



# SJNY STUDENT HANDBOOK

St. Joseph's  
University  
NEW YORK



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LONG ISLAND • BROOKLYN • ONLINE



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# I. INTRODUCTION

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The St. Joseph's University, New York Student Handbook is a resource and reference guide to University operations, policies, guidelines and regulations. The handbook supplements the University's catalog as a source of additional information about St. Joseph's University. It is not intended to serve as a complete source of University requirements and policies, and it does not contain a complete listing of all programs and services. Students enrolled at St. Joseph's agree to comply with the University's rules and regulations. While every effort is made to provide accurate and current information, the University reserves the right to change, without notice, statements concerning rules, policies, fees, curricula, courses, calendar and other matters.

## II. GREETING FROM THE VICE PRESIDENT FOR STUDENT LIFE AND CAMPUS SERVICES

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Welcome to St. Joseph's University, New York! It is my pleasure to be among the first to introduce you to all the wonderful and exciting opportunities that you now have access to here at SJNY. You will quickly find that student success is at the forefront of all the services we provide and that the entire University community is looking forward to assist you.

We hope that you will find this Student Handbook helpful and that you refer to it often as it contains important contact information, answers many of the basic questions students ask, and guides you through policies and procedures developed for the well-being of all.

SJNY is truly a special place and it is my sincere hope that you will take advantage of every opportunity provided to you to learn and grow. Please feel free to visit the Office of Student Involvement, Leadership and Intercultural Engagement, as our team looks forward to providing you the support, resources and engagement needed to ensure you achieve your academic and extracurricular goals.

Best Wishes,

Shantey Hill  
Vice President for Student Life and Campus Services

## Mission and Goals of the University

The mission of St. Joseph's University, New York is to provide a strong academic and value-oriented education at the undergraduate and graduate levels, rooted in a liberal arts tradition that supports provision for career preparation and enhancement. The University aims in this way to prepare each student for a life characterized by integrity, intellectual rigor, spiritual depth, social responsibility, and service — a life that is worthy of the University's motto, *Esse non videri* — "To be, not to seem."

Independent and coeducational, St. Joseph's University provides affordable private education that serves a diverse population of academically eligible students.

St. Joseph's University affirms the dignity, freedom and inherent value of each person. This affirmation is realized through a student-centered environment wherein the faculty's primary commitment is to excellence in teaching. In this open, supportive atmosphere, students are challenged to develop their full potential and are encouraged to acquire a spirit of inquiry and a joy in learning.

To accomplish this mission, St. Joseph's University has established the following goals:

- Offer curricula that foster the knowledge and intellectual skills associated with the liberally educated person.
- Encourage students to develop personal value systems and responsible self-direction.
- Foster committed participation in the local and global communities.
- Help students develop as whole persons by providing individual attention, interactive teaching and opportunities for active participation in academic and extracurricular programs.
- Prepare students for their careers by offering the necessary professional and pre-professional education.
- Provide for the needs of a diversified student population with varied educational and professional experiences.
- Foster an environment of openness to the exploration and understanding of diverse ideas, traditions and cultures.
- Support educational programs and services that will contribute to the vitality of the communities served by our Brooklyn and Long Island campuses.

## University History

St. Joseph's College for Women, as it was then known, was founded by the Sisters of St. Joseph of Brentwood, in response to the need for a day college for young women. In order to receive a charter from New York state in a time when there were anti-Catholic sentiments and women did not have influence, the Sisters established a Board of Trustees as the governing structure. St. Joseph's received its provisional charter from the Regents of the University of the State of New York on Feb. 24, 1916.

From its earliest days, St. Joseph's articulated its mission reflecting the mission of the Sisters of St. Joseph to foster unity through love of God and neighbor without distinction. So from its inception, the University was committed to academic quality, value orientation and career preparation. These values, coupled with the gift of the original buildings by the Sisters of St. Joseph, along with their leadership, brought early success. St. Joseph's quickly outgrew its original facilities at 286 Washington Ave. In 1918, the University moved to its present site at 245 Clinton Ave., and the first baccalaureate degrees were conferred on 12 graduates on

June 17, 1920. St. Joseph's was accredited in 1928 by the Commission on Higher Education of the Middle States Association of Universitys and Secondary Schools. The Regents granted St. Joseph's an Absolute Charter in 1929. Msgr. William T. Dillon, J.D., professor of philosophy, who served as dean of the University and later its president, guided its growth during the significant years that followed.

Under the visionary leadership of Msgr. Dillon, the University placed great emphasis on the holistic development of each student, encouraging personal independence and integrity. This student-centered culture continues to characterize St. Joseph's. Academically, St. Joseph's pioneered in the study of child development, and in 1934 opened a laboratory pre-school, now the renowned Dillon Child Study Center.

With a reputation for strong academic programs and a faculty dedicated to excellence in teaching, the University undertook its first extensive building program during the presidency of Sister Vincent Therese Tuohy. McEntegart Hall Library opened in 1965 and the present home of the Dillon Child Study Center opened in 1968.

S. George Aquin O'Connor's presidency, 1969-1997, coincided with a period of radical change in higher education. Faithful to the tradition of the Sisters of St. Joseph to meet the needs of the neighborhood and aware of new societal needs, St. Joseph's admitted men to full matriculation; established the Suffolk Campus in Patchogue, Long Island; created the School of Professional and Graduate Studies for adult students; and introduced undergraduate programs in accounting, business, nursing and health professions, and a master's program in child study. In support of these programs and for the enrichment of student life at the Long Island Campus, the Callahan Library was constructed in 1988 and the Danzi Athletic Center opened in 1997.

S. Elizabeth A. Hill '64, C.S.J., J.D., president from 1997-2014, emphasized the importance of both continuity and change. The continuity always reflected the founding values of academic excellence, career preparation and enhancement, respect and exploration of diversity, and participation in local and global communities. Undergraduate programs continued to grow even as St. Joseph's introduced new master's programs in management, business administration, literacy, nursing, special education, human resource management, hospitality and tourism management, and an M.F.A. in creative writing. Reflecting the digital world in which we live, all University classrooms were equipped with the latest technological support, and the two campuses were connected with videoconferencing, enabling a number of courses to be taught simultaneously on both campuses.

At the Long Island Campus, the Business Technology Center opened in 2002 and a 25-acre Outdoor Field Complex was added in 2012. At the Brooklyn Campus, the purchase of the St. Angela Hall property in 2001 made possible major renovations in the University's landmark-status buildings, and ground was broken for The Hill Center in August 2012.

Jack P. Calareso, Ph.D., president from 2014-2017, was the first layman to serve as president of St. Joseph's. As the institution reached its centennial, a renewed commitment to its mission, vision and values prepared the path for the century ahead. A new strategic plan was created, from which arose the following: the Office of Marketing and Communication, additional new academic programs and a fully online division of St. Joseph's, initially called SJC Online. A redesigned website was launched to serve the new tripartite model: Brooklyn, Long Island and Online. The Hill Center, completed in 2014, was awarded the 2015 Building Brooklyn Award and earned LEED Gold certification in 2016.

Donald R. Boomgaarden, Ph.D., the eighth president of St. Joseph's University, most recently served as the provost and senior vice president for academic affairs at the University of Scranton in Scranton, Pennsylvania. Previously, he was the dean of the University of Music and Fine Arts and David P. Swanzy Distinguished Professor of Music at Loyola University New Orleans, the only University devoted solely to the performing arts in the entire 28-university Jesuit system. Dr. Boomgaarden is committed to the unique mission of St. Joseph's and engaged the entire University community in drafting a strategic plan entitled "Living Our Mission" to advance the University's standing as a dynamic institution committed to academic excellence linked to promoting a values-oriented education. Integral to this plan is the awareness and understanding of the core values flowing from the foundation of the University by the Sisters of St. Joseph. Moreover, Dr. Boomgaarden oversaw St. Joseph's designation change to become St. Joseph's University. In what was a historic moment for the institution, the New York State Regents, along with the New York State Department of Education, officially granted St. Joseph's university status in April 2022.



# III. ADMINISTRATIVE OFFICES AND SERVICES

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The following offices play a vital role in your life as a student. These offices and services are here to assist you and facilitate your success at St. Joseph's University.

## Offices of the Executive Deans for Academic Affairs

[Click here for the Brooklyn Campus](#)

[Click here for the Long Island Campus](#)

## Academic Advisement

The advising relationship is essential for students' academic success and persistence to graduation. Each student is assigned a faculty adviser in their department of interest who will help with course planning, departmental requirements and planning for educational and career goals. Students can also meet with an adviser in the Academic Advisement Center.

Services include help with choosing courses; planning future courses; understanding the core curriculum; understanding the majors, minors, and certificates; using the E-Advising process and WebAdvisor for registration; registering for classes; and being on target for graduation.

[Click here for the Brooklyn Campus](#)

[Click here for the Long Island Campus](#)

## The Academic Center — Brooklyn

The Academic Center is a resource for students seeking help in every aspect of writing. Our professional tutors provide expertise and individual assistance on all the fundamentals of writing, from planning and drafting to editing and revising assignments. Tutors are also available for a variety of academic subjects.

[Click here](#) to make an appointment.

Services: Free tutoring in writing skills, accounting and most other subjects.

[Click here](#) for more information about the Academic Center at the Brooklyn Campus.

## Office for Tutoring and Academic Development — Long Island

The Office for Tutoring and Academic Development is a free peer tutoring service that is offered to all St. Joseph's students and alumni. The office provides help for students to discover their strengths, improve upon their weaknesses, manage their workloads, and handle stress. [Click here](#) to make an appointment.

Services: Tutoring, mentoring, and special needs accommodations.

