inspection appointments.

Health and Safety inspections consist of:

- Checking-in with residents and following up on reported maintenance issues.
- Assessment of food storage and waste cleanliness.
- Visual checks for prohibited items or behaviors that pose a risk to residents and the larger community (e.g., candles, cooking appliances in non-kitchen areas, non-surge extension cords).

If an apartment or room condition is deemed unacceptable, the Campus Life staff will notify the resident(s) by issuing a warning. The resident(s) will have two calendar days, or a deadline otherwise specified by Campus Life staff, to correct/clean the areas of concern. If the apartment or room remains unacceptable, the residents will be reported to the senior director for student engagement.

In addition, Campus Life staff will inspect apartments, suites, and bedrooms during move out for winter break. Campus Life staff provides information to residents to prepare their rooms for winter break. Students who do not follow closing procedures may be subject to fines held from their housing deposit at the end of the academic year. Students will be notified of charges via email prior to their return to campus for the spring semester.

Campus Life staff will not conduct a room search that infringes on residents' privacy, but they may open cabinets or closets to find fire equipment and/or locate safety hazards. If, in the course of doing so, items that are prohibited are located, Public Safety will confiscate the item(s). See the Confiscation policy for more information.

HOUSING AGREEMENT

Students sign an electronic Housing Agreement for the current academic year and are provided with an assignment for a space on campus, not a particular apartment or room. Students who leave the university due to withdrawal, a leave of absence (medical or general), dismissal or termination of the housing agreement must contact the Office of Campus Life at reslife@uarts.edu within 48 hours of notification of leave, and are responsible for scheduling an official check out from their housing assignment with a resident advisor.

Students who are notified during winter break that they are being academically dismissed or who choose not to return to the university for the spring semester must contact the Office of Campus Life to make arrangements to check out of their assignment. The checkout process occurs no later than 72 hours prior to the spring semester opening of the residence halls.

If a student is mandated by the Office of Campus Life and/or Student Affairs to relocate to a new apartment or out of the residence halls, they must do so according to the timeline outlined by university administration. Upon departure, items that remain in an apartment more than 48 hours after the student has been reassigned or removed from the residence will be disposed of, and students may be charged a cleaning fee, from their housing deposit, for removal of personal items.

Cancellation: University-approved cancellation of the Housing Agreement will result in refunds in accordance with the tuition refund policy as listed on the UArts website.

| Cancellation Occurring | | |
|--|----------------------|-----------------------|
| | Housing Cost Charged | Housing Cost Refunded |
| Prior to First Day of Classes | 0% | 100% |
| Before the End of the Second Week of Classes | 20% | 80% |
| Before the End of the Third Week of Classes | 60% | 40% |
| After the End of the Third Week of Classes | 100% | 0% |

Residents who wish to apply for cancellation of their Housing Agreement must complete a contract cancellation form, available upon request from reslife@uarts.edu. This form also allows students to apply to cancel their meal plan or move to another plan. Commuter students who wish to enroll, cancel or change their meal plan should contact Student Financial Services at finaid@uarts.edu.

Refunds of meal plans are issued in accordance with the tuition refund policy, as listed above and on the UArts website.

Residents wishing to cancel their meal plan for medical exemption should contact the Office of Educational Accessibility by emailing access@uarts.edu.

If a resident's cancellation is not approved, they are financially obligated for the entire costs of the academic year's housing and meal plan.

This Housing Agreement may be terminated by the university under the following conditions.

- The resident fails to maintain a healthy and safe living environment, as determined by the senior director for student engagement (or a designee).
- The resident receives a sanction that includes suspension/expulsion from university housing.
- The resident ceases to be eligible for university housing under the terms of the agreement.
- The resident experiences a medical emergency or an unforeseen financial hardship. (A contract cancellation form is required for review.)

ID CARDS

All residents must display a valid, university-issued ID card with the appropriate residential building sticker and Student Financial Services semester verification to gain access to the residence halls. Residents must enter and exit residence halls through the main entrance at which the Public Safety front desk is located. Residents may not intentionally provide another person with their ID card for the purpose of the other individual gaining access to the residence hall. If a student loses their ID card, they should report it to

Public Safety immediately so access is shut off, and visit Student Financial Services in Hamilton Hall, Room 270, to obtain a new ID card.

KEYS/LOCKOUTS

In the case that the resident is no longer in possession of the apartment key, the lock mechanism for the apartment door will be replaced for security reasons. The resident will be charged \$65.00 for this replacement. A \$10.00 charge will be assessed for replacing the mail key.

Failure to return the apartment key upon checkout will require the lock mechanism for the apartment door to be replaced for security reasons. When a resident vacates an apartment, they must return their old key within 72 hours. A \$65.00 charge will be assessed for replacement keys or lock replacement.

In the event of a lockout, a \$10.00 fee will be charged to the account of any resident student who requires a member of the university staff to open the door to that resident's apartment.

LOUNGES

Juniper and Pine Hall Lounges are open to commuter and residential students. All other residence hall lounges are only for residential students and their guests. Students are not permitted to sleep in the lounges and are expected to abide by all community policies and standards while in the communal space.

MAINTENANCE/REPAIRS

Residents are responsible for submitting online maintenance requests for repairs needed to their apartment through the UArts portal or UArts app. In emergency situations, residents should notify the RA on duty or ask the Public Safety officer at their residence hall's front desk to contact Facilities on their behalf. Residents are also responsible for reporting pest concerns or sightings. Pest control services are onsite once a week to address reported concerns. Most routine requests will be addressed in 24 to 72 hours. See the Bed Bug/Pest policy for more information.

NOISE

All noise must be kept at a moderate level. Use of musical instruments, especially amplified musical instruments or particularly loud instruments (e.g., brass instruments or drums), are not permitted in residence halls. Courtesy Hours are in effect at all times, when a resident must lower the level of noise being created upon another resident's request. Quiet Hours are in effect 24 hours per day during final examination, critiques and juries weeks. Outside those weeks, quiet hours are in effect Sunday–Thursday, 11 p.m.–7 a.m., and Friday–Saturday, 12 a.m.–7 a.m. All residents are expected to act in a conscientious fashion regarding noise levels.

OCCUPANCY

If a resident's eligibility status changes during the length of the Housing Agreement, the resident is expected to move out of the residence halls within forty-eight (48) hours. If an extension is required, the resident must submit the request in writing to the Office of Campus Life. Students participating in the university's Commencement are permitted to remain in their assigned residence hall space until 3 p.m. the day after Commencement.

PERSONAL PROPERTY (LOSS)

The university is not responsible for loss or damage of personal property in the residence halls. The university does not insure the student's personal property against loss or damage resulting from any cause including, though not limited to, fire, water, vandalism and/or theft. Students are encouraged to purchase private insurance and/or obtain personal lockboxes. In addition, students should refrain from keeping cash and/or expensive items in their residence hall apartments. Students should keep their apartment doors locked whenever they are not present. It is each individual's responsibility to obtain renter's insurance for their personal property. Students may have coverage under a family homeowner policy, so it is advisable students check with them to determine if coverage is available. Students may also look into obtaining coverage through [National Student Services, Inc. College Student Property Insurance](#).

PETS

Pets of any kind are not permitted in the residence halls, except fish. The maximum size for an aquarium is 10 gallons, and fish must be non-carnivorous. Fish tanks will be limited to one per resident, and room occupants will assume all damages related to the use or malfunction of the aquarium. Failure to abide by the above restriction will result in a \$25.00 fine for each day the pet remains in the residence hall.

Live or dead animals may not be used in pranks or for amusement or ceremony. Use of animal materials, by-products or bodily fluids is prohibited in the residence halls.

Students requesting exceptions to this policy under the auspices of the Americans with Disabilities Act (ADA) must do so through the Office of Educational Accessibility. The university is committed to providing reasonable and appropriate accommodations for qualified students with disabilities. The university complies with Section 504 of the Rehabilitation Act, the Americans with Disabilities Act Amendments Act (ADAAA) and the Fair Housing Act (FHA). UArts permits support animals (often referred to as emotional support animals) in campus residential housing as a reasonable accommodation once the student has met the guidelines under which approval of a support animal is determined, and the procedure for requesting housing accommodations has been completed and approved. Note: If you are found responsible for having an animal on campus without approval, you are no longer eligible for accommodation. Anticipated or current roommates of a student applying for an emotional support animal (ESA), must sign off on the animal as part of the intake process. Residents are responsible for their emotional support animal's actions. If a roommate is experiencing an issue with a support animal, they should contact Campus Life at reslife@uarts.edu to file a grievance.

PHYSICAL ACTIVITIES

Students may not participate in any physical activity or recreation inside the residence halls that poses a threat to the safety of other students or to the facility itself. These activities include, but are not limited to, riding hoverboards, skateboarding, rollerblading, roller-skating, bike riding and throwing objects.

POSTING

Bulletin boards are designated for posting residence hall information, community activities board notices and other similar items. All postings on bulletin boards or common areas of residence halls must receive approval from Campus Life. All signage must be submitted in person to the Office of Campus Life to receive approval. Once approved, all signs, posters, and advertisements will be hung by Office of Campus Life staff members, or designees. All signs, except those regarding residence hall business or publicity for hall events, must display appropriate approval stamps from Campus Life. Unauthorized removal of postings or vandalism of bulletin boards is prohibited.

PROHIBITED AREAS

For safety and security reasons, residents may not access the following areas of any residence hall.

1. Roof and/or terraces
2. Balconies
3. Storage basements
4. Fire escapes, except for exit due to fire or other emergency

PROHIBITED ITEMS

The following are prohibited for use and/or possession in the residence halls. Any other item that is deemed unsafe or inappropriate for residential living may be considered prohibited, at the discretion of the senior director for student engagement.

