

Model Student Conduct Code

2025 Version



Key Changes

Removal of Title IX regs

Optional inclusion of some Definitions

Return to “Sexual Misconduct” and “Sexual Harassment”

Addition of “Unauthorized Recording”

Options for procuring witnesses and advisors for respondents

Addition of language from Stop Campus Hazing Act (SCHA)

Definitions

COMPLAINANT

- Consider whether to include it for non-Title IX sexual misconduct
- Consider FERPA implications and discuss with assigned AAG
 - Crimes of violence and non-forcible sex offense exception

PREGNANCY AND STUDENT EMPLOYEES

- Consider where this may come up in your conduct code, if at all
- Consider confusion around discipline for student employees

Sexual Misconduct and Sexual Harassment

Removal of language
from 2024 Title IX –
Sex-based harassment

Slight change in NIBRS
definition –
fondling is now
criminal sexual contact

Possible Addition Unauthorized Recording

Unauthorized recording. The following conduct is prohibited:

- (a) Making audio, video, digital recordings, live streams, or photographic images of a person without that person's consent in a location where that person has a reasonable expectation of privacy (e.g., counseling center, restroom or residence hall room or hallway).
- (b) Storing, sharing, publishing, or otherwise distributing such recordings or images by any means.
- (c) The recording of instructional content without the express permission of the instructor(s), unless approved as a disability accommodation.

Student Conduct Hearings

- How to procure witnesses
- Use of advisors





Stop Campus Hazing Act

Stop Campus Hazing Act

Signed into law by President Biden on December 23, 2024.

- Amends Jeanne Clery Campus Safety Act
- Three primary components:
 - Inclusion of hazing stats in ASR
 - Requires hazing policy
 - Requires hazing transparency report

College must publish:

1. Hazing Definition
2. How to report, investigation, and review processes
3. Prevention and awareness programs
4. Transparency report



Stop Campus Hazing Act

- 20 U.S.C. 1092
- Adds federal definition to list of mandatory reporting items in ASR
- Requires publication of hazing policy statements
- Requires publication of hazing transparency report



SCHA Hazing Definition



20 U.S.C. 1092(f)(6)(A) –

The term ‘hazing’, for purposes of reporting statistics on hazing incidents under paragraph (1)(F)(iv), means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that

- (1) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- (2) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including
 - (aa) whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity
 - (bb) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - (cc) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 - (dd) causing, coercing, or otherwise inducing another person to perform sexual acts;
 - (ee) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
 - (ff) any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
 - (gg) any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.”



Sam's Law (WA)

Any act committed as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student or other person attending a public . . . institution of higher education . . . in this state, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. "Hazing" does not include customary athletic events or other similar contests or competitions.





Thank you

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