[Click here](#) for more information about the Office for Tutoring and Academic Development at the Long Island Campus.

## Admissions and Enrollment Services

The Office of Admissions assists new students with the admissions and enrollment process for undergraduate and graduate programs at St. Joseph's University. New transfer students may contact the office if they have questions about transfer credits.

[Click here](#) for more information about admissions at the Brooklyn Campus.

[Click here](#) for more information about admissions at the Long Island Campus.

## **Athletics Department**

The Athletics Department coordinates all extracurricular sports, including intercollegiate, intramural, and recreational sport activities.

[Click here](#) for more information about athletics at the Brooklyn Campus.

[Click here](#) for more information about athletics at the Long Island Campus.

## **Bursar's Office**

The office is responsible for collecting tuition and fees from all registered students. Bills are sent electronically to students and payments can be made online through the Student Portal/Financial Information page. Bills are due by the first day of classes. Cash, checks, money orders and credit card (VISA, MasterCard, Discover) payments are accepted online, in person and by mail. The office also addresses student account inquiries.

[Click here](#) for more information about the Bursar's Office.

## **Campus Ministry**

Campus Ministry seeks to instill the University's core values of integrity, service, social responsibility, intellectual and spiritual values in order to further the development of students, faculty and staff. Through community outreach and reverence for the sacred, Campus Ministry participates in the creation of a world based on respect and dignity for all.

[Click here](#) for more information on Campus Ministry at the Brooklyn Campus.

[Click here](#) for more information on Campus Ministry at the Long Island Campus.

## **Human Resources**

Human Resources is responsible for salary and benefits administration. This office is also responsible for supporting employment, training, employee relations and safety, and for serving as a source of information.

[Click here](#) for more information on Human Resources.

## **Office of Career Preparation and Professional Development**

The office assists students and alumni in exploring major program and career options, and clarifying and attaining career goals. Students receive assistance in interviewing and in writing a resume, cover letter and personal statement.

[Click here](#) for more information.

## **Center for English Language and Culture: The ACES Program at the Brooklyn Campus**

The English Language and Culture Center: ACES Program is located in the Marygrace Calhoun Dunn Center. Students in the ACES Program take an advanced reading and writing course that guarantees the English skills and confidence needed for success in University and beyond. ACES offers fantastic cultural opportunities and events that are just for fun and provides additional academic support from experienced professors. ACES also helps with career counseling and admission to graduate school.

[Click here](#) for more information on the ACES Program.

## **Council for the Arts**

The Council for the Arts seeks to create and foster an appreciation and enjoyment of the visual and performing arts. Its goal is to develop in the students of St. Joseph's University — and in the larger community — an enduring love of the arts that will encourage active involvement either as participants or as informed spectators.

[Click here](#) for more information on the Council for the Arts at the Brooklyn Campus.

[Click here](#) for more information on the Council for the Arts at the Long Island Campus.

## **Counseling and Wellness Services/Health Services/Immunization Record**

The office provides personal counseling and promotes overall wellness to address the needs of the student population. Students may seek help for a variety of reasons, including stress due to academic or personal problems, anxiety, depression, loneliness, relationship problems, family problems, bereavement, loss, trauma, abuse, alcohol or drug problems, eating disorders and much more. The nurse provides emergency responses to accidents and/or injuries involving any person on the campus. These services are all confidential and not part of the academic school record.

*Immunization Records:* New York state law requires that all students registered for six or more credits, born after 1956, prove immunity to measles, mumps and rubella. Students who do not comply with mandatory requirements will not be allowed to attend classes or participate in co-curricular activities.

*Services:* Individual and group counseling; crisis intervention; workshops; wellness events, information on a wide variety of health and wellness topics; blood pressure screening; flu-shots; blood glucose screening; and over-the-counter (OTC) medications.

[Click here](#) for more information on Counseling and Wellness Services/Health Services/Immunization Records at the Brooklyn Campus.

[Click here](#) for more information on Counseling and Wellness Services/Health Services/Immunization Records at the Long Island Campus.

## **Financial Aid Office**

The Financial Aid Office assists students in assessing their financial needs and with exploring all resources available to meet their educational costs. Federal, state and institutional grant programs, as well as loans and work-study jobs, are administered through this office. Financial Aid counselors are available to provide information on available aid programs and application procedures. All information is strictly confidential.

[Click here](#) for more information on Financial Aid.

## **Global Studies**

The office provides opportunities for students in all divisions to have a global learning experience that extends beyond the classroom. The office collaborates with faculty and other institutions, in order to provide short-term programs of one month or less, where students can earn degree credit for courses, taught partially or entirely, in another country. The office provides information, counseling and contacts for students who desire to spend a semester or more at a foreign University or university.

[Click here](#) for more information on Global Studies.

## **Institutional Advancement**

St. Joseph's University, New York's Office of Institutional Advancement integrates the many branches of external affairs, alumni engagement and development to expand the recognition, reputation and financial support of the University. Institutional Advancement supports the University's mission and strategic priorities by implementing funding strategies. Working closely with alumni, friends, corporations and foundations to build long-term partnerships and grow financial support for the institution.

[Click here](#) for more information about Institutional Advancement.

## **Alumni Engagement**

As a future member of the SJNY Alumni Association, students receive many opportunities and benefits. Students have access to several offerings from the Office of Alumni Engagement, including multiple alumni events, a webinar series and the online community. SJNY Connect has opportunities to connect with alumni volunteers who are willing to help, discover career opportunities, find alumni mentors through the mentoring program and much more.

[Click here](#) for more information about Alumni Engagement.

## **Institutional Research and Planning**

The major functions of the office are to assist University administration in designing and implementing a plan to assess institutional effectiveness; serve as chief reporting official for federal/state and other external agents; work with University offices and IT to maintain data quality, provide longitudinal data and data analysis; design, develop and execute internal research projects to support the University mission, planning objectives and decision-making; provide information services to meet the needs of campus constituents and support teaching and learning assessment activities; administer surveys for data collection, analysis, and reporting; coordinate research efforts and assist in reporting research findings in the University.

## **Information Technology Services (ITS)/Tech Help**

The Information Technology Department of St. Joseph's University provides computer and telecom support for current students, faculty, and staff of St. Joseph's University. The IT Helpdesk is the first line of technical support to students, faculty, and staff at St. Joseph's University. The Web presence of the IT department has been organized with the goal of distributing frequently requested up-to-date information in a user-friendly layout, while seeking to expand the knowledge base with quality improvements. Their web pages will answer your technical questions, provide links to services, and provide updates on crucial technology developments.

[Click here](#) for more information on IT services.

## **International Student Services — Brooklyn**

International Student Services serves as a resource for immigration-related needs, providing advisement and documentation services, as well as information regarding visas, employment and travel.

[Click here](#) for more information on International Student Services.

## Library Resources

The SJNY libraries are open to current students, faculty and staff who present a valid SJNY ID card upon entry. Hours of access are posted on the library calendars. The SJNY libraries support the academic pursuits of all students and faculty, through quality service and the timely acquisition of varied types of materials pertinent to the overall University curriculum. Current holdings include books, journals, videos, DVDs, audiotapes and more. A curriculum collection, relevant to teaching, is maintained and updated on a regular basis. Patrons have access to the internet and numerous online academic databases. A fully automated library system, Endeavor, ensures the efficient retrieval and management of all library resources.

[Click here](#) for more information on library services at the Brooklyn Campus.

[Click here](#) for more information on library services at the Long Island Campus.

## Registrar's Office

The Registrar's office is responsible for maintaining the academic records of all students. The office issues transcripts, schedules courses and final exams, and provides the following services:

- **Grades:** Final grades are available through Web Advisor at the end of each semester, while students remain in attendance at the University. Students who believe that there is an error on the report (e.g. in grades, credits, etc.) should bring this to the attention of the Registrar, who will check and correct any verified error. If there does not seem to be an error, the student is notified and advised to contact the faculty member directly. If the faculty changes the grade and submits a Change of Grade Form, the Registrar corrects the transcript.  
Students who want an incomplete grade should meet with the course professor. If the professor agrees to allow the student extended time to submit coursework, the professor should speak with the academic dean.
- **Graduation:** Students can complete a Graduation Application on-line through WebAdvisor. Once the Graduation Application is submitted, a Graduation Audit is generated by the Registrar and emailed directly to the student's sjny.edu address.
- **Transcripts:** Current and former students can click here to access information on requesting an official transcript.
- **Verification Letter for Enrollment:** Students can request a Verification Letter on-line through WebAdvisor.

[Click here](#) for more information about the Registrar's Office.

## Security

Campus safety is a cooperative effort. St. Joseph's University takes every step to ensure that its two campuses are as safe as possible for students, faculty and staff. In addition to their role in keeping the University's two campuses safe and secure, SJNY Security Officers are certified to assist in medical emergencies and have access to portable defibrillators for emergency situations. Security personnel are located in all campus buildings. They provide emergency medical response, campus safety, directions, escorts to vehicles or transportation (on request), and parking lot surveillance.

[Click here](#) for more information on Campus Security at the Brooklyn Campus.

Contact security directly by calling 718.940.5741 or 646.208.4597 (24-hour hotline) or dial "6" from any campus phone.

[Click here](#) for more information on Campus Security at the Long Island Campus. Contact security directly by calling 631.687.2424 (24-hour hotline) or dial "3" from any campus phone or use any Blue Call Box.

### **Student Accessibility Services**

The goal of Student Accessibility Services, with regard to students with disabilities, is to equalize opportunities by supporting educational development and ensuring appropriate accommodations are provided. The office is committed to serving and empowering our students in becoming their own best advocates.

[Click here](#) for more information regarding Student Accessibility Services at the Brooklyn Campus.