1. Air conditioners not provided by the university
2. Alcohol containers (empty or not) and alcohol paraphernalia
3. Body modification equipment (including branding, tattooing, piercing guns or other body modification equipment)
4. Candles/incense/wax burners (open flame, hot plate with exposed heating element or lit ember)
5. Drugs and drug paraphernalia
5. Electric blankets
6. Extension cords
7. Fireworks
8. Halogen lamps
9. Hot tubs/pools/slip 'n' slides
10. Hookahs
11. Hoverboards
12. Microwave ovens not provided by the university
13. Refrigerators not provided by the university
14. Space heaters
15. String lights, rope lights, holiday lights (limited to three (3) strands per apartment, must be solar or battery powered)
16. Weapons
17. Wall tapestries, flags or other wall hangings
 - a. Permitted when made from fabrics that are compliant with NFPA 701 flammability standard
 - b. Compliance may be established by a label on the fabric item or by treating the fabric with an approved product; following treatment of fabrics, students must send notification to reslife@uarts.edu attesting to this treatment, along with the receipt for purchase of the product and the product label.

- c. The Fire Marshal or university may cut and test a piece of these fabrics, and students must accept this as a condition of having fabric hangings in university housing.
- d. Tapestries may not be hung from the ceiling or used as room dividers and should instead be hung flush to a wall.

The following items are permitted, but must display a manufacturer's label that shows the electrical ratings and listing by a nationally recognized testing laboratory (e.g., ETL, UL, etc.).

- a. Electric skillets
- b. Hot plates (heating element must have a cover)
- c. Induction cooktop (heating element must have a cover)
- d. Panini makers/George Foreman grills

ROOMMATE CONFLICTS

To support students experiencing roommate conflict, the Campus Life staff hosts mediations. Mediation is a guided conversation which allows the parties to respectfully voice their concerns and reach a mutually beneficial solution. Campus Life staff members are trained to facilitate mediation, and students are encouraged to take advantage of their skillset. Though there are some situations where mediation is not appropriate, most problems can be effectively mediated, and mediation is often the first required course of action. Refer to the following steps to resolve a conflict with a roommate.

1. Students should attempt to solve problems on their own first. Conflict resolution skills are vital for harmonious living and being a successful professional in your career field.
2. Address the problem, how you perceive it and why it is of concern to you. Avoid profanity or disrespectful language. Do not assume that others know how you feel about an issue. Be willing to work toward a compromise. It may be helpful to talk it through with your resident assistant first to prepare for the conversation.
3. If the situation is not resolved, the student should notify their resident assistant. The resident assistant will then facilitate a conversation among the students and draft an updated roommate agreement to be signed by all parties.
4. If the problem persists, the resident assistant will notify the area coordinator. All residents involved will discuss the problem with the area coordinator.

ROOM ENTRY AND SEARCH

The university respects each student's right to privacy and is committed to protecting this right. However, university officials (such as Campus Life, Public Safety and Facilities staff) may enter a student room when there is reason to believe that the health or safety of residents and/or a residential space is in jeopardy or a university policy is being violated. Maintenance may also enter rooms to perform necessary repairs as needed.

A room search will only be conducted when authorized by one of the following people.

1. Associate Vice President for Student Affairs
2. Senior Director for Student Engagement
3. Community Standards Coordinator
4. Administrator On Call

Students do not have to be present for the search, but university personnel will make a good faith effort to contact the student and provide them with written documentation of search authorization, either at the time of the search or the next business day. During a search, the student may be required to open any locked trunks, suitcases, etc. If the student is not present, any item in the room, including purses, trunks, etc., may be searched. The university will take due care to ensure proper handling of the student's belongings, but it is not liable for damage or clean up as a result of a room search.

SMOKING

The University of the Arts maintains a smoke-free environment. Smoking is prohibited on all university property, including apartments, hallways, roofs, balconies, catwalks, stairwells, outdoor building courtyards and steps. Smoking is, in part, defined as carrying or holding of any lit or ignited pipe, cigar, cigarette, electronic cigarette, vaping device, or any other lit or battery operated smoking equipment or device. Smoking is permitted only outdoors and 20 feet from building entrances and exits. Smoking is therefore prohibited in all areas of the residence halls. Any used cigarettes, ashtrays, smoking paraphernalia and/or ashes will be considered a violation of the smoking policy. Students seeking support in smoking cessation should contact Student Health Services at healthservices@uarts.edu for assistance.

SOLICITATION

Residents are not permitted to use their room, suite or apartment for any commercial purpose. Solicitation by residents or guests is prohibited in the residence halls. Door-to-door advertising by outside vendors is not allowed.

ACCOMMODATION REQUESTS

Students who wish to request housing accommodations or adjustments due to a disability must contact the Office of Educational Accessibility at 215-717-6616 or access@uarts.edu. For more information, refer to the UArts website: uarts.edu/accessibility.

WEAPONS

Students are not permitted to have weapons on campus including, but not limited to, firearms of any kind, tasers, nunchucks, shuriken, knives (other than eating utensils), cap guns, ammunition and explosives (or explosive chemicals), among other dangerous weapons or substances. Weapons used as props, whether real or otherwise, are not permitted in the residence halls.

SECTION 5: STUDENT CODE OF CONDUCT, ADJUDICATION, AND SANCTIONS

COMMUNITY STANDARDS AND THE STUDENT CONDUCT SYSTEM

The overriding principle of the UArts Student Code of Conduct is the promotion of a civil educational environment for all community members. The UArts Student Code of Conduct acknowledges that every student has both the freedoms and the responsibilities of being an adult student-artist.

As appropriate to an institution of higher education, standards of performance and social conduct are generally more demanding than those required of the general public. The university places great value on freedom of expression, but also recognizes the responsibility to protect the values and structures of an academic community. It is important, therefore, that students assume responsibility for helping to sustain an educational and social community where the rights of all are respected.

By registering at University of the Arts, each student agrees to comply with all regulations pertaining to university operations, and those that are listed in the University Catalogue, Student Handbook, or course syllabi.

The Student Conduct process is an administrative, educational process informed by legal and compliance requirements.

Students share responsibility for upholding community standards and are expected to participate in good faith with the investigation and adjudication processes meant to resolve a code allegation. Decisions about whether a student or group is responsible for a conduct violation are based on a preponderance of the evidence standard meaning: The allegation is supported by evidence that sufficiently demonstrates that it is more likely than not that a violation occurred. Without sufficient evidence, a student or group will be found not responsible. No sanction shall be brought against a student accused of a violation of the Student Code of Conduct. Students wishing to appeal academic sanction decisions made by faculty members should consult the [Academic Grievance Procedure](#) section of the University Catalogue for guidelines.

Should a student's presence on campus create a threat to the safety or well-being of other members of the University of the Arts community, the university reserves the right to issue interim sanctions as outlined in this handbook until the time of a hearing. Additionally, the university reserves the right to resolve a case and sanction a student, including through suspension, without a hearing where such action is deemed necessary or appropriate by the president of the university.

Definitions

The following definitions only refer to the University of the Arts conduct review procedures and processes.

1. The term "university" means the University of the Arts.
2. The term "student" includes full- and part-time students pursuing undergraduate or graduate studies, and persons who are not officially enrolled during a particular term but maintain a continuing relationship with the university.
3. The term "university official" includes any person employed by the university or an outsourced auxiliary service who performs assigned administrative or professional responsibilities, including conducting classroom activities.
4. The term "Campus Life staff" includes community assistants, resident assistants, coordinators, directors, on-call staff and the senior director for student engagement.
5. The term "member of the university community" includes any person who is a student, faculty member, university official or any other person employed by the university, including any university auxiliary service employee and vendors.
6. The term "university premises" includes all land, buildings, facilities and other property in the possession of, owned, used or controlled by the university.
7. The term "university organization" means any number of persons who have complied with the formal requirements for university recognition/registration.
8. The terms "student conduct administrator" and "hearing body" means any person or persons authorized to determine whether a student has violated the Student Code of Conduct, recommend imposition of sanctions, and exercise disciplinary action following a proper hearing.
9. The term "appellate body" means any person or persons authorized to consider the appeal of a hearing body's determination that a student has violated the Student Code of Conduct or sanctions imposed.
10. The term "university policy" is defined as the written regulations of the university as found in, but not limited to, the University Catalogue and Student Handbook.
11. The term "preponderance of the evidence" is defined as whether it is "more likely than not" that the respondent is responsible for the alleged violation(s), based upon the information provided at the adjudication

Jurisdiction of the University Conduct System

The University Conduct System will hear complaints concerning violations of university policy or regulations whenever the conduct in question occurs in any of the following circumstances.

1. If the conduct occurs on the campus or in any university facility
2. If the conduct occurs while the student who is charged was attending or participating in any university-related activity, i.e., studying abroad, a field trip, a social event or an activity sponsored by a recognized student organization
3. If the conduct occurs through an online social media account
4. If the conduct occurs off-campus, and its effects extend to the university's educational environment
5. The fact that a student's conduct may also constitute a crime in violation of local, state or federal law does not limit the ability of the university to discipline the student for that conduct. Therefore, the university reserves the right to submit a complaint to the conduct review system even if the same conduct is or may become the subject of a criminal case.

STUDENT CODE OF CONDUCT

In addition to the policies listed in various sections of this handbook, the University of the Arts Student Code of Conduct outlines behaviors that are prohibited at the university. The specific items are not meant to serve as an exhaustive list, but as a general guideline for addressing student behavior. The university reserves the right to address other behaviors that occur that are considered detrimental to the learning environment and/or the health and safety of the university community.

To that end, prohibited behavior at University of the Arts includes the following.

1. **Academic dishonesty or misconduct as described in the University Catalogue, the Student Handbook, and all other rules governing university facilities, programs and services**
 - a. Conduct prohibited by the Academic Integrity Policy, as outlined in Section 2
2. **Violation of policies as described in the University Catalogue, the Student Handbook and all other rules governing university facilities, programs and services**
 - a. Conduct prohibited by Campus Policies, as outlined in Section 3
 - b. Conduct prohibited by Residential Living Policies, as outlined in Section 4
 - c. Designated conduct prohibited by the Sex- and Gender-Based Misconduct Policy, as outlined in Appendix A
3. **Non-compliance with the directions of university or civil authorities performing official duties**
4. **Violation of statutes, laws, ordinances and/or regulations of the city of Philadelphia, the commonwealth of Pennsylvania (or other states, when applicable) and the United States of America.**

CONDUCT REVIEW PROCESS

The associate vice president for Student Affairs oversees the university student conduct system. Consultation with the associate vice president or any other conduct officer in no way obligates an individual to file a formal complaint or report.

An allegation against a student may be reported to the associate vice president for Student Affairs, the senior director for student engagement, or the conduct coordinator by any member of the UArts community, including another student, a Public Safety officer, or a member of the faculty or staff.