[Click here](#) for more information regarding Student Accessibility Services at the Long Island Campus.

### **Student Involvement, Leadership and Intercultural Engagement**

The Office of Student Involvement, Leadership and Intercultural Engagement provides leadership development and personal growth experiences to students who choose to become involved in a balanced co-curricular life at the University. This office works closely with the Student Government Association, the Campus Activities Board, clubs and organizations, Greek Life, student publications, and faculty to schedule, plan, and coordinate activities.

[Click here](#) for more information regarding Student Involvement, Leadership and Intercultural Engagement at the Brooklyn Campus.

[Click here](#) for more information regarding Student Involvement, Leadership and Intercultural Engagement at the Long Island Campus.

### **Vice President for Student Life and Campus Services**

The vice president for Student Life and Campus Services is responsible for the planning, development, coordination and supervision of programs, services and activities outside the classroom. The vice president for Student Life provides leadership to the following offices: Athletics; Campus Services; the Office of Student Leadership and Involvement, which includes Orientation Programs and the Student Leadership Experience (SLE); Off-Campus Housing, Campus Ministry; Career Development; Counseling and Health Services; Multicultural Student Life; International Student Services; Judicial Affairs; First Year Experience; the Student Government Association; and the Council for the Arts.

[Click here](#) for more information on campus life at St. Joseph's University.

### **Veterans Services/Office of the Executive Dean**

The office supports, assists and advocates for military-connected students, dependents and their families from admission to career services and beyond. Significant programs and resources are provided that empower military-connected students to achieve academic success. The office endeavors to create a seamless transition to civilian life and to the University campus environment.

[Click here](#) for more information on veterans services.

## IV. IMPORTANT THINGS TO KNOW

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The following information is useful and can serve as a resource for you during your time here at St. Joseph's University.

### **Academic Advisement and Programming**

During freshman year, all students are assigned to an academic adviser from their major field if that is known, or an exploratory adviser if the major is unspecified. Freshmen meet their advisers several times during the year to discuss academic and career goals and to consult regarding their choice of courses at registration. Once students have declared a major, the chair of the major department becomes their chief academic adviser.

### **Academic Policies and Information**

The University catalog, found online on the University Website and the University Portal, contains information on all academic policies. Students are responsible for knowing the important information contained in the catalog, particularly information dealing with requirements for majors and completion of degree requirements. More information regarding academic policies is located in the catalogue, under Academic Life, Academic Policies:

[Click here](#) for more information about academic policies related to the Brooklyn Campus.

[Click here](#) for more information about academic policies related to the Long Island Campus.

[Click here](#) for more information about academic policies related to graduate school at SJNY.

### **Book Store**

The University has contracted with Barnes & Noble bookstore to provide books, school supplies, University-logo clothing and related items for students, faculty and staff. New and used textbooks are available. Check bulletin boards for posted hours. Long Island's bookstore is located in O'Connor Hall, first floor.

[Click here](#) for more information about the Long Island Campus' bookstore.

### **Bulletin Boards/Message Boards**

All material to be posted must be reviewed and approved by the office of Student Involvement and Leadership. Any unauthorized material may be removed from any bulletin board. SGA notices, announcements of meetings, club activities, dances, class business and cultural activities happening in the areas near the University's two physical campuses in Clinton Hill, Brooklyn, and Patchogue, Long Island, are posted on message boards located in buildings across the campuses.

- Posters — All posters and flyers must be approved and stamped by Student Life. Post only in designated areas on bulletin boards. Please remove all promotional materials immediately after an event. Posters that are not approved or displayed in unauthorized locations will be removed. Event posters should be removed within one business day after the event by the person responsible for the event.
- SJNY Engage — SJNY Engage is the online counterpart to the Office of Student Involvement, Leadership and Intercultural Engagement. Powered by CampusLabs®, SJNY Engage's online platform offers clubs and organizations individualized web pages, where they can keep club rosters and post events, pictures and news items. Students can browse SJNY Engage to find exciting new programs, organizations and events across the campuses. The Student Government Association also uses the software to digitize their forms, applications and other paperwork. [Click here](#) to explore SJNY Engage.

## **Calendar of Events**

The Office of Student Involvement, Leadership and Intercultural Engagement maintains the official Calendar of Events. “This Week at SJNY” is sent out to the University community. Calendar information can also be found on the SJNY website and on the Portal.

[Click here](#) to review the calendar of events at the Brooklyn Campus.

[Click here](#) to review the calendar of events at the Long Island Campus.

## **Children on Campus During Class Hours**

Students are not permitted to bring children to campus while students are in class. Campus security has been instructed to ask children who are in University buildings for their names to ensure that this policy is enforced.

## **Common Hour**

Each weekday from 12:40-1:35 p.m., time has been reserved for programs of general student interest or for club meetings. No classes are scheduled during this hour so that all students are able to participate.

## **University Directory**

All office, staff, and faculty contact information can be located via the [University’s online directory](#).

## **Dining Service/Cafeteria**

Eating and drinking are restricted to the cafeterias and lounges in each building. Food is not allowed in classrooms.

At the Brooklyn Campus, the cafeteria is located on the lower level of McEntegart Hall. It is open during class hours, and it is operated by an independent contractor. Catering arrangements may be made directly with the operator or with an outside vendor. Approval of the vice president for Student Life is required if a contract is involved. Vending machines are available in the cafeteria and in student lounges.

At the Long Island Campus, food service is provided on campus by Sequoia Dining Services. The Golden Eagles Nest cafeteria, located on the first floor of O’Connor Hall and the Golden Eagles Perch Café on the third floor of O’Connor Hall offer a variety of beverages and foods, made and baked fresh on the premises.

## **Email (Student)**

All matriculated students are given an SJNY email address. Because a student’s name and user ID are included in each email message, the student is responsible for all electronic mail originating from their user ID. It is important for all SJNY students to practice responsible and ethical behavior in their computing activities.

## **Graduation Information**

[Click here](#) for information regarding graduation requirements and other graduation information.

## **Health Insurance**

[Click here](#) for information on resources for student health insurance.

## **Identification Cards**

Each student enrolled in the University must carry an ID card, which should be presented to Campus Security when entering buildings. A valid ID is needed to access the library, as well as for general purposes of identification. Lost IDs should be reported immediately to the Office of Student Involvement and Leadership; a replacement will be issued at a charge of \$15.00.



## **Lost and Found**

If you've lost something while on one of our campuses, you can check the Lost and Found at the security desk in the building. Students are encouraged to use lockers. Personal property should not be left unattended.

## **Residential Student Housing at the St. George Residence – Brooklyn**

Offered through Educational Housing Services, the University leases residential space at the St. George/Clark in Brooklyn Heights. For more information about off-campus housing at the Brooklyn Campus, go to the [Office of Student Involvement, Leadership and Intercultural Engagement](#).

## **Room Scheduling**

All room requests for student meetings, lectures, events, etc. are made through the ASTRA scheduling system. For more information, consult the Office of Student Involvement, Leadership and Intercultural Engagement.

## **SJNY Mobile App**

Stay connected to SJNY; access your courses and grades; and get information about registration dates, student accounts and class cancellations via your mobile device. Search for SJNY on your device's App Store.

## **Student Lounges**

Brooklyn Campus: The following areas have been designated for student use for relaxation, studying, small meetings and socializing: Tuohy Hall Student Lounge, the Bear Cave, SAH Cantina Memorial Courtyard, McEntegart Hall cafeteria and Bear's Den Lounge and the Military and Veteran Students Lounge.

Long Island Campus: Student Lounge located on the second floor O'Connor Hall. It contains vending machines, charging stations, a print kiosk and a flat screen.

**Student Government Association (SGA)** represents all students who pay the prescribed student activity fee. It is vested with all powers granted by the faculty to the student body. The Student Government Association elects its four officers: President, Vice President, Secretary and Treasurer. A Parliamentarian is appointed. The governing structure of the SGA consists of three distinct areas: legislative, executive and judicial. The offices of the Student Government Association are located in the Office for Student Involvement, Leadership and Intercultural Engagement.

- **Student Government Association Executive Board** is the executive branch of the Student Government Association. It is composed of the five SGA officers and the Campus Activities Board Program Director. The Executive Board proposes and initiates legislation; administers all legislation authorized by the Student Senate; coordinates all activities not under the jurisdiction of clubs, committees and organizations; acts in a representative capacity whenever student representation is necessary; and authorizes and supervises the expenditure of any student funds that remain in the SGA account at the end of the academic year.
- **Student Senate is composed of the SGA** officers; officers of the Campus Activities Board; class representatives and one representative from each club or organization. It is the legislative branch of the student community that admits new organizations to the Student Government Association; approves constitutions of all clubs and committees under its jurisdiction; elects or appoints students to various committees; legislates in general concerning student activities. Minutes of meetings are available in the Office for Student Involvement and Leadership in Tuohy Hall.
- **The University Hearing Panel** is the judicial branch of the Student Government Association. The panel is composed of the president of the SGA, two students elected by the student senate, two faculty members elected by the faculty, and the executive director of Student Life. This committee will review unresolved student disciplinary complaints of a non-academic nature. Violations of the Gender-Based Misconduct Policy are adjudicated, according to procedures outlined in that policy.
- **The Campus Activities Board (C.A.B.)** plans, coordinates and carries out events and programs on behalf of the student community. The Campus Activities Board consists of five officers: program director, three events coordinators, and a publicity coordinator. C.A.B. works directly with clubs to provide leadership and direction to all activities. In addition, C.A.B. has its own staff to assist with their events.
- **Class Representatives are the spokesperson(s)** for their respective classes. In addition to representing the opinions of their classmates and serving on the Budget Committee, they have the responsibility of planning and implementing activities associated with their class.

[Click here](#) for further information on the SGA at the Brooklyn Campus.

[Click here](#) for further information on the SGA at the Long Island Campus.

### **Suggestion Box**

Questions, comments, concerns and suggestions submitted through the SJNY Virtual Suggestion Box are used to identify issues important to students. Items are shared with leadership for response and action. The form can be found on the [MySJNY Portal](#).

### **Tech Help**

[Click here](#) for help from IT services.

### **Use of University Facilities**

All extra-curricular activities must be scheduled through the Office of Student Involvement, Leadership and Intercultural Engagement. No student or group of students may use University facilities after class hours unless a moderator, coach or faculty member is present.

### **Use of the Name of the University**

Students of St. Joseph's University, whether individually or collectively, shall not, without written consent of the proper authorities, use the name of St. Joseph's University or any of its units in any activity whatsoever outside of the regular work of the school. Violation of this rule is regarded as sufficient cause for appropriate disciplinary action up to and including dismissal.

# V. CAMPUS SAFETY INFORMATION

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The health and safety of all our students, faculty, staff and guests are of paramount concern at St. Joseph's University. Campus safety is a cooperative effort, and the University takes every step to ensure that its two campuses are as safe as possible for students, faculty and staff. Help is always needed to maintain this secure atmosphere. By reading the information contained in these pages, you are doing your part in making SJNY a safe and secure University campus.

## **BROOKLYN SAFETY INFORMATION**

### **Brooklyn Emergency Procedures**

Call 911 (9+911 from a campus phone) in an actual emergency, then call security. Our 24-hour number is 646.208.4597 • You can also dial "6" on any campus phone to reach security.

### **Building Evacuations:**

A building may be evacuated for many reasons:

- Please always know where the nearest exits are and be aware of any posted evacuation procedures BEFORE there is an emergency, and remember to follow emergency exit sign arrows.
- Always take the fastest, safest, most direct route that brings you away from smoke, fumes or any other danger.
- Always assemble with your group or class if you are in one, to avoid first responders risking their lives to search for you — except if you are in an active shooter scenario.

### **Fire Emergencies:**

- Pull any fire alarm from a safe location in the immediate area as you exit the building.
- Call 911 even if an alarm has been triggered.
- Alert people in the area ONLY if you can do so safely, you can't help others if you are injured.
- Always feel a door towards the top, if not hot THEN, with the back of your hand, feel the doorknob for heat before you open it (you can't open other doors with a burnt palm).
- Never use an elevator unless directed to do so by the fire department.
- Follow posted directions or the arrows on exit signs and exit using the fastest, safe route.
- If you encounter smoke while escaping, crawl or get as low as you can. The cleanest air will be within one to two feet from the floor. If the main exit is blocked by fire or smoke, you should use an alternate route. If this is not feasible, go back in the classroom to wait for rescue.

### **If You Can't Escape:**

- Close all doors between you and the fire.
- Try to seal cracks around doors to keep the smoke out.
- While waiting for rescuers, signal from a window by hanging an article of clothing out the window, opening the window as briefly as possible to avoid drawing the fire to the fresh air.

### **Gas or Carbon Monoxide Leak:**

- Pull any fire alarm from a safe location in the immediate area as you exit the building. Turn off emergency gas switches as you exit — ONLY IF SAFELY possible.
- If you witness a person unconscious, DO NOT ENTER the room. Getting first responders to that location is the best thing you can do.

### **Electrical:**

- ONLY IF YOU CAN DO SO SAFELY, turn off affected device lights/power using a non-conductive item (wood, rubber, etc.) to flip the switch.
- If a person is being electrocuted use a long, nonconductive item (wood mop handle, fiberglass ladder, etc.) to knock them free ONLY IF SAFELY possible. Never walk in water or other liquids or on metal if at all possible.

### **ALL EVACUATIONS, EXCEPT ACTIVE SHOOTER**

Meet with your class or office in either The Hill Center gymnasium or Tuohy Hall's auditorium. You will be directed what to do next by security and other competent authorities.

### **Helping the disabled evacuate:**

Please help any disabled or handicapped persons evacuate in any of the above scenarios. Make sure anyone with hearing loss sees that there is a reason to leave. The University tries not to schedule people with severe mobility issues in classes on floors that are not accessible without an elevator, but if someone is in a lower or upper level, the following information is important to know. A list of persons who need assistance will be kept and maintained by Security. This list will be upgraded each semester to keep track of students with disabilities and their class schedules. **Exit if possible.** If it is not possible, bring the person to the stairwell or landing farthest from the danger and call 911 with his/her location; then call Security. Should the need arise to evacuate buildings, faculty or staff members are asked to be aware of the following information:

### **Escape rescue chairs are located in the following areas:**

- Tuohy Hall near the security desk.
- McEntegart Hall near the security desk.

\*In an emergency in all buildings, if an accessible exit cannot be reached; station the person on any outside stairs landing or in the stairwell farthest from the danger while you alert emergency personnel and security.\*

### **Fire Extinguishers:**

Only use a fire extinguisher if:

- The fire department has been notified.
- It is a very small fire.
- You are trained to do so.
- Your back is to a door or other unrestricted exit.

**Remember the acronym PASS** while using a fire extinguisher.

**P** - Pull the Pin.

**A** - Aim at the base of the fire.

**S** - Squeeze the trigger.

**S** - Sweep from side to side.

Except for wet chemical extinguishers in the cafeteria kitchen, there are only ABC extinguishers on our campus. But please remember:

- Never use water on an electrical or grease (flammable liquids) fire. Only use an extinguisher designed for that type of fire:
  - Flammable Materials, (wood, paper, etc.).
  - Flammable Liquids
  - Electrical

Please report any discharged extinguishers or ones in need of repair or inspection to campus maintenance. Remember to **STOP, DROP** and **ROLL** if you catch on fire. When someone else is on fire, use a heavy jacket, carpet or blanket to help extinguish the fire. If you are in a room with a fire suppression system (many commercial computer rooms and kitchens have them) and it's activated, leave the room immediately. Such systems deprive oxygen.

#### **Elevator Emergency Procedures:**

NEVER attempt to exit a stalled elevator car, even one that is partially stuck between two floors. Attempting to exit the car on your own can put yourself and others in serious danger. Do not attempt to exit a car by forcing open the doors, opening the hatch or entering the elevator shaft, unless you are in the very unlikely situation of imminent danger, (e.g.: a fire is quickly approaching). Wait for assistance so you can exit in a proper and safe manner. You are safer in the car than you are outside it. Stay calm: There is plenty of air in the elevator and shaft, and you are safe inside the car. For safety reasons, elevators are equipped with many redundant safety features. The features that stop the elevator are in place to guarantee your safety.

Call Security and press the call button or pick up the emergency phone if the elevator is equipped with either. Security will place a call to the elevator company's emergency response service and the authorities if needed. Call 911 if there are any serious injuries within the car or if you smell smoke. Press the alarm and let it sound, only if all attempts at communications fail. Having the alarm ring while you attempt to communicate is counterproductive.

## **Medical Procedures: St. Joseph's University Emergency Medical Procedures:**

- If someone is injured or becomes ill in your presence, please follow these procedures. **Do not** move the injured person, unless they are in danger, fire, etc.). If the situation is life threatening, call 911 immediately.
- Security can be contacted at 646.208.4597. If you are near an office phone, dial "6" and you will be connected directly to security.
- When security arrives, let them know if 911 was notified. If 911 was not notified, security will make the call if required.
- Security will be in charge until EMS arrives on the campus.
- **DO NOT** touch blood or bodily fluids without the aid of protective gloves.
- **DO NOT** give mouth-to-mouth resuscitation unless you are trained to do so.
- **DO NOT** perform CPR unless you have been certified.
- Automatic External Defibrillators (AEDs) are at each security desk.

## **Surviving an Active Shooter:**

In the very unlikely event of an active shooter, University policy is Run, Hide, Fight!  
RUN when an active shooter is in your vicinity:

- Have an escape route and plan in mind (in case of fire or any threat).
- Leave your belongings behind.
- Evacuate regardless of whether others agree to follow.
- Help others escape, if possible.
- Do not attempt to move or point out wounded people.
- Prevent others from entering an area where the active shooter may be.
- Keep your hands visible.
- Call 911 when you are safe.
- If running in the outdoors or large open areas, go from cover to cover. Place buildings, large trees, vehicles between you and the danger and avoid being out in the open for long periods of time.

## **HIDE if evacuation is not possible:**

- Lock and blockade the door with large or many small items to keep door closed.
- Hide behind large objects or layers of many smaller ones.
- Hide in an area out of the shooter's view.
- Turn off lights and cover the door window if possible.
- Silence your cell phone (including the vibrate mode) and remain quiet.
- Try not to trap yourself or restrict your movement (continue to look for an opportunity to RUN)

### **FIGHT only as a last resort and only when your life is in imminent danger:**

- Attempt to incapacitate the shooter.
- Act with physical aggression.
- Act in unison if possible.
- Improvise weapons: fire extinguishers, chairs, pens, pencils, rulers, scissors, staplers, keys, shoes, rolled up magazines, books, anything!
- Throw objects at the shooters eyes as you attack.
- Commit to your actions, do not stop your life may depend on it.

### **WHEN approaching law enforcement:**

- Remain calm and follow instructions.
- Put down any items in your hands (i.e., bags and jackets).
- Raise hands and spread fingers and keep hands visible at all times.
- Avoid quick movements toward officers, such as holding on to them for safety.
- Avoid pointing, screaming or yelling.
- Do not stop to ask officers for help or direction when evacuating.