Allegations involving sex- and gender-based misconduct will be forwarded to the director for Title IX, equity and compliance or may be made directly to the director for Title IX, equity and compliance at titleix@uarts.edu, by phone at 215-717-6362, by visiting Hamilton Hall 151, or by filing a report through the online portal housed at makeareport.uarts.edu. Resolution of allegations under the Sex- and Gender-Based Misconduct Policy are outlined in Appendix A.

The associate vice president for Student Affairs, or a designee, will oversee the review of information received in order to determine further appropriate action, including:

- informal follow-up;
- formal follow-up under the general conduct process for allegations that, if proven, would not result in suspension or expulsion from the university; or
- formal follow-up under the advanced conduct process for allegations that, if proven, could result in sanctions that include suspension or expulsion from the university.

The university is responsible for investigating complaints of misconduct and determining if the information provided has reached the level of initiating student conduct proceedings. The student conduct administrator makes the threshold determination to resolve the allegation through the General Conduct or the Advanced Conduct process. If a threshold to hold advanced adjudication is

reached, the respondent who is alleged to have violated policy will be provided an opportunity to respond in the course of the investigation, the pre-adjudication procedures and the adjudication.

If the alleged incident represents a violation of federal, state or local law, the reporting complainant is encouraged to initiate proceedings in the criminal or civil court system, regardless of whether a complaint is filed within the university.

When a student organization engages in some act of misconduct, the university may take action not only against the student(s) involved, but also against the organization itself.

With respect to academic dishonesty, faculty members may choose to follow policies and procedures described in their course syllabi in consultation with their program director or school dean.

Parties and other individuals who offer information at an adjudication are expected to respond honestly and to the best of their knowledge. A complainant, respondent or witness who intentionally provides false or misleading information may be subject to adjudication under the Student Code of Conduct.

Anyone with questions about the conduct process should contact the Community Standards Coordinator at conduct@uarts.edu, the Office of Student Affairs at 215-717-6617, or the Office of Campus Life at 215-717-6970 during business hours.

ROLE OF THE ADVISOR

Advisors are students, faculty, or staff members of the university that attend student conduct hearings to support the respondent throughout the conduct process. In accordance with the Family Educational Rights and Privacy Act (FERPA), students who wish to have an advisor present during any conduct proceeding are required to complete and submit a FERPA waiver to conduct@uarts.edu three (3) business days prior to any hearing. FERPA waivers can be found on the [UArts Portal](#).

For general conduct adjudication, trained student advisors are available. At the discretion of the student, the advisor may accompany the student to any meeting and/or adjudication process related to these procedures.

For advanced conduct adjudication both respondents and complainants can work with a trained faculty or staff member who can assist the student in navigating the process. At the discretion of the student, the advisor may accompany the student to any meeting and/or adjudication process related to these procedures. Students have the right to request any current member of UArts faculty or staff serve as their advisor. If not previously trained, this individual will be required to meet with the student conduct administrator (or a designee) in advance of any participation.

In both general and advanced conduct adjudication, the advisor is present to provide support; they do not actively participate in the process, nor may they ask questions or speak for the student. An advisor may be cautioned or asked to leave if their participation acts to delay, disrupt or otherwise interfere with the integrity of a meeting or adjudication. The student conduct administrator has the right at all times to determine what constitutes appropriate behavior on the part of the advisor and whether the person may remain at the adjudication proceedings.

GENERAL CONDUCT

Allegations in which possible sanctions do not include suspension or expulsion from the university if the student were found responsible are addressed through the general conduct process.

University hearings are open only to members of the university community and individuals who have specific involvement in the case, are serving as an advisor to the respondent, and only at the discretion of the student conduct administrator. The university conduct review process shall be conducted according to the following guidelines.

The general conduct process is typically conducted by a professional staff member in the Office of Campus Life (hereinafter, referred to as the “student conduct administrator”) and includes investigation and formal resolution. Prior to a meeting with a student conduct administrator, the respondent is encouraged to meet with a conduct advisor, made available by and through the university, to review the student conduct system, student rights and potential sanctions.

The student conduct administrator will send the respondent written notification, via official university email, of the following information:

- allegations of misconduct,
- the aspects of the Student Code of Conduct that are alleged to have been violated
- the name, phone number and office location of the student conduct administrator
- the date and time of the scheduled administrative review with the student conduct administrator

During administrative review, the respondent will be given the opportunity to review all available information regarding the allegation(s) in question and an opportunity to respond to those allegations.

- If, during the course of the administrative review with the respondent, new information is shared regarding the incident, the university reserves the right to bring more charges against the respondent following a new investigation.

After the administrative review the student conduct administrator will make a determination if the respondent violated the Student Code of Conduct and issue sanctions as appropriate. Pertinent records, exhibits and written statements may be accepted as evidence for consideration at the discretion of the student conduct administrator. Assumptions, speculations or references to prior, unreported incidents will not be permitted. Should the respondent fail to attend the administrative review with the student conduct administrator, the student conduct administrator will consider the information available and render a decision regarding the respondent's responsibility and sanctions, if any.

Following a general conduct hearing, the student conduct administrator shall advise the respondent in writing, via UArts email, of the decision and the sanction(s) imposed, if any, within five (5) business days.

The general conduct process is subject to appeal pursuant to the appeal procedures outlined by this policy. There shall be a written record of all general conduct hearings for use by the appellate body; a copy of this record will not be provided to the respondent or complainant. The record shall cite the violation(s), the decision (responsible or not responsible), a brief rationale statement and the sanction(s), if any, that were assigned to the respondent by the student conduct administrator.

ADVANCED CONDUCT

Allegation(s) subject to this policy in which possible sanctions could result in suspension or expulsion from the university if the student(s) were found responsible, including academic misconduct cases, are addressed through the advanced conduct process.

The hearing body for advanced conduct may be a Campus Standards Board, a student conduct administrator, or a university appointed external adjudicator. In making the determination to select an appropriate hearing body, the university may consider, among other factors, the nature of the report, the complexity of the facts, whether there is any issue of actual or perceived conflict of interest, the availability of trained panel members for a hearing, whether the university is in session or on break, or any other factors deemed relevant. Regardless of the hearing body chosen, a hearing will be conducted following the procedures outlined in this handbook.

A complaint under the advanced conduct process will generally involve adjudication before the Campus Standards Board (CSB). A respondent, however, may request resolution through administrative adjudication, to be conducted by the associate vice president for Student Affairs (hereinafter referred to as the "student conduct administrator"). Both parties must agree to resolution by administrative adjudication. The option of administrative adjudication is also applicable for cases involving academic misconduct, but must be requested by both the respondent and reporting faculty members (see the academic misconduct policy in the University Catalogue). Administrative adjudication is particularly appropriate when the respondent has admitted to the misconduct and there is no discernible dispute in the relevant facts of the investigation report; however, at the discretion of the student conduct administrator, it may also be used when the facts are in dispute.

In cases of advanced conduct, the university will conduct an investigation that will generally include interviews with the involved parties. The university will provide the parties with sufficient details known at the time and time to prepare for any interview. An investigative report will be compiled of any information report(s), interview summaries, written statements and any other documentary information that will be considered by the student conduct administrator, the CSB or an external adjudicator.

The student conduct administrator will review any investigative report, witness statements, relevant information submitted by the parties and other documentary evidence to determine whether the included information contained is relevant and material to a determination of responsibility, given the nature of the allegation. In general, the student conduct administrator may redact information that is irrelevant, more prejudicial than probative or immaterial. The student conduct administrator may also redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

Both parties will have the opportunity to review the investigative report which will serve as the primary evidence in making a determination of responsibility.

Following a review of the investigation report and a finding that sufficient evidence exists to charge a student, a Notice of Charges is prepared by the student conduct administrator. The notice provides the respondent with a statement of the policy violation(s) that are alleged to have taken place and a summary of the facts underlying the allegation(s). When appropriate, a notice will also be sent to a complainant. In addition, the notice provides the parties with a date and time to meet with the student conduct administrator to

discuss adjudication procedures and answer any questions they have regarding the adjudication process. During that meeting, the respondent will have the opportunity to indicate whether or not they are responsible for the charge(s).

If the respondent indicates that they are responsible for the charges and agrees to administrative adjudication, the student conduct administrator will determine sanctions.

If the respondent indicates that they are not responsible for the charges, the student conduct administrator will convene a Campus Standards Board or designate an external adjudicator for adjudication.

STUDENT CONDUCT ADMINISTRATOR ADJUDICATION

In reaching a determination as to whether university policy has been violated, the student conduct administrator will reach a determination by a preponderance of the evidence—that is, whether the conduct was more likely than not to have occurred as alleged.

If the respondent has indicated that they are responsible for the charges, the student conduct administrator will determine sanctions.

The student conduct administrator will notify both the respondent and the complainant, in writing via official university email, of the hearing outcome and any resulting sanctions within five (5) business days. The notice will include notification of appeal options. Typically, the imposition of sanctions will take effect immediately and will not be stayed pending the resolution of the appeal.

Depending on the nature and severity of the allegations, the student conduct administrator may decline to handle the matter administratively and refer the case to the CSB or an external adjudicator at any time.

CAMPUS STANDARDS BOARD ADJUDICATION

Campus Standards Board (CSB) hearings are open only to those people who have specific involvement in the case or will serve as an advisor to the respondent.

The CSB is a review board composed of university faculty and administrators. All CSB members must participate in annual training, including training about non-discrimination, the factors relevant to a determination of credibility, the appropriate manner in which to receive and evaluate sensitive information, the manner of deliberation, the application of the preponderance of the evidence standard, sanctioning, and the university's policies and procedures.

Each CSB panel to adjudicate a case consists of three (3) voting panelists and one (1) non-voting chair. The CSB is supported by the student conduct administrator (the associate vice president for Student Affairs or a designee) who will be present to facilitate the process. They are not a voting member of the CSB.

The complainant or respondent may submit a written request to the student conduct administrator to contest a member of the CSB if there are reasonable articulated grounds to suspect bias, conflict of interest or an inability to be fair and impartial. This challenge must be raised within four (4) business days of receipt of notification of the CSB panel members. All objections must be raised prior to the commencement of the adjudication or are deemed waived. The student conduct administrator will make the determination as to whether sufficient bias, conflict of interest, or inability to be fair and impartial exists and warrants designating an alternative CSB panel member.