### **INFORMATION to provide to 911 operators:**

- Location of the active shooter.
- Number of shooters.
- Physical description of shooters.
- Number and type of weapons held by shooters.
- Number of potential victims at the location.

The first officers to arrive at the scene will not stop to help the injured. Rescue teams will follow the initial officers and treat or remove the injured. Know that help is on the way! Once you have reached a safe location, you will likely be held in that area by law enforcement until the situation is under control, and all witnesses have been identified and questioned. Do not leave the area until law enforcement authorities have instructed you to do so.

### **CAMPUS EVACUATION**

Most emergencies do not require complete evacuation of the entire campus. However, during an active shooter event or whenever a campus evacuation is necessary, all persons are to immediately evacuate the campus by foot in the direction opposite of the crisis area. Specific directions and routes will be communicated by Campus Security and the Rave Text Alert Notification System, if possible. **DO NOT** get into vehicles, as vehicles in mass numbers have proven to be an ineffective means to evacuate large emergencies in a timely manner. Vehicle transportation will need to be reserved for those with significant mobility impairments as well as keeping the roadways clear for emergency response vehicles. Remember to keep moving away from the danger until you reach emergency service personnel.

We have a mutual agreement with Queen of All Saints parish on Lafayette Avenue, at corner of Vanderbilt Avenue, to use their church basement as a meeting place for family and friends in the event of a campus-wide evacuation.



**Criminal Activity:**

St. Joseph's is fortunate to have a very low crime rate and crime history, but this is an open campus. We do ask that you safeguard your property and be alert, especially at night and when there are few people on campus. Your SJNY ID must be carried at all times and shown to Campus Security upon entering any of our buildings or when requested by campus authorities (security, professors and staff).

We offer escorts 24 hours a day if you ever feel uncomfortable. Call Campus Security and we will escort you to or from your vehicle.

If you witness a serious crime, call 911. Always call Campus Security to inform them, as well. If you witness a criminal or an intruder; stay calm, never try to block their exit, leave the area and head toward a busy (populated area), and contact Campus Security.

Report any minor crimes (after the fact) to Campus Security.

Please follow these tips to help prevent crime:

- Always lock vehicle and office doors.
- Never leave property in view or unattended in vehicles.
- Travel in pairs if possible. Walk with a purpose and be alert.
- Place a file with your FULL name and contact information on any USB flash drives and on the lock-out screen of your phone and/or computer (in case lost we can return them to you).
- If you do not wish to write in an expensive textbook that you may return; write your FULL name and contact information on a piece of paper and place it in the book.
- Student Life NEVER solicits door to door. Contact Campus Security if approached by someone.
- Contact Campus Security for lost-and-found help.

**Emergency Communications:**

Information may be delivered to the campus community in the following ways:

- In-person by campus security.
- Fire alarms.
- Text message (Emergency Notification System) – sign-up forms are located in the student enrollment packet and on MySJNY Portal Homepage).
- Plasma screens located throughout the campus.
- The University website at [www.sjny.edu](http://www.sjny.edu).

**LONG ISLAND SAFETY INFORMATION****Emergency Procedures:**

Call 911 (9+911 from a Campus Phone) in an actual emergency, then call security. Our 24-hour security number 917.209.3625 • Any Blue Light Box • You can also dial “3” on any campus phone.

**Building Evacuations:**

A building may be evacuated for many reasons.

- Please always know where the nearest exits are and know any posted evacuation procedures BEFORE there is an emergency and remember to follow emergency exit sign arrows.
- Always take the fastest, safest, most direct route that brings you away from smoke, fumes or any other danger.
- Always assemble with your group or class if you are in one to avoid First Responders risking their lives to search for you, except for an active shooter scenario.

**Fire Emergencies:**

- Pull any fire alarm from a safe location in the immediate area as you exit the building.
- Call 911 even if an alarm has been triggered.
- Alert people in the area ONLY if you can do so safely, you can't help others if you are injured.
- Always feel a door towards the top, if not hot THEN, with the back of your hand, feel the doorknob for heat before you open it (you can't open other doors with a burnt palm).
- Never use an elevator unless directed to do so by the fire department.
- Follow posted directions or the arrows on exit signs and exit using the fastest, safe route.
- If you encounter smoke while escaping, crawl or get as low as you can. The cleanest air will be within one to two feet from the floor. If the main exit is blocked by fire or smoke, you should use an alternate route. If this is not feasible, go back in the classroom to wait for rescue.

**If you can't escape:**

- Close all doors between you and the fire.
- Try to seal cracks around doors to keep the smoke out.
- While waiting for rescuers, signal from a window by hanging an article of clothing out the window, opening the window as briefly as possible to avoid drawing the fire to the fresh air.

**Gas or Carbon Monoxide Leak:**

- Pull any fire alarm from a safe location in the immediate area as you exit the building.
- Turn off emergency gas switches as you exit ONLY IF SAFELY possible.
- If you witness a person unconscious, DO NOT ENTER the room. Getting first responders to that location is the best thing you can do.

**Electrical:**

- ONLY IF SAFELY possible turn off affected device lights/power using a non-conductive item (wood, rubber, etc.) to flip the switch.
- If a person is being electrocuted use a long, nonconductive item (wood mop handle, fiberglass ladder, etc.) to knock them free ONLY IF SAFELY possible.
- Never walk in water or other liquids or on metal if at all possible.

## **ALL EVACUATIONS EXCEPT ACTIVE SHOOTER**

Meet with your group in the Quad (center area between buildings). If the emergency is in the Danzi gymnasium, meet in the O'Connor Hall auditorium. If the emergency is in any other building, meet in the Danzi gymnasium.

### **Helping the disabled evacuate:**

Please help any disabled or handicapped persons evacuate in any of the above scenarios. Make sure anyone with hearing loss sees that there is a reason to leave. The University tries not to schedule people with severe mobility in classes on floors that are not accessible without an elevator but if someone is in a lower or upper level, the following information is important to know. A list of persons who need assistance will be kept and maintained by Security. This list will be upgraded each semester to keep track of students with disabilities and their class schedules. Exit if possible. If it is not possible, bring the person to the stairwell or landing farthest from the danger and call 911 with his/her location; then call Security. Should the need arise to evacuate buildings, faculty or staff members are asked to be aware of the following information:

### **Escape rescue chairs are located in the following areas:**

- O'Connor Hall 3rd floor, stairwell 9 (far north wing).
- O'Connor Hall 3rd floor, stairwell 4 (far west wing).
- Library 3rd floor in FACP room within offices.
- BT building 2nd (highest) floor, far north stairwell.
- BT building cellar floor (lowest), far south stairwell.

\*In an emergency in all buildings, if an accessible exit cannot be reached; station the person on any outside stairs landing or in the stairwell farthest from the danger while you alert emergency personnel and security\*

### **O'Connor Hall has accessible exits in the following rooms:**

- First floor: N105 Plant Shop, N111, N113, N117A Art Studio, N129 Music Room, E117 Shea Conference Center and the ramp to the left of the bookstore.
- Second floor: Door #7 by the flagpole, (landing outside door #1 can be used to stage someone until help arrives).
- Auditorium: Door #5 and the vestibule area as well as both South Side exits.
- Third floor, stage in the stairwell landing farthest from the danger until help arrives.

### **Business and Technology (BT) Building:**

- Level B, north entrance has an accessible exit ramp.
- Level C, first floor and second floor: Escort students with physical disabilities to the stairwell landing farthest from the danger until help arrives.

### **Danzi Athletic Center:**

All exits are accessible (main entrance, end of each hall, multi-purpose rooms, rooms 114-115, pool area – two north exits, main gymnasium – two west exits). People with disabilities will not be able to access the elevated track. However, that area will be checked by SJNY staff during any evacuation if safely possible.

### **Callahan Library:**

Main entrance and the two north doors in the lower level book stacks can be used to exit.

**Clare Rose Playhouse:**

The main entrance is accessible and ushers will help anyone with special needs exit the theater.

**Counseling and Wellness Center:**

The main and rear entrances are accessible.

**1 Terry Street:**

Stage in the stairwell farthest from the danger.

**Outdoor Field Complex:**

Both exits are accessible on either end of the main hallway.

**Great River:**

Stage in either stairwell.

**Fire Extinguishers:**

Only use a fire extinguisher if:

- Fire department has been notified.
- It is a very small fire.
- You are trained to do so.
- Your back is to a door or other unrestricted exit.

**Remember PASS:**

**P** – Pull the Pin.

**A** – Aim at the base of the fire.

**S** – Squeeze the trigger.

**S** – Sweep from side to side

Except for wet chemical extinguishers in the cafeteria kitchen, there are only ABC extinguishers on our campus but remember:

- Never use water on an electrical or grease (flammable liquids) fire
- Only Use an extinguisher designed for that type of fire:
- Flammable Materials, (wood, paper, etc.).
- Flammable Liquids
- Electrical

Please report any discharged extinguishers or ones in need of repair or inspection to Campus Security. Remember to **STOP, DROP** and **ROLL** if you catch on fire. If someone else is on fire use a heavy jacket, carpet or blanket to help put the fire out.

If you are in a room with a fire suppression system (many commercial computer rooms and kitchens have them) and it's activated, leave the room immediately. These systems deprive oxygen.

**Elevator Emergency Procedures:**

**NEVER attempt to exit a stalled car, even partially stuck between two floors:** You can put yourself and others in serious danger by attempting to exit the car on your own. Never attempt to exit a car by forcing open the doors, opening the hatch or entering the elevator shaft unless you are in the very unlikely situation of imminent danger, (e.g.: a fire is quickly approaching). Wait for assistance so you can exit in a proper and

safe manner. You are safer in the car than you are outside it. **Stay calm:** There is plenty of air in the elevator and shaft and you are safe inside the car. Elevators are equipped with many redundant safety features — measures that are in place to guarantee your safety.

**Call Security and press the call button or pick up the emergency phone if equipped with either.** Security will place a call to the elevator company's emergency response service and the authorities if needed. Call 911 if there are any serious injuries within the car or if you smell smoke. Press the alarm and let it sound, only if all attempts at communications fail. Having the alarm ring while you attempt to communicate is counterproductive.

#### **Emergency Medical Procedures:**

- If someone is injured or becomes ill in your presence, please follow these procedures.
  - Do not move the injured person, unless they are in danger (pool, fire, etc.).
  - If the situation is life threatening, call 911 immediately.
- Security can be contacted at 917-209-3625. If you are near an office phone dial "3" and you will be connected directly to security. If you are outside you can use the blue call boxes to contact security.
- When security arrives, let them know if 911 was notified. If 911 was not notified, security will make the call if required.
- Security will be in charge until EMS arrives on the campus.
- **DO NOT** touch blood or bodily fluids without the aid of protective gloves.
- **DO NOT** give mouth-to-mouth resuscitation unless you are trained to do so and NEVER without the aid of a protective mask!
- **DO NOT** perform CPR unless you have been certified.

#### **AUTOMATIC EXTERNAL DEFIBRILLATORS (AEDS):**

**There are AEDs located at the following locations:**

- Clare Rose Playhouse by the front door.
- Second floor, O'Connor Hall, on the wall next to the desk at door #7 by the flagpole.
- First floor, O'Connor Hall, in the cafeteria on center pole.
- BT building, B level, next to the security desk.
- Danzi Athletic Center at the front desk.
- Roving security vehicle.
- Library: As you enter, once past the book detectors, make a left and another left (u-turn); it is then on the wall to your left.
- Outdoor Field Complex, across from the front door.
- Counseling and Wellness Center, nurse's exam room.

Older models have child pads that must be switched, newer models have a uni-pad that is activated on the device by turning a key to adult or child.

### **Surviving an Active Shooter:**

In the very unlikely event of an active shooter, University policy is **Run, Hide Fight! RUN** When an active shooter is in your vicinity:

- Have an escape route and plan in mind (in case of fire or any threat).
- Leave your belongings behind.
- Evacuate regardless of whether others agree to follow.
- Help others escape, if possible.
- Do not attempt to move or point out wounded people.
- Prevent others from entering an area where the active shooter may be.
- Keep your hands visible.
- Call 911 when you are safe.
- If running in the outdoors or large open areas, go from cover to cover. Place buildings, large trees, vehicles between you and the danger, and avoid being out in the open for long periods of time.

**HIDE** Only if evacuation is not possible, find a place to hide:

- Lock and blockade the door with a large item or many small items to keep the door closed.
- Hide behind large objects or layers of many smaller ones.
- Hide in an area out of the shooter's view.
- Turn off the lights and cover windows (with emergency medical yellow sign or anything handy)
- Silence your cell phone (including the vibrate mode) and remain quiet.
- Try not to trap yourself or restrict your movement (continue to look for an opportunity to RUN).

**FIGHT** Only as a last resort and only when your life is in imminent danger:

- Attempt to incapacitate the shooter.
- Act with physical aggression.
- Act in unison if possible.
- Improvise weapons: fire extinguishers, chairs, pens, pencils, rulers, scissors, staplers, keys, shoes, rolled up magazines, books, anything!
- Throw objects at the shooters eyes as you attack.
- Commit to your actions, do not stop...your life may depend on it.

### **When Approaching Law Enforcement:**

- Remain calm and follow instructions.
- Put down any items in your hands (i.e., bags, jackets).
- Raise hands and spread fingers and keep hands visible at all times.
- Avoid quick movements toward officers such as holding on to them for safety.
- Avoid pointing, screaming or yelling.
- Do not stop to ask officers for help or direction when evacuating.

### **Information to provide to 911 operators:**

- Location of the active shooter.
- Number of shooters.
- Physical description of shooters.
- Number and type of weapons held by shooters.
- Number of potential victims at the location.

The first officers to arrive at the scene will not stop to help the injured. Rescue teams will follow the initial officers and treat or remove the injured. Know that help is on the way! Once you have reached a safe location, you will likely be held in that area by law enforcement until the situation is under control, and all witnesses have been identified and questioned. Do not leave the area until law enforcement authorities have instructed you to do so.

### **Campus Evacuation:**

Most emergencies do not require complete evacuation of the entire campus. However, during an active shooter event or whenever a campus evacuation is necessary, all persons are to immediately evacuate the campus **by foot** in the **direction opposite of the crisis area**. Specific directions and routes will be communicated by Campus Security and the Rave Text Alert Notification System if possible. **DO NOT** get into vehicles, as vehicles in mass numbers have proven to be an ineffective means to evacuate large emergencies in a timely manner. Vehicle transportation will need to be reserved for those with significant mobility impairments as well as keeping the roadways clear for emergency response vehicles. If you end up in a traffic jam, you are a sitting duck. Fortunately, we are not located in a rural environment and the nearest police precinct is not very far, less than a mile south on Waverly Avenue. This means response time will be very quick and even in foul weather, you should reach shelter when leaving the campus in a short period of time. Remember to keep moving away from the danger until you reach emergency service personnel.

The Long Island Campus Outdoor Field Complex will serve as a meeting place for family and friends in the event of a campus wide evacuation: **The facility is located** at 246 Sunrise Hwy South Service Road, East Patchogue, NY 11772 (approximately one mile east of the Long Island Campus).

### **Criminal Activity:**

St. Joseph's is fortunate to have a very low crime rate and history, but this is an open campus. We do ask that you safeguard your property and be alert, especially at night and when there are few people on campus. SJNY ID must be carried at all times and shown to Campus Security upon request.

We offer escorts 24 hours a day if you ever feel uncomfortable. Call Campus Security and we will escort you to or from your vehicle.

If witness to a serious crime, call 911. Always call Campus Security to inform them, as well.

If you witness a criminal or an intruder, stay calm, never try to block their exit, leave the area heading toward a busy (populated area), and contact Campus Security.

Report any minor crimes (after the fact) to Campus Security. Please follow these tips to help prevent crime:

- Always lock vehicle and office doors.
- Never leave property in view or unattended in vehicles or anywhere (including signs of items such as GPS suction cup marks, gift bags, etc.).
- Travel in pairs if possible. Walk with a purpose and be alert.

- Place a file with your FULL name and contact information on any USB flash drives and on the lock out screen of your phone and/or computer (in case lost we can return them to you).
- If you do not wish to write in an expensive textbook that you may return; write your FULL name and contact information on a piece of paper and place it in the book.
- Student Life NEVER solicits door to door. Contact Campus Security if approached by someone.
- Contact Campus Security for lost-and-found assistance.

### **Security Blue Light Call Boxes:**

Anyone on campus in need of security assistance can avail themselves of the Security Blue Light Call Boxes. The call boxes can be used for emergency and non-emergency assistance. For example: medical emergencies, disabled vehicles, etc., are just some of the situations that the call boxes can be used for. They are simple to operate. Simply press the red button and follow the voice instructions. You'll initially hear a telephone ringing sound identifying the call box location, voice instructions and that assistance is on the way. The call box's location is broadcast over the security channel on the portable radios that all security guards carry. At this point, a security guard contacts you over the call box to ascertain the kind of assistance you need.

You press and **HOLD** the red button to talk and **RELEASE** to listen. It is most important that you answer the guard. If the guard gets no response from you, he will have to assume it is an emergency and several guards will respond to your location immediately. In an actual emergency, security personnel would have no problem doing this.

But in a non-emergency situation, you would be taking the guards away from other duties, possibly leaving part(s) of the campus temporarily unprotected. In addition to the Blue Light Call Boxes, we have upgraded and added additional security cameras to the campus for your protection and safety.

### **BLUE LIGHT LOCATIONS:**

- Institutional Advancement building parking lot
- Main faculty parking lot
- Rear faculty parking lot (near portable classrooms)
- Clare Rose parking lot
- Main student lot - north of Danzi Center
- Main student lot - north side
- Main student lot by Security booth
- Main Student lot - south side, parallel with Savannah Boulevard
- Main Student lot - rear of Danzi Center
- Faculty/Student lot - entrance off of Audubon Avenue
- Waverly Avenue lot - entrance off Champlain Avenue



## **Emergency Communications:**

Information may be delivered to the campus community in the following ways:

- In-person by campus security.
- Fire alarms.
- Text message (Emergency Notification System) – sign-up forms are located in the student enrollment packet and on MySJNY Portal Homepage).
- Plasma screens located throughout the campus.
- Public address announcements through blue light call boxes.
- The University website: [sjny.edu](http://sjny.edu).
- The campus switchboard: 631.687.5100

## **SCHOOL CLOSING INFORMATION**

### **Severe Weather Conditions**

St. Joseph's University recognizes its responsibility for the safety of individuals associated with the University in the event of severe weather conditions. Severe weather can be defined as any hazardous weather event that may pose a threat to life and/or property. In the event of severe weather conditions or other emergencies, the executive deans on both campuses will determine if the University will close early or if classes will be canceled or delayed.

University administration routinely monitors local weather conditions and reports when weather becomes hazardous or threatening. In the event the University is forced to close due to an emergency situation, information will be posted to the University's [website](#), [portal](#), social media pages ([Facebook](#) and [Twitter](#)) and the main campus telephone numbers (Long Island: 631.687.5100 or Brooklyn: 718.940.5300). A text message will also be transmitted to all students, faculty, administration and staff. If you are not already registered to receive text messaging alerts (or you want to change your notification number), please log into the MySJNY portal and look for the enroll/update link in the box at the top of the main page to sign up.