The student conduct administrator will be available to meet with all involved parties prior to the adjudication, be present during the adjudication as a resource for the CSB on issues of policy and procedure, and see that policy and procedure are appropriately followed throughout the adjudication meeting.

A complainant or respondent can request to have an adjudication rescheduled. Absent extenuating circumstances, requests to reschedule must be submitted to the student conduct administrator at least three (3) business days prior to the adjudication. A request to reschedule an adjudication must be supported by a compelling reason for the delay and submission of supporting documentation to the student conduct administrator. The student conduct administrator may also reschedule the adjudication, without a request by either the respondent and/or complainant, when there is reasonable cause to do so. The student conduct administrator will make the determination as to whether a compelling reason exists sufficient to delay an adjudication. The student conduct administrator will notify the parties of any changes to the scheduled adjudication via official university email.

Both parties will have the opportunity to review all investigative documents, subject to the privacy limitations imposed by state and federal law, at least five (5) business days prior to the adjudication, unless the student has requested an expedited adjudication in a written request to the student conduct administrator, in which case they will be deemed to have waived this right. The investigative report will include any information report(s), interview summaries, written statements and any other documentary information that will be presented during adjudication. Where appropriate, a complainant will also be provided these same rights. All information

and/or materials the parties wish to include in the investigative report or have considered at the adjudication must be provided to the student conduct administrator prior to the adjudication.

The CSB panel is expected to review all information pertinent to the incident in question. The investigative report will be made available for CSB panel members to review five (5) business days prior to the adjudication.

During Adjudication

- i. An adjudication will be called to order by the chair. The student conduct administrator will then explain the adjudication process and make introductions of adjudication attendees.
- ii. The chair will read the charges and the responding party will provide a preliminary indication of whether they are responsible or not responsible for those charges.
- iii. If appropriate, the investigator will provide a summary of the investigation. The CSB, the complainant and/or respondent, may pose questions to the investigator at the conclusion of the summary.
- iv. When applicable, the complainant may present a brief opening statement. The CSB and the respondent may pose questions to the complainant.
- v. The respondent may present a brief opening statement. The CSB and the complainant may pose questions to the respondent.
- vi. The student conduct administrator will identify and call relevant witnesses. The CSB, the complainant and or/respondent will have an opportunity to pose questions to each witness.
- vii. The student conduct administrator may call back any participant for additional questions or clarifications.
- viii. The complainant may present a brief closing statement.
- ix. The respondent may present a brief closing statement.
- x. All parties except CSB members shall be excused from the hearing room while the board discusses the case to determine their decision.
 - a. Their decision will be made at the time of the hearing unless circumstances make deferment necessary; and
 - b. A majority vote of CSB members is sufficient to make a determination.

There shall be a single recording of all university Campus Standard Board hearings (not including deliberations). The recordings shall be property of the university and will be maintained in accordance with FERPA. In case of an appeal, an audio file of the transcript is available to either the complainant or the respondent for review in a space approved by the student conduct administrator and in the presence of the student's hearing advisor.

Witnesses

Witnesses will only be called to participate in the adjudication at the request of the CSB and/or student conduct adjudicator. During the investigation, the complainant and the respondent will have been asked to identify witnesses. The university may also identify witnesses during the course of the investigation. Witnesses must have observed the act in question or have information relevant to the incident and cannot participate solely to speak about an individual's character.

If either party wishes to identify witnesses, the following must be submitted no later than five (5) business days before the adjudication to the student conduct administrator by email.

- The names of any witnesses that either party wishes to identify;
- A written statement and/or description of what each witness observed, if not already provided during investigation;
- A summary of why the witness' presence is relevant to making a decision about responsibility at the hearing; and
- The reason why the witness was not interviewed, if applicable.

The student conduct administrator will determine if the witness(es) have relevant information.

If witnesses are approved to be present, the respondent and the complainant are provided with a list of witnesses and any relevant documents related to their appearance at the adjudication no later than three (3) business days before the adjudication. All parties have the opportunity to pose questions of witnesses, regardless of who identified them to participate.

Deliberation

The CSB will determine a respondent's responsibility by a preponderance of the evidence. After all the information has been presented, the parties will be dismissed from the adjudication room so that the CSB may deliberate. The student conduct administrator will remain for deliberations, but does not vote. The CSB will first try to reach a determination by consensus, but a simple majority vote as to responsibility will suffice.

The findings of the CSB will be reduced to writing by the student conduct administrator. The findings will detail the findings of fact and determination of responsibility, making reference to the evidence that led to the finding and will serve as the record of the proceeding. The vote itself shall not be shared with any parties.

The student conduct administrator will notify both the respondent and the complainant, in writing, of the outcome and any sanctions, if applicable, within five (5) business days. The notice will include notification of appeal options. The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of the appeal.

EXTERNAL ADJUDICATION

External adjudication hearings are open only to those people who have specific involvement in the case or who will serve as an advisor to the parties.

External adjudication follows the process outlined above in the Campus Standards Board Adjudication, but with a single external party serving as the hearing body.

SANCTIONS

If a student, group or organization is found responsible for a violation of the Student Code of Conduct, the student conduct administrator will determine the appropriate sanctions. The sanctions may include, but are not limited to, those set forth in the Student Handbook.

In considering the appropriate sanction, the student conduct administrator will consider the following factors.

- (1) The respondent's prior discipline history
- (2) How the university has sanctioned similar incidents in the past
- (3) The nature and severity of the conduct
- (4) The impact of the conduct on the complainant, and their desired sanctions, if known
- (5) The impact of the conduct on the university community, its members, or its property
- (6) Whether the respondent has accepted responsibility
- (7) Whether the respondent is reasonably likely to engage in the conduct in the future
- (8) The need to deter similar conduct by others
- (9) Any other mitigating or aggravating circumstances, including the university's values

Any respondent who is determined to have engaged in any prohibited form of conduct may receive a sanction ranging from a warning to expulsion and appropriate educational requirement. The student conduct administrator may broaden or lessen any sanctions based on significant mitigating circumstances or egregiously offensive behavior. The student conduct administrator may issue a single sanction or a combination of sanctions.

Warning - A warning is a written notification that a violation of the Student Code of Conduct occurred and that any further responsible finding of misconduct may result in more severe disciplinary action. Warnings are recorded for internal purposes only and are not considered part of a student's permanent student conduct record. Though disclosed with a student's signed consent, a student who receives a warning is still considered in *good standing*.

Probation - Probation is a written notification that indicates a serious and active response to a violation of the Student Code of Conduct. Probation is for a designated period of time and includes the probability of more severe sanctions—including suspension or expulsion from the university—if the student is found responsible for additional violations of the Student Code of Conduct. Notification of probation is considered a change in *good standing* status to *not in good standing*.

Loss of privileges - Loss of privileges is denial of the use of certain university facilities or the right to participate in certain activities, events or programs, or to exercise certain privileges for a designated period of time.

Restitution - A student is required to make payment to an individual or to the university related to the misconduct for damage, destruction, defacement, theft or unauthorized use of property.

Fines - As appropriate, University of the Arts reserves the right to impose fines, in addition to requiring payment for costs resulting from or associated with the offenses.

Relocation or removal from (university-operated) housing - Relocation is the reassignment of a student from one living space to another. Removal from housing is the removal of a student from all university-operated housing. Relocation and removal from housing are typically accompanied by the loss of privileges regarding the visitation to specific residential areas for a specified period of time.

Revocation of Affiliation - Revocation of affiliation is the permanent removal of a student as a member of a specific organization, leadership position, and/or the permanent removal of an organization's recognized affiliation with the university.

No-Contact Directives - No-contact directives restrict the contact and/or communication between or among designated parties. They may be the result of a student conduct process or put in place temporarily. No-contact directives are not legal protective orders, as those are issued by a court of law.

Persona Non Grata – Persona non grata prohibits a student from a specific property or all campus property. Violation of a persona non grata may subject the violator to arrest for trespassing.

Educational/Assessment/Referrals - The university reserves the right to impose counseling, substance assessments or other required educational sanctions.

Deactivation - Loss of privileges, including university recognition, for a specified period of time.

Suspension - Suspension is the separation of a student from the university for a specified period of time, after which the student is eligible to return. Conditions for re-enrollment may be required, and will be included in the notification of suspension. During the period of suspension, the student may not participate in university academic or extracurricular activities and may be barred from all property owned or operated by the university. Suspension from the university will result in automatic “W” grades in all classes for the semester in which suspension was sanctioned. Students who are suspended may not be on campus without specific, written permission of the associate vice president for Student Affairs or a designee. Suspension is for a designated period of time and includes the probability of more severe sanctions, including expulsion, if the student is found responsible for future violations of the Student Code of Conduct. Notification of suspension will be sent to parents, as it results in a change in *good standing* status.

Expulsion - Expulsion is the permanent separation of the student from the university. Expulsion will result in automatic “W” grades in all classes for the semester in which expulsion was sanctioned. Students who are expelled may not be on campus without specific, written permission of the associate vice president for Student Affairs or a designee. Notification of expulsion will be sent to parents, as it results in a change in *good standing* status.

***Good Standing** - A student is not in *good standing* when the student has been found responsible for a student conduct policy violation and as a result, is serving a sanction of probation, suspension or expulsion. Students employed as resident assistants, community assistants, or first-year guides must be in and remain in *good standing* throughout their employment.

More than one of the above sanctions listed may be imposed for any single violation. Additionally, educational sanctions may be imposed at the discretion of the student conduct administrator. Other than university expulsion, disciplinary sanctions shall not be made part of the student’s academic transcript but shall become part of the student’s conduct record. Student conduct records, with the exception of suspension or expulsion sanctions, are cleared after seven (7) years. A student’s conduct record is subject to review only by authorized parties or with prior written student approval.

INTERIM SANCTIONS

In certain circumstances, the student conduct administrator (or a designee) may impose sanction(s), pending an assessment and/or the adjudication. Interim sanctions may be imposed to:

1. help ensure the safety and well-being of members of the university community or preservation of university property;
2. help ensure the student’s own physical or emotional safety and/or well-being;
3. help prevent disruption or interference with the normal operations of the university.

Respondents wishing to contest an interim separation action may do so by submitting a written appeal to the associate vice president for Student Affairs including the following information:

- Name (individual or student organization)
- Student ID (not applicable in student organization–related cases)
- Rationale for the request
- Any documentation that supports that the respondent would not pose an immediate threat to the campus community or would not pose an imminent threat of disruption to normal campus operations.

The respondent will be notified of the decision within five (5) business days of receipt of the request. The interim separation will remain in effect while any review is pending. There will be no further appeals to this decision. If the interim separation is lifted, other interim restrictions (e.g., removal from university housing, limited access to campus, cessation of any organizational activities or changes to work duties) may be assigned until the outcome of any related case.

The interim separation does not replace the regular conduct processes, which shall proceed as normal. The interim sanction(s) may remain in effect until a final decision has been reached, including any appropriate appeals process.

GENERAL CONDUCT APPEALS

Respondents may appeal the determination of responsibility or sanction(s) in writing to the senior director for student engagement (or a designee). The appeal must be filed within five (5) business days of receiving the written notice of outcome.

The limited grounds for appeal of an outcome are as follows.

- New evidence that could affect the finding of the hearing and that was unavailable at the time of the hearing
- Procedural error(s) that had a material impact on the fairness of the hearing

The limited grounds for appeal of a sanction(s) are as follows.

- The imposed sanctions were inappropriately punitive.

The appeal shall consist of a concise and complete written statement that outlines the grounds for the appeal. The appeal consideration will be conducted in an impartial manner by the senior director for student engagement, or designee. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter.

The senior director for student engagement, or designee, shall consider the merits of an appeal only on the basis of the three (3) grounds for appeal and supporting information provided in the written request for appeal and the record of the original hearing. The senior director for student engagement, or designee, can affirm the original findings, alter the findings and/or alter the sanctions.

If the appeal is granted based on procedural error(s) that materially affected the outcome of the hearing, the senior director for student engagement, or designee, will forward the case to a new student conduct administrator.

In the case of new and relevant information, the senior director for student engagement, or designee, can recommend that the case be returned to the original student conduct administrator to assess the weight and effect of the new information and render a determination after considering the new facts or forward the case to a new student conduct administrator.

The senior director for student engagement, or designee, will communicate the result of the appeal to the student requesting the appeal within three (3) business days from the date of the submission of the appeal. Appeal decisions are final.

ADVANCED CONDUCT APPEALS

Respondents and complainants may appeal the determination of responsibility or sanction(s). Appeals of advanced conduct adjudication are handled in the following manner.

1. The vice president for academic affairs hears appeals of non-academic decisions, except in cases where the vice president is the reporting party or a witness in the matter. (In such instances, appeals will go to the vice president for finance and administration).
2. The vice president for academic affairs hears appeals of academic decisions, except in cases where the vice president is the reporting party or a witness in the matter. (In such instances, appeals will go to the vice president for finance and administration).

Appeals must be filed within ten (10) business days of receiving the written notice of outcome.

The limited grounds for appeal of an outcome are as follows.

- New evidence that could affect the finding of the hearing and that was unavailable at the time of the hearing
- Procedural error(s) that had a material impact on the fairness of the hearing

The limited grounds for appeal of a sanction(s) are as follows.

- The imposed sanctions were inappropriate under university sanctioning guidelines

If the respondent accepts responsibility and no hearing is convened, the limited grounds for appeal are as follows

- The imposed sanctions were inappropriate under university sanctioning guidelines

The appeal shall consist of a concise and complete written statement outlining the grounds for the appeal. Upon receipt of an appeal, the associate vice president for Student Affairs (or a designee) will notify both parties. Each party has an opportunity to respond in writing to the appeal. Any response to the appeal must be submitted to the appropriate appeal review party (see above) within two (2) business days of notice of the appeal.

The appeal consideration will be conducted in an impartial manner by the appeal review party. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter.

The appeal review party shall consider the merits of an appeal only on the basis of the three (3) grounds for appeal and supporting information provided in the written request for appeal and the record of the original hearing. The appeal review party can affirm the original findings, alter the findings and/or alter the sanctions, depending on the basis of the requested appeal.

If the appeal is granted based on procedural error(s) that materially affected the outcome of the hearing, the appeal review party will forward the case for a new hearing, which will be heard by an alternate student conduct administrator, CSB or external adjudicator.

In the case of new and relevant information, the appeal review party can recommend that the case be returned to the original student conduct administrator, CSB or external adjudicator to assess the weight and effect of the new information and render a determination after considering the new facts or forward the case for a new hearing.

The appeal review party will communicate the result of the appeal to the student requesting the appeal within ten (10) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

University of the Arts reserves the right to change and/or add to the policies, procedures and programs described in the University Catalogue and the Student Handbook and will make reasonable efforts to inform students of such changes and/or additions via UArts email notification.

APPENDIX A: SEX AND GENDER-BASED MISCONDUCT POLICY

I. PURPOSE OF POLICY

The University of the Arts (“the University”) is committed to creating and maintaining a workplace and educational environment, as well as other benefits, programs, and activities, free from acts of Sex- and Gender-Based Misconduct, including acts of sexual harassment, sexual assault, dating violence, domestic violence, stalking, and other forms of sex- and gender-based misconduct. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of safety and respect in all aspects of the educational program or activity, the University has developed internal policies and procedures that provide a prompt, thorough, and impartial process for those involved in allegations of sexual harassment and other forms of sex- and gender-based misconduct. The University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process.

II. TITLE IX COORDINATOR

The University’s Title IX Coordinator oversees implementation of the University policies relating to equal opportunity, harassment, and nondiscrimination, including Sex- and Gender-Based Misconduct, as addressed by this Policy. The Title IX Coordinator is responsible for coordinating the University’s efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent Sex- and Gender-Based Misconduct prohibited under this Policy. To contact the University’s Title IX Coordinator, please e-mail titleix@uarts.edu (full contact information just below) or visit www.uarts.edu/titleix.

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures. University employees involved in the University grievance process under this Policy are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents , generally.^{1 2}

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the University of the Arts President at president@uarts.edu. Concerns of bias or a potential conflict of interest by any other University of the Arts employee involved in the Title IX process should be raised with the Title IX Coordinator.

¹ A Complainant is an individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

² A Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute a violation of this Policy.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the University President at president@uarts.edu. Reports of misconduct or discrimination committed by any other employee involved in the Title IX process should be reported to the Title IX Coordinator.

III. ADMINISTRATIVE CONTACT INFORMATION

The University has determined that the following administrators are Officials with Authority to address and correct Sex- and Gender-Based Misconduct. Formal Complaints or notice of alleged Policy violations, or inquiries about or concerns regarding this Policy and procedures, may be made internally to:

Title IX Coordinator

Lauri Millot
320 South Broad Street, Philadelphia, PA 19102
Hamilton Hall 151
215-717-6362
titleix@uarts.edu

Associate Vice President for Human Resources

Christine M. Schaefer, SPHR, SHRM-SCP
320 South Broad Street, Philadelphia, PA 19102
Hamilton Hall 260
215-717-6366
cschaefer@uarts.edu

Associate Vice President for Student Services

Sara Pyle
401 South Broad Street, Philadelphia, PA 19102
Gershman Hall 311
215-717-6627
spyle@uarts.edu

President

David Yager
320 South Broad Street, Philadelphia, PA 19102
Hamilton Hall 110
215-717-6380
president@uarts.edu

IV. COMPLAINTS TO EXTERNAL AGENCIES

Inquiries may be made externally to:

**U.S. Department of Education's Office for Civil Rights
Philadelphia Office**

100 Penn Square East, Suite 515, Philadelphia, PA 19107-3323
215-656-8541

OCR.Philadelphia@ed.gov

<https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

**Pennsylvania Human Relations Commission
Philadelphia Regional Office**

110 North 8th Street, Suite 501, Philadelphia, PA 19107
215-560-2496

<https://www.phrc.pa.gov/Pages/default.aspx>

**Equal Employment Opportunity Commission
Philadelphia District Office**

801 Market Street, Suite 1000, Philadelphia PA 19107-3126
1-800-669-4000

PDOCcontact@eeoc.gov

<https://www.eeoc.gov/employees/howtofile.cfm>

V. MANDATED REPORTING

All University employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared. If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator who will take action when an incident is reported to them.

VI. PRIVACY VS. CONFIDENTIALITY

References made to *confidentiality* refer to the ability of identified confidential resources to not

report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean University offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues.

VII. CAMPUS AND COMMUNITY RESOURCES

The University is committed to treating all individuals with dignity, care and respect. A Complainant, Respondent, or any other individual impacted by a report of behavior under this policy will have equal access to support, resources and counseling services through the University. We encourage community members to seek the support of campus and community resources. The University's Title IX Coordinator can provide information about this Policy and University procedure, connect individuals with resources and supportive measures, and assist any party in the event that an official report and/or resolution is pursued. Individuals are encouraged to use all available resources, regardless of whether the incident occurred recently or in the past.

a. LAW ENFORCEMENT:

In the event of an emergency, please call 911, then notify Public Safety on the emergency line: 215-717-6666.

You may also make a report directly to a University Public Safety Officer (PSO). Public Safety officers are stationed in University buildings. When a PSO receives a report of sexual misconduct, they will notify the Professional On-Duty (POD) staff member, who is trained to inform reporting parties of the options and resources available.

b. MEDICAL SERVICES:

Those who have experienced conduct prohibited by this Policy are strongly encouraged to seek medical treatment. A medical provider can provide emergency and/or follow-up medical services, and the opportunity to discuss any health care concerns in a confidential medical setting. A medical exam following a sexual assault has two goals: first, to diagnose and treat the full extent of any injury or physical effect (sexually transmitted infection or pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence.

On-Campus:

Student Health Services: Student Health Services can provide confidential medical services to University students, such as evaluation and treatment of minor injuries, and pregnancy tests.