### **Campus Safety Statistics**

The Advisory Committee on Campus Safety will provide upon request all campus crime statistics as reported to the United States Department of Education.

[Click here](#) to visit the U.S. Department of Education website address for campus crime statistics.

The University has designated campus contacts who are authorized to provide campus crime statistics.

*Long Island Contact:* Thomas N. Tzimirotas, Director of Security, 631.831.2692

*Brooklyn Contact:* Mike McGrann, Director of Security, 718.940.5741

The University shall provide a hardcopy mailed to the individual within 10 days of the request, with information that includes all of the statistics that the campus is required to ascertain under Title 20 of the U.S. Code Section 1092 (f).

# VI. CODE OF STUDENT CONDUCT

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## **Introduction**

St. Joseph's University is committed to its mission of providing a strong academic and value-oriented education. To facilitate the educational and personal growth of its students, it is essential to maintain an appropriate environment conducive to learning.

In such an environment, it is essential that students learn to look critically at their behavior and to accept responsibility when their behavior violates the policies and precepts of conduct at the University. The Student Conduct Process is designed to resolve instances of alleged violations of University's policies and regulations, and to investigate matters of student conduct in a manner that reflects the educational mission of St. Joseph's University.

## **Rationale**

In support of the mission of the University to provide a strong academic and value-oriented education, each student is expected to adhere to and comply with University policies and regulations that promote an environment of dignity, respect and safety for all members of the University community.

The St. Joseph's community recognizes that the development of responsible student behavior and conduct is fostered by education, guidance, admonition and adherence to University policies and regulations. The Code of Student Conduct establishes a set of policies, standards of behavior, regulations, procedures, sanctions and appeal processes to prevent, limit and correct actions that may impede, obstruct or damage the educational environment, and threaten the maintenance of order.

The University encourages the cooperation of all members of the campus community, both in and out of the classroom and through online communities. All students are expected to be familiar with the Code of Student Conduct. A lack of familiarity with University policies, standards of behavior and regulations specified in the Code of Student Conduct is not an acceptable excuse for non-adherence.

The code and supporting materials have been developed to guarantee procedural fairness to students when there has been an alleged failure to abide by the policies and regulations of St. Joseph's University. All students will receive due process and student conduct outcome decisions will be based on an unbiased analysis of information conducted by a University hearing panel.

## **Commitment to Diversity**

St. Joseph's University is committed to equal student access to all campus benefits and services without regard to: race, creed, color, national origin, ancestry, age, marital status, sexual orientation, familial status, disability, nationality, sex, gender identity or expression, or any other characteristic protected from discrimination by state and federal law. In order to foster an atmosphere of respect, understanding and goodwill among all members of our diverse campus community, the University will regard differences of race, creed, color, national origin, ancestry, age, marital status, sexual orientation, familial status, disability, nationality, sex, gender identity or expression, or any other characteristic protected from discrimination by New York state law as strengths to be honored, not mocked or derided. Thus, the University encourages all members of the community to behave in ways that enhance our diverse and multicultural society.

**Student Expectations and Responsibilities:**

St. Joseph's University expects all members of the community to demonstrate respect for themselves and for others. This respect includes sensitivity to differences. All students are entitled to and responsible for a community environment free from harassment, intimidation and violence. Students are expected to respect the property of others, University property and the property of the greater community surrounding St. Joseph's. It is expected that students will be respectful in the manner in which they disagree. The student body, along with other members of the St. Joseph's community has a responsibility to provide, protect and maintain an environment conducive for learning.

As representatives of the St. Joseph's University student body and as set forth in the policies, procedures and guidelines within this handbook, students have the following expectations:

- To be treated respectfully as a member of the St. Joseph's University community.
- To expect assistance and professional conduct from all members of the campus community.
- To the free and responsible expression of ideas and opinions, without fear of retribution, including peaceful dissent, that will not disrupt or interfere with the orderly operation of the University.
- To expect the University to promote and foster an environment that is free from violence, harassment or any physical threats from any other member of the St. Joseph's University community, and for the University to address, investigate and/or take any other appropriate measures against any member of the community who infringes on this right as stated.
- To file a complaint when they believe that any of their rights have been violated.

**St. Joseph's University students have the responsibility:**

- To recognize and respect the rights of all other students and members of the University community.
- To treat all members of the campus community with civility, respect and courtesy.
- To refrain from discriminating against other members of the St. Joseph's University community on the basis of race, religion, color, sex, age, national and ethnic origin, disability status, marital status, veteran status, sexual orientation, gender identity, predisposing genetic characteristics, domestic violence victim status or any other status or condition protected by applicable federal or state statute.
- To assist the University in maintaining a healthy environment of learning.
- To respect the personal property of the University and members of the University community.
- To become an active learner, fully engaged in both intellectual and human growth.

**Institutional Authority**

**Jurisdiction:** All students are subject to and are expected to familiarize themselves with St. Joseph's University Code of Conduct. In addition, any violations of federal, state or local law as determined by the University shall be considered a violation of the St. Joseph's University Code of Conduct. When alleged violations of University regulations or local laws take place off campus and come to the University's attention, the University reserves the right to take appropriate action when, in the judgment of University officials, the alleged conduct has a negative impact on the University community or the pursuit of its mission or the broader community in which we live. The Vice President for Student Life or designee may initiate University disciplinary proceedings, whether or not criminal charges have been filed.

**Right to Take Disciplinary Action:** The University reserves the right to suspend, dismiss or expel any student when the University as determined by the vice president for Student Life or designee, their behavior threatens or endangers the health, safety, or well-being of the University community or any of its individual members. This right also applies to violations of the Code of Conduct and other University policies, rules, regulations, terms, conditions or guidelines. In addition, the University reserves the right to impose penalties, which include, but are not limited to, fines, cancellation of the housing agreement, suspension and expulsion.

**Conduct On and/or Off University Premises:** In the event a student also faces criminal charges for any conduct on or off campus, the University reserves the right to bring charges against a student for any violation(s) of the Code of Conduct prior to, concurrent with or following criminal charges being filed in a court of law for the same act(s). All University rules and regulations apply to students and their conduct, behavior and activity, both on and off University premises and at University-sponsored events and activities, regardless of where they are being held. Student members of the St. Joseph's University community are expected to act with respect for the safety, personal rights and property of individual groups outside the University as well as to respect the proper authority of local, state and federal officials. The University reserves the right to take disciplinary action against students or student organizations responsible for organizing non University-sponsored events (dances, theme parties, etc.) that result in underage drinking, misconduct or criminal activity.

**Administrative Withdrawal:** If determined by the Vice President for Student Life, or designee (in consultation with other University officials), a student with a behavior problem cannot accomplish his or her objectives in concert with those of the University or without jeopardizing his or her welfare or that of others, the student's registration may be terminated and the student may be required to leave the University immediately. In such cases, the student will be restricted from being on campus property and, if found, subject to arrest for trespassing. The decision of the Vice President for Student Life, or designee to terminate a student's registration may be appealed in writing to the University Provost, or designee within five (5) business days. If not appealed within this time frame, the decision of the Vice President for Student Life, or designee, is final. At the University's sole discretion, the Vice President for Student Life, or designee, may consider a student's application for readmission.

**Interim Suspension:** The vice president for Student Life may suspend a student from the University for an interim period, pending disciplinary proceedings. The interim suspension becomes immediately effective without prior notice whenever the vice president for Student Life determines if there is a reasonable basis to conclude that the continued presence of the student at the University poses a significant risk and high probability of substantial harm or substantial disruption to others, or to property, which cannot be addressed through reasonable accommodations requested by the student. Interim Suspensions will exclude the student from being on campus or participating in any University activity, including academic work, unless otherwise notified.

A student suspended on an interim basis will be given an opportunity to meet with the Vice President for Student Life to discuss the following issues only:

- The reliability of the information concerning the student's alleged misconduct, including the matter of his or her identity.
- Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises poses a significant risk and high probability of substantial harm or substantial disruption to others, or to property, which cannot be addressed through reasonable accommodations requested by the student.

The vice president for Student Life may affirm or alter the decision to suspend on an interim basis based on the meeting. If the decision is affirmed, a University hearing panel will proceed as expeditiously as possible. Any student placed on interim suspension will be given an opportunity to appear at a University hearing panel within ten business days of being placed on suspension or as soon as practical after the respondent is prepared to participate in a hearing.

**Cooperation with law enforcement:** The University may be required to cooperate with civil/criminal authorities. No attempt will be made to insulate an individual from the legal consequence of their act.

**Access Restricted/Access Limited:** The University reserves the right to restrict or limit access for any student/non-student when their conduct is considered a violation of community standards as determined by University officials. An individual whose access has been restricted is not permitted on University property and, if found, is subject to arrest for trespassing. Individuals whose access has been limited may only be on campus at designated times and/or locations. Campus Security may impose a temporary restriction limiting a student's access to campus facilities pending proper adjudication when the behavior of a student disrupts or interferes with the orderly operations of the University or constitutes a danger to their safety or the safety to other persons or property.

**Searches:** The University reserves the right to inspect University premises. The University reserves the right to enter any portion of a University-owned building (including student rooms). If an individual is suspected of harboring contraband on University premises, the University reserves the right to go through their belongings. The University further reserves the right to search all vehicles on University premises. If contraband is found, the University may confiscate the contraband and contact civil/criminal authorities.

**Public Order/Health, Safety, and Welfare of the Community:** The University reserves the right to limit access to specific areas of the campus and/or to adjust normal operations or procedures to maintain public order and/or the health, safety and welfare of the University community. This includes but is not limited to restriction of guests and visitors, adjustments to residential maximum occupancy limits and community gatherings, requirements associated with social distancing, etc. This also may include the need to evacuate/close the campus due to a public health, national, or University emergency.