Gershman Hall 306
M-F 9am-5pm
215-717-6230
www.uarts.edu/students/health-services

Off-Campus:

The Philadelphia Sexual Assault Response Center (PSARC) is designated to provide forensic rape examinations to victims of sexual assault. It is recommended that individuals who wish to pursue legal action receive this examination, which includes a collection of evidence. You do not need to file a police report to receive services at PSARC. PSARC is located within the same building as the Philadelphia Police Department Sexual Victims Unit. During this examination, you can receive treatment for injuries and sexually transmitted infections (STIs) as well as emergency contraception. You are not responsible for payment of the medications or medical forensic examination. Transportation to PSARC can be provided by the Philadelphia Police Department.

300 E. Hunting Park Avenue, Philadelphia, PA 19124
215-800-1589

c. CONFIDENTIAL RESOURCES:

The following resources maintain confidentiality for notice received within their confidential roles. Generally, any information disclosed to the resources listed below will be held in confidence unless the individual sharing the information gives their consent to the disclosure of that information.

Confidential resources are not obligated to share information with the University's Title IX Coordinator and disclosure to a confidential resource does not constitute a report to the University.

On Campus:

Student Counseling Center: Services at the University Counseling Center are available to all University students, free of cost. Counseling provides a safe, confidential place to talk and discuss varying issues in a private and confidential setting. Therapists in the Counseling Center are trained to assist students impacted by sexual, physical, and emotional abuse, including those students who may have witnessed or have been accused of sexual misconduct.

Gershman Hall 205/206
M-F 11am-1pm (walk in hours)
215-717-6630
counseling@uarts.edu

www.uarts.edu/counseling

Student Health Services: Student Health Services can provide confidential medical services to University students, such as evaluation and treatment of minor injuries, and pregnancy tests.

Gershman Hall 306

M-F 9am-5pm

215-717-6230

healthservices@uarts.edu

www.uarts.edu/students/health-services

Employee Assistance Program (for employees only): All University employees are entitled to use the confidential Employee Assistance Program (EAP). Through EAP, employees can access counseling services via telephone and in-person. University employees can obtain more information about EAP [here](#).

Off-Campus:

Philadelphia Center Against Sexual Violence (formerly known as WOAR): The Philadelphia Center Against Sexual Violence provides free and confidential individual and group counseling to children and adults who have experienced sexual violence: this includes sexual abuse, sexual assault, rape/date rape, and incest.

1617 John F. Kennedy Blvd., Suite 800

215-985-3333

www.woar.org

Women Against Abuse: Women Against Abuse provides a number of services to victims of abuse, including 24-hour emergency safe havens, legal advocacy and representation, long-term housing and supportive services, and more.

100 South Broad Street, Suite 1341, Philadelphia, PA 19110

215-386-1280

www.womenagainstabuse.org

For more local and national resources, please visit the Title IX Resource Page at www.uarts.edu/titleix.

VIII. SUPPORTIVE MEASURES

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has

been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University community, or deter further acts of harmful behavior.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide the supportive measures. The University will act to ensure as minimal an academic impact on the parties as possible, and will implement measures in a way that does not unreasonably burden the other party. Supportive measures may include, but are not limited to:

- Referral to medical and mental health services, including counseling;
- Referral to the Employee Assistance Program;
- Academic accommodations;
- Public Safety escort services;
- No Contact Directives (mutual restrictions on contact between the parties);
- Leaves of absence;
- Changes in campus housing or assistance in finding alternative housing;
- Assistance in arranging for alternative University employment arrangements and/or changing work schedules;
- Student financial aid counseling;
- Safety planning;
- Persona Non Grata orders;
- Transportation accommodations;
- Visa/immigration services (phila.gov/departments/office-of-immigrant-affairs/); or
- Assistance in identifying additional resources including off-campus and community advocacy, support, and services.

The University may provide supportive measures regardless of whether a Complainant seeks to pursue the University's Formal Grievance process. Supportive measures may be requested by both Complainants and Respondents. The University determines which measures are most appropriate on a case-by-case basis.

IX. EMERGENCY REMOVAL

The University may determine that it is necessary to remove a Respondent from the University on an emergency basis, if the Respondent poses an immediate threat to the physical health or safety of any student or other individual in the University community, based on the specific allegations raised under this Policy. This risk analysis is performed by the Title IX Coordinator in conjunction with the appropriate University administrators, including but not limited to the Associate Vice President for Human Resources, the Assistant Vice President for Student Services, and/or the Director of Public Safety.

In all cases in which an emergency removal is imposed, the student or employee will be notified of the action and provided with an opportunity to challenge the decision following the

removal, and be given the option to meet with the Title IX Coordinator and other appropriate University administrators prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it equitable to do so.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator and other appropriate University administrator for the meeting regarding any emergency removal. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this Policy will be grounds for discipline, which may include expulsion or termination.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

The University reserves the right to place a non-student employee respondent on administrative leave even if the emergency removal provision does not apply.

X. CONDUCT PROHIBITED BY POLICY

a. SEXUAL HARASSMENT

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of quid pro quo sexual harassment, hostile environment sexual harassment, sexual assault, domestic violence, dating violence, and stalking.

Sexual Harassment is conduct on the basis of sex that satisfies one of the following:

- i. Quid Pro Quo Sexual Harassment:** An employee of the University conditions (implicitly or explicitly) the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.

ii. Hostile Environment Sexual Harassment: Unwelcome conduct, determined by a reasonable person to be so severe, and pervasive, and objectively offensive that it effectively denies a person equal access to the University's educational program or activity.

iii. Sexual Assault:

- 1. Sex Offenses, Forcible:** Any sexual act directed against another person, without the consent of the complainant, including instances in which the complainant is incapable of giving consent.
- 2. Forcible Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant
- 3. Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- 4. Sexual Assault with an Object:** The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- 5. Forcible Fondling:** The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- 6. Incest:** Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Pennsylvania law.
- 7. Statutory Rape:** Non-forcible sexual intercourse, with a person who is under the statutory age of consent in Pennsylvania.

iv. Dating Violence: Violence on the basis of sex committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of the definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

v. Domestic Violence: Violence on the basis of sex committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under domestic or family violence laws of Pennsylvania, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

vi. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.

b. OTHER FORMS OF SEX- AND GENDER-BASED MISCONDUCT:

i. Discriminatory Harassment: Unwelcome conduct based on a person's actual or perceived sex, gender, gender-identity, or sexual orientation, and such conduct unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities by creating a hostile environment. A hostile environment is one that is severe **or** pervasive, **and** objectively offensive. The University does not tolerate discriminatory harassment of any employee, student, visitor, or guest, and the University will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment" under this section.

ii. Sexual Exploitation: An act or acts of conduct in which a person exploits or takes advantage of another person in a sexual manner without consent. Examples of Sexual Exploitation include, but are not limited to, the following:

1. Recording (audio or video) or photographing sexual activity without the knowledge and consent of all parties involved
2. Electronic or printed transmission (posting online, texting, emails, etc.) of sounds or images of sexual activity without the knowledge or consent of all parties involved
3. Voyeurism (spying on others who are engaged in an intimate or sexual act)

4. Going beyond consent (having consensual sex but allowing other people to watch without the knowledge of the consenting party)
5. Prostituting another person
6. Public indecency (exposing yourself without consent)
7. Knowingly exposing an individual to a sexually transmittable infection or virus without his or her knowledge.

XI. SEXUAL HARASSMENT: RELATED DEFINITIONS

As used in the Sexual Harassment offenses listed above, the following definitions and understandings apply:

- a. **Coercion**: Coercion is verbal and/or physical conduct used to compel another individual to engage in sexual activity against their will. Coercion may include a wide range of behaviors, including manipulation, abuse of trust or power, intimidation, or express or implied threats of physical or emotional harm.
- b. **Consent**: Consent is an affirmative, voluntary, and clear communication indicating a willingness to engage in a mutually agreed upon sexual activity. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. Consent cannot be obtained through the use of coercion or force or by taking advantage of the incapacitation of another person. Consent to engage in sexual activity may be withdrawn by any party at any time. Withdrawal of consent must also be outwardly demonstrated by words and/or actions that indicate a desire to end sexual activity. Withdrawal of consent may in some cases be demonstrated through nonverbal conduct alone. Once withdrawal of consent has been clearly expressed, sexual activity must reasonably cease. A previous sexual relationship and/or current relationship with a partner, do not, by themselves, imply consent.
- c. **Force**: Force is the use or threat of physical violence or intimidation to overcome an individual's free will to choose whether or not to consent to engage in sexual activity.
- d. **Incapacitation**: Incapacitation is a state in which an individual is unable to make an informed and rational decision to engage in sexual activity because the person lacks conscious awareness of the nature of the act or is physically helpless. Engaging in sexual activity with an individual who one knows, or based on the circumstances should reasonably know, to be mentally or physically incapacitated constitutes a violation of this policy. Incapacitation may result from the use of alcohol or drugs, whether voluntary or involuntary, if an individual's level of impairment is such that they are unable to make conscious decisions or are physically helpless. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important that anyone engaging in sexual activity be aware of the other person's level of intoxication. Consumption of

drugs or alcohol may diminish one's ability to give consent to engage in sexual activity, but being intoxicated or impaired due to consumption of drugs or alcohol is never an excuse for sexual misconduct, and does not diminish one's responsibility to obtain consent.

- e. **Substantial Emotional Distress**: Substantial emotional distress is defined as significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

XII. RETALIATION

Protected activity under this Policy includes reporting an incident that may implicate this Policy, participating in the Informal Resolution Process or Formal Grievance Process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation. It is prohibited for the University or any member of the University community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure. Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

XIII. AMNESTY

The University encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report or provide information in connection with an investigation under this Policy because of the perceived potential for disciplinary consequences for their own conduct. When information is uncovered through the Title IX investigative process that involves alcohol or drug usage in violation of the Student Code of Conduct, this information **will not be used** to pursue any disciplinary action for alcohol or drug use, provided that any such violations did not and/or do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

Student health and safety are of primary concern of the University. As such, in cases of significant intoxication as a result of alcohol or other substance abuse, we encourage individuals to seek medical assistance for themselves or others. Please see the Medical Amnesty Policy in the Student Handbook for more information.

XIV. REPORTS INVOLVING MINORS

For purposes of this Policy and relevant law, a child is defined as an individual under the age of 18. Any University employee who has reasonable cause to suspect abuse of a child that the employee has come into contact with during the course of employment must make a report to the Title IX Coordinator, who will facilitate a report to local law enforcement and the Pennsylvania Department of Public Welfare division of Child Welfare Services. This requirement applies to an employee's suspicion of past or present abuse of a person who is a child at the time of the report. All other members of the University community (students, visitors, guests, etc.) are strongly encouraged to report whenever child abuse is suspected.

In the interest of protecting the safety and welfare of a child, any uncertainty about whether reporting is required or whether abuse has actually occurred should always be resolved in favor of making a report. Do not investigate, attempt to obtain proof, or try to solicit information from the child. This responsibility lies with the Pennsylvania Department of Human Services. If the child is in immediate danger, please call 911 immediately.

Employees may submit a report of suspected child abuse directly to the Pennsylvania Department of Human Services by submitting an online report (preferred method) to the Pennsylvania Department of Human Services at www.compass.state.pa.us/cwis or calling Pennsylvania's Child Line at 800-932-0313 (alternative method). Please Note: If you call Childline, you must also submit a written report within 48 hours. Once an employee submits a report to the Pennsylvania Department of Human Services, they must then notify the University's Title IX Coordinator by calling (215) 717-6362 or emailing titleix@uarts.edu.

XV. FILING A FORMAL COMPLAINT WITH THE UNIVERSITY

Notice or complaints of Sex- and Gender-Based Misconduct may be made using any of the following options:

- File a complaint with, or give verbal notice to, the Title IX Coordinator, Associate Vice President for Human Resources, Assistant Vice President for Student Services, or University President. Such a report may be made at any time by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.
- Report online, using third party provider EthicsPoint, at www.uarts.ethicspoint.com. A report may be made anonymously through EthicsPoint, however please know that the University may be limited in its ability to respond to a report of prohibited discrimination, harassment, or retaliation without identifying information of all parties involved, and will be excluded from providing the Complainant with supportive

measures and options without that individual's name and contact information.

A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the University of the Arts investigate the allegation(s). A Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the University.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. The University of the Arts will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further but will receive all notices issued under this Policy.

Nothing in this Policy prevents a Complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process, and the University will assist the Complainant in contacting law enforcement, if requested.

Upon receipt of a Formal Complaint, the University of the Arts will provide the Complainant with information about the option to use the Informal Resolution Process or the Formal Grievance Process, as outlined below.

The timeframe for the completion of the Formal Grievance Process begins with the filing of a Formal Complaint. The Formal Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) business days after the filing of the Formal Complaint, provided that the Formal Grievance Process may be extended for a legitimate reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

XVI. INFORMAL RESOLUTION PROCESS

Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternative resolution mechanism including but not limited to mediation or restorative practices;
- When the Respondent accepts responsibility for violating this Policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a Formal Complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue the Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

The Respondent may accept responsibility for all or part of the alleged Policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of University Policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

XVII. FORMAL GRIEVANCE PROCESS

a. JURISDICTION

i. Jurisdiction Under the May 2020 Title IX Final Rule

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that mandates a grievance process that this University must follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment. *See*, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>.

The Formal Grievance Process will apply for purposes of Title IX when all of the following elements are met, in accordance with the May 2020 Final Rule, and in the reasonable determination of the Title IX Coordinator:

- (1) The conduct is alleged to have occurred in the United States; and
- (2) The conduct is alleged to have occurred in the education program or activity of the University of the Arts, where the University has control over both the program and the alleged harasser; and
- (3) The alleged conduct, if true, would constitute covered Sexual Harassment as defined in section IXa or Other Forms of Sex- and Gender-Based Misconduct as defined in section IXb of this policy; and
- (4) The Complainant was participating in or attempting to participate in the University's educational program at the time of the complaint.

If any one of these elements is not met, the Title IX Coordinator will notify the parties that the Formal Complaint is "dismissed for the purposes of Title IX." Each party may appeal this dismissal using the procedure outlined in "Appeals," below.

Upon dismissal for the purposes of Title IX, the Formal Complaint may be reinstated under the Formal Grievance Process pursuant to the section below.

ii. Reinstatement of the Formal Grievance Process

At the discretion of the Title IX Coordinator, as determined on a case by case basis, the Formal Grievance Process may be reinstated when the following elements are met, irrespective of the location of the alleged conduct:

- (1) The conduct is alleged to have occurred between individuals who are current members of the University community;
- (2) The alleged conduct has had or can be reasonably predicted to have a continuing negative effect on the University and its students, faculty, visiting faculty, affiliates, staff, contractors, vendors, visitors or guests; and
- (3) The alleged conduct, if true, would constitute covered Sexual Harassment as defined in section IXa or Other Forms of Sex- and Gender-Based Misconduct as defined in section IXb of this policy.

If any one of these elements is not met, the Title IX Coordinator will notify the parties that the Formal Complaint is dismissed under the Formal Grievance Process. Each party may appeal this dismissal using the procedure outlined in “Appeals,” below.

Additionally, the University of the Arts retains discretion to utilize the Student Code of Conduct, Staff Manual, and/or Faculty Handbook to determine if a violation of such policies have occurred. If so, the University of the Arts will refer the allegations to the appropriate resolution process.

b. DISCRETIONARY DISMISSAL GROUNDS

The Title IX Coordinator, in consultation with appropriate University administrators, may dismiss the Formal Complaint under the Formal Grievance Process, at any time during the investigation or hearing, if:

(1) A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint; or (2) The Respondent is no longer enrolled or employed by the University of the Arts; or, (3) If specific circumstances prevent the University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

The Title IX Coordinator will notify the parties that the Formal Complaint is dismissed under the Formal Grievance Process if determined appropriate under the discretionary dismissal grounds. Each party may appeal this dismissal using the procedure outlined in “Appeals,” below.

Additionally, the University of the Arts retains discretion to utilize the Student Code of Conduct, Staff Manual, and/or Faculty Handbook to determine if a violation of such policies have occurred. If so, the University of the Arts will refer the allegations to the appropriate resolution process.

c. NOTICE

i. Notice of Allegations

The Title IX Coordinator will draft and provide the Notice of Allegations, containing a notice of the date, time, and location of initial interview, to any party to the allegations under this Policy after the institution receives a Formal Complaint of the allegations. The University will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator, in consultation with appropriate University officials, may determine that the Formal Complaint must be dismissed on the grounds identified above,

and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

ii. Ongoing Notice

If, in the course of an investigation, the institution decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations and are otherwise prohibited under this Policy, the University will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

d. RIGHT TO AN ADVISOR

i. Who May Serve as an Advisor

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the University community. An Advisor who is chosen from outside of the University community is requested to meet with the Title IX Coordinator to review the Advisor role.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. Any Advisor provided for a party by the University will be trained by the University and be familiar with the University policy and procedures.

The University may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

ii. Role of the Advisor

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or the Hearing

Body except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by University. The University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

Any Advisor who oversteps their role as defined by this Policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

e. INVESTIGATION

i. General Rules of Investigations

The Title IX Coordinator will designate a qualified investigator to perform an investigation of the allegations under a reasonably prompt timeframe after issuing the Notice of Allegations.

The University, and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility.

The University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or about whom the records include information. The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

ii. Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to

inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

(1) Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility; and

(2) Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

The University will send the evidence made available for each party and each party's Advisor, if any, to inspect and review.

The parties will have ten (10) calendar days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before revising the Investigative Report.

The University will provide the parties five (5) calendar days after the initial inspection and review of evidence, and before the investigator completes their Investigative Report, to provide additional evidence in response to their inspection and review of the evidence, and then provide the parties five (5) calendar days to inspect, review, and respond to the party's additional evidence through a written response to the investigator. Those written responses will be disclosed to the parties.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of questioning.

The Advisors must agree not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process.

The Advisors must agree not to photograph or otherwise copy the evidence.

iii. Investigative Report

The investigator will prepare an Investigative Report that fairly summarizes relevant evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove

and disprove the allegations) will be included in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

f. HEARING

i. General Rules of Hearings

The University will not issue a disciplinary sanction arising from the Formal Grievance Process under this Policy without holding a live hearing, unless otherwise resolved through an Informal Resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. The University will use technology that will enable participants simultaneously to see and hear each other. At its discretion, the University may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audio recording. That recording will be made available to the parties for inspection and review.

ii. Continuances or Granting Extensions

The University may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) may be needed to complete a hearing. If so, the University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

iii. Participants in the Live Hearing

All participants in the live hearing are subject to the Rules of Decorum. Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

1. Complainant and Respondent (The Parties)

The parties cannot waive the live hearing, though they are not required to attend. The University may still proceed with the live hearing in the absence of a party and may reach a determination of responsibility in their absence, through admissible and available evidence. Evidence of statements by parties or witnesses cannot be considered if those parties or witnesses do not testify at the hearing. However, a verbal or written statement constituting part or all of the allegation itself is not a statement that must be excluded if the maker of the statement does not submit to questioning about that statement. A statement would not include

a document, audio recording, audiovisual reading, and/or digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint.

The University will not threaten, coerce, intimidate, or discriminate against the party in an attempt to secure the party's participation.

If a party or witness does not submit to questioning at the hearing, the Hearing Body cannot rely on any prior statements made by that party or witness in reaching a determination regarding

responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a "statement" by that party or witness.

The Hearing Body cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer questions.

2. The Hearing Body

The Hearing Body will consist of either a single decision-maker (external to the University); or a hearing panel of three (3) voting panel members, including a Chair.

No member of the Hearing Body will also have served as the Title IX Coordinator, Title IX Investigator, or Advisor to any party in the case, nor may any member of the Hearing Body serve on the Appeals Body in the case.

The Hearing Body will be trained on topics including how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias, issues of relevance and questions, including how to apply the prior sexual history/predisposition protections provided for complainants, any technology to be used at the hearing, the definition of sexual harassment, the scope of the institution's education program or activity, and how to conduct a grievance process.

No member of the Hearing Body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case. The parties will have an opportunity to raise any objections regarding the Hearing Body's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

3. Advisor

Questioning is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited

purpose of conducting any questioning.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Hearing Body during the hearing.

4. Witnesses

Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation.

If a witness does not submit to questioning, as described below, the Hearing Body cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing.

iv. Hearing Procedures

For purposes of this section, the "Hearing Chair" refers to either a single decision maker or a member of a panel chosen for that role.

For all live hearings conducted under the Formal Grievance Process, the procedure will be as follows:

- The Hearing Chair (either a single external decision maker or the Chair, as described above) will open and establish rules and expectations for the hearing;
- The parties will each be given the opportunity to provide opening statements;
- The Hearing Body will ask questions of the parties and witnesses;
- Parties will be given the opportunity for questioning after the Hearing Body conducts its initial round of questioning. During the Parties' questioning, the Hearing Chair will have the authority to pause questioning at any time for the purposes of asking the Hearing Body's own follow up questions; and any time necessary in order to enforce the established rules of decorum.

v. Questioning Procedure

Each party's Advisor will conduct questioning of the other party or parties and witnesses. During questioning the Advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any question is answered, the Hearing Chair will determine if the question is relevant. Questions that are duplicative of those already asked, including by the Hearing Chair, may be deemed irrelevant if they have been asked and answered. Abusive questions may be deemed irrelevant as well.

vi. Review of Recording

The recording of the hearing will be available for review by the parties during the timeframe of the appeal, unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors.

g. DETERMINATION OF RESPONSIBILITY

i. Standard of Proof

The University uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of Formal Complaints covered under this Policy. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Policy occurred.

ii. General Considerations for Evaluating Testimony and Evidence

While the opportunity for questioning is required in all hearings under the Formal Grievance Process, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Hearing Body.

The Hearing Body shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a Complainant, Respondent, or witness, nor will it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the truthfulness of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Parties may call "expert witnesses." The University does not provide for expert witnesses

in other proceedings. The expert witness will be allowed to testify and be questioned, and their testimony evaluated accordingly.

Parties may call character witnesses to testify, though their testimony must be relevant to the complaint.

The University will admit and allow relevant testimony regarding polygraph tests (“lie detector tests”) and other procedures that are outside of standard use in academic and non-academic conduct processes.

Where a party or witness’ conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Hearing Body may draw an adverse inference as to that party or witness’ credibility.

iii. Components of Determination Regarding Responsibility

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

- Identification of the allegations potentially constituting prohibited conduct under this Policy;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding which section of the Policy if any, the Respondent has or has not violated.
- For each allegation:
 - A statement of, and rationale for, a determination regarding responsibility;
 - A statement of, and rationale for, any disciplinary sanctions the University of the Arts imposes on the respondent; and
 - A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the University of the Arts’s education program or activity will be provided by the University of the Arts to the Complainant; and
- When the determination is considered by the institution to be final, and any changes to the determination that could occur prior to finalization.
- The University’s procedures and the permitted reasons for the Complainant and Respondent to appeal (described below in “Appeal”).

iv. Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will

be issued by the University within ten (10) calendar days of the completion of the hearing.

h. SANCTIONS

Factors considered when determining a sanction may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Hearing Body

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

i. Student Sanctions:

Sanctions may include, but are not limited to, the following:

- **Warning:** A written notification that a violation of the Student Code of Conduct occurred and that any further responsible finding of misconduct may result in more severe disciplinary action. Warnings are typically recorded for internal purposes only and are not considered part of a student's permanent student conduct record. Though disclosed with a student's signed consent, a student who receives a warning is still considered in good standing*.
- **Probation:** A written notification that indicates a serious and active response to a violation of the Student Code of Conduct. Probation is for a designated period of time and includes the probability of more severe sanctions, if found responsible for additional violations of the Student Code of Conduct, including suspension or expulsion from the University.³ Notification of probation is considered a change in good standing status.
- **Loss of privileges:** Denial of the use of certain University facilities or the right to participate in certain activities, events, programs, or to exercise certain privileges for a designated period of time.
- **Restitution:** A student may be required to make payment to an individual or to the University related to the misconduct for damage, destruction, defacement, theft, or unauthorized use of property.

- **Fines:** The University of the Arts reserves the right to impose fines, as appropriate, in addition to requiring payment for costs resulting from or associated with the offenses.
- **Relocation or removal from (University-operated) housing:** Relocation is the reassignment of a student from one living space to another. Removal from housing is the removal of a student from all University-operated housing. Relocation and removal from housing are typically accompanied by the loss of privileges regarding the visitation to specific residential areas for a specified period of time. The University may take such action for remedial, rather than disciplinary purposes.
- **Revocation of Affiliation:** Revocation of affiliation is the permanent removal of a student as a member of a specific organization and/or the permanent removal of an organization's recognized affiliation with the University.
- **No Contact Directives:** No Contact Directives are directives to students that restrict the contact and/or communication between or among designated parties. No Contact Directives may be the result of a student conduct process or put in place temporarily. No Contact Directives are not legal protective orders as those are issued by a court of law.
- **Persona Non Grata:** Persona Non Grata prohibits an individual from a specific or all campus property. Violation of a persona non grata may subject the violator to arrest for trespass.
- **Educational/Assessment/Referrals:** The University reserves the right to impose counseling or substance assessments or other required educational sanctions.
- **Suspension:** The separation of a student from the University for a specified period of time, after which the student is eligible to return. Conditions for re-enrollment may be required and will be included in the notification of suspension. During the period of suspension, the student may not participate in University academic or extracurricular activities and may be barred from all property owned or operated by the University. Suspension from the University will result in automatic "W" grades in all classes for the semester in which suspension was sanctioned. Students who are suspended may not be on campus without specific, written permission of the Assistant Vice President for Student Services or designee. Suspension is for a designated period of time and includes the probability of more severe sanctions, including expulsion, if found responsible for violations of the Student Code of Conduct. Notification of suspension will normally be sent to parents, as it results in a change in good standing status.
- **Expulsion:** Expulsion is the permanent separation of the student from the University. Expulsion from the University will result in automatic "W" grades in all classes for the semester in which expulsion was sanctioned. Students who are expelled may not be on campus without specific, written permission of the Assistant Vice President for Student Services or designee. Notification of expulsion will normally be sent to parents/guardians, as it results in a change in good standing status.

³ A student is not in good standing when the student has been found responsible for a student conduct policy violation and as a result is serving a sanction of probation, suspension, or expulsion. Students employed as a Resident Assistant or First Year Guide must be in and remain in good standing throughout their employment.

The following sanctions, among others, may be imposed upon student groups or organizations:

- **Deactivation:** Loss of privileges, including University recognition, for a specified period of time.

More than one of the above sanctions listed may be imposed for any single violation. Other than University expulsion, disciplinary sanctions shall not be made part of the student's academic transcript but will become part of the student's permanent record. A student's permanent record is subject to review only by those authorized to request it, such as transfer higher-education institutions and future employers and in other cases when the student initiates the disclosure.

ii. Employee Sanctions

Sanctions may include, but are not limited to, the following:

- **Verbal Warning:** An in-person meeting with the Title IX Coordinator, the Respondent's supervisor or other appropriate administrator, to discuss behavioral expectations and standards for University community members.
- **Written Warning:** Notice, in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
- **Educational Requirements:** Completion of training, projects, programs, or requirements designed to help the employee manage behavior and understand why it was inappropriate. Includes appropriate and relevant community service opportunities.
- **Suspension:** Exclusion from University premises, attending classes, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Notice of this action will remain in the employee's file. Conditions for return to work may be specified in the suspension notice.
- **Termination:** Permanent termination of employment status and exclusion from University premises, privileges, and activities. This action will be permanently recorded in the employee's file.
- **Other discipline** may be imposed instead of, or in addition to, those specified above. More than one of the disciplinary outcomes listed above may be imposed for any single violation.

i. APPEALS

Each party may appeal the dismissal of a Formal Complaint or any included allegations and/or a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) calendar days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the institution's own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; • The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the University will as soon as practicable notify the other party in writing of the appeal, however the time for appeal will be offered equitably to all parties and will not be extended for any party solely because the other party filed an appeal.

Appeals for matters involving student Respondents will be decided by the Vice President for Enrollment Management and Student Affairs; appeals for matters involving staff Respondents will be decided by the Vice President for Finance and Administration, and appeals for matters involving faculty Respondents will be decided by the Vice President for Academic Affairs. Appeal Officers are free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or on the Hearing Body in the same matter.

Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

XVIII. OBLIGATION TO PROVIDE TRUTHFUL INFORMATION

All University community members are expected to provide truthful information in any report or proceeding under this Policy. Knowingly submitting or providing false or misleading information in connection with an alleged Policy violation is prohibited and subject to disciplinary sanctions. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not ultimately substantiated. Nor should a finding of policy violation, alone, be used to support a complaint that that Respondent lied in the resolution process.

XIX. STATEMENT OF ACADEMIC FREEDOM

The free expression and study of ideas are essential to the pursuit of a higher education. At

times, it will be necessary to consider ideas that some community members may find unpleasant or offensive, for the simple reason that offensive ideas are part of our history and culture. All University community members must be empowered to discuss any topic or idea that is germane to the subject at hand, while at the same time acting as good citizens and participants in a shared endeavor with people of all political and social worldviews and with varied backgrounds. This calls for honest discussion, the asking of questions to clear up misconceptions, and a search for the universal growing from careful examination of the specific contexts of studied works. It calls for treating other community members as human beings with individual sets of experiences and opinions, treating them with dignity, but also extending to them the respect not only of their experiences and opinions, but also of their intellectual curiosity and resilience.

Additionally, this Policy adopts the Statement of Academic Freedom found in the University's Faculty Handbook. Speech that meets the policy definition of sexual harassment, above, is not protected by academic freedom or free speech rights.

XX. Recordkeeping

University of the Arts will maintain for a period of [at least] seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the University of the Arts's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. University of the Arts will make these training materials publicly available on University of the Arts' website. (Note: If the University of the Arts does not maintain a website, the University of the Arts must make these materials available upon request for inspection by members of the public.); and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
8. The basis for all conclusions that the response was not deliberately indifferent;
9. Any measures designed to restore or preserve equal access to the University of the Arts's education program or activity; and
10. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

University of the Arts will also maintain any and all records in accordance with state and federal laws.

XXI. Disabilities Accommodations in the Resolution Process

University of the Arts is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University of the Arts' resolution process.

Anyone needing such accommodations or support should contact the Director of Educational Accessibility or AVP for Human Resources, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

XXII. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The University of the Arts reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.


If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws or regulations or court holdings.


This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally. This Policy and procedures are effective August 14, 2020.

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