**Order of No Contact:** An Order of No Contact is a directive by the Vice President for Student Life, or designee, to a student or students to refrain from any contact, direct or indirect, with one or more designated persons through any means including, but not limited to: personal contact, telephone, electronic means (social media, email, text message, etc.), written, nonverbal or oral communication and/or intermediaries (third parties other than an attorney). This order is designed to help establish limits between all parties involved in any situation deemed by the University as necessitating such. After a predetermined period of time and at the request of either party, the Office of the Vice President for Student Life may review the Order of No Contact to evaluate the potential termination of the order based upon the circumstances of the order and agreement of all parties.

## **Basis for Findings**

A general principle in all matters of student discipline will be that the University may base its determinations on a preponderance of the information which means, 'it is more likely than not' or a subtle conviction based upon the facts presented. In cases of misconduct where a sanction may be assessed, or in which a student so requests, the student will be informed in writing of the allegations and charges, will be given an opportunity to refute them, and will be afforded an avenue to appeal an adverse decision.

## **Complicity**

A student will not, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of the St. Joseph's University Code of Student Conduct. A student who has knowledge of another individual committing or attempting to commit a violation of the Code of Student Conduct is required to remove him or herself from the situation, and failure to do so when reasonable under the circumstances, may be the basis for a violation of this policy.

## **GLOSSARY OF TERMS**

**Accused** – a student accused of a violation who has not yet entered an institution's judicial or conduct process.

**Administration or staff** - any person who currently holds a non-faculty appointment within the University.

**Affirmative consent** – knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Silence does not equal consent.

**Appeal Officer** - any person who is charged with hearing student appeals of a University panel hearing or a University administrative hearing based on reviewable criteria.

**Business day** - any day when the University offices are open for business.

**Bystander** – a person who observes a crime, impending crime, conflict, potentially violent or violent behavior or conduct that is in violation of rules or policies of an institution.

**Code of Conduct** – refers to the written policies adopted by the University that govern student behaviors, rights and responsibilities, while such student is matriculated at this institution. The SJNY Student Code of Conduct can be found on the portal or the University website.

**University** – St. Joseph's University and all undergraduate, graduate, professional, certificate, online and non-matriculated programs.

**University Administrative Hearing** – The vice president of Student Life or designee, as chief conduct officer, meets with parties involved in an alleged violation of the Code of Student Conduct and renders a decision.

**University Hearing Panel (CHP)** – a panel of faculty, staff, and students convened to hear information regarding the alleged conduct violation of a student. The student may have a University adviser present, but must speak for him/herself. Witnesses can be questioned.

**University premises** – buildings or grounds owned, leased, operated, controlled or supervised by the University.

**University sponsored activity** – any academic, co-curricular, extra-curricular or other activity on or off-campus, which is initiated, aided, authorized or supervised by the University.

**Complainant** – any member of the University community who has elected to serve as the complaining party in Hearings or Conferences conducted under this code.

**Conduct/Hearing Officer** – any member of the University who has been trained to deal with violations of the student Code of Conduct and to impose sanctions upon any student(s) who violates the student Code of Conduct.

**Faculty** – any person hired by the University to conduct classroom or teaching activities or who holds a current academic appointment within the University.

**Legal Counsel/attorney** – a person who holds a J.D., LL.B. or LL.M. degree from an accredited University or, who has passed a bar exam, and is not a member of the University community.

**Member of the University community** – any University student, faculty, administrator, staff or contracted employee.

**Persona Non Grata (PNG)** – Latin for “an unwelcome person.” Any individual prohibited from visiting an area is considered PNG. Individuals who receive this status are subject to revocation of visitation to all or a portion of University premises. Individuals who are not currently registered at the University who violate policy will be subject to this status. Individuals classified as non-students who seek to enroll in the University in the future will have to address the alleged violation prior to gaining admittance or re-entry into the University.

**Policy** – the written regulations of the University as found in, but not limited to, the Code of Student Conduct, the University web page, Computer Use Policy, and Graduate/Undergraduate Catalogs.

**Respondent** – a student accused of a violation that is identified in the Student Code of Conduct.

**Sexual assault** – Please reference the St. Joseph’s University [Title IX Sexual Harassment Policy and Procedures on page 53](#).

**Student** – includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, professional, certificate, online or non-matriculated studies. Persons who withdraw after allegedly violating the student Code of Conduct and who are not officially enrolled for a particular term, but who have a continuing relationship with the University are considered students. In addition, any person for whom the University maintains educational records, as defined by the Family Educational Rights and Privacy Act of 1974 and related regulations, and who has not yet been awarded his or her degree from the University. Any individual who is not registered for classes at the time of a reported violation is viewed as a non-student and subject to persona non grata (PNG) status.

**Victim** – a member of the University community who alleges that he or she has suffered personal harm or injury as a result of an alleged violation(s) identified in this Code. Stay consistent with TITLE IX policy.

## **CONDUCT VIOLATIONS**

### **Alcohol Violation**

Prohibited behaviors include: Drinking or being in possession of any alcoholic beverage in public or private areas of University premises or any University related facility not approved for such activity, possession and/or consumption by a minor; public intoxication; soliciting University students and minors to purchase alcohol off-campus; and driving while intoxicated.

### **Computer Misuse**

A student will be found responsible for the misuse of computers who uses any information technology to materially disrupt University operations or to substantially interfere with the right of other members of the University community to secure access and use of University facilities and services.

Computer misuse includes, but is not limited to, hardware theft or fraud, duplicating copyrighted software, unauthorized use, the subverting of restrictions, plagiarizing class programs, invasion of privacy rights, and unlawful use of the Internet. Unlawful downloading of music, movies, or other copyrighted material is expressly prohibited, as is the illegal file sharing of such material.

A student may be found responsible for computer misuse who uses University computing facilities and information technology services, such as a student email account, when violating other provisions of the Code of Student Conduct. This also includes any violation of University Information Technology policies.

A student who photographs, films, videotapes, records or otherwise produces in any manner, or discloses the image of another person whose intimate parts are exposed or who is engaged in an act of sexual penetration or sexual contact, without said person's consent, and under circumstances in which a reasonable person would not expect to be observed will also be found responsible for electronic invasion of privacy.

### **Harassment**

Students are prohibited from engaging in harassment, intimidation and bullying. A student will be found responsible for harassment, intimidation or bullying if he or she engages in conduct, including but not limited to, any gesture, written, verbal or physical act, or any electronic communication, which includes emails, text messages, and Internet postings on web-sites or social media, whether it be a single incident or series of incidents, that occurs on or off the University campus, through use of the University facilities, or at any function sponsored by the University or any University related organization, that is so severe or pervasive and objectively offensive that substantially disrupts or interferes with the orderly operation of the University or the rights of any student or other member of the University community.

A student will be found responsible if conduct involves intimidation or threats to another person's safety, rights of personal privacy and property, academic pursuits, University employment, or participation in activities sponsored by the University or organizations or groups related to the University.

A student will be found responsible if conduct creates an intimidating or hostile environment by substantially interfering with a student's education, or by materially impairing the academic pursuits, employment or participation of any person or group in the University community, or by severely or pervasively causing physical or emotional harm to the student or other member of the University community.

A student will be found responsible if conduct has the effect of physically or emotionally harming a student or other person or damaging the property or placing him/her in reasonable fear of physical or emotional harm to his/her person, or to any member of that person's family or household, or of damage to his/her property. A student will be found responsible if conduct has the effect of insulting or demeaning any student or group of students.



## **Discriminatory Harassment, Intimidation and Bullying**

A student will be found responsible for discriminatory harassment, intimidation or bullying who engages in conduct directed at a specific group or individual, based upon race, creed, color, national origin, ancestry, age, marital status, sexual orientation, familial status, disability, nationality, sex, gender identity or expression.

## **Sexual Harassment**

[Refer to the Title IX Sexual Harassment Policy and Procedures, page 53.](#)

## **Stalking**

Harassment includes “stalking,” which is a course of conduct by a student directed at a specific person which is sufficiently severe or pervasive and objectively offensive that a reasonable member of the University community would fear for his/her safety or the safety of a member of that person’s family or household or for the security of his/her residence and personal property. The course of conduct may include: repeatedly following the person, invading the person’s privacy, vandalizing property, cyber-stalking, and similar acts that threaten, intimidate or create fear of injury or death of self or members of that person’s family or household or fear of harm to that person’s property.

Harassment includes conduct by a student in violation of a domestic violence restraining order obtained against the student.

[Refer to the Title IX Sexual Harassment Policy and Procedures, page 53.](#)

## **Destruction of Property**

No student may intentionally damage, deface or destroy University property or that of any other person while on campus or while using University related premises. No student may litter or place graffiti on walls, doors, furniture or other property while on campus or while using University-related premises.

## **Disorderly/ Disruptive Conduct**

A student will be found responsible for disorderly/ disruptive conduct if he or she substantially impairs, interferes with or obstructs the orderly conduct, process and functions of the University. Disruptive conduct includes, but is not limited to: noise which is unreasonably excessive in the area, time or manner in which it occurs; threatening or obscene language or behavior in public places; obstruction of vehicular traffic; and classroom behavior which materially interferes with either (a) the instructor’s ability to conduct the class or (b) the ability of other students to profit from the instructional program.

## **Drug Violations**

The intent of, actual distribution of, sale of, or manufacturing of drugs, narcotics, barbiturates, hallucinogens, marijuana, steroids, amphetamines or any other controlled substance is prohibited.

The possession or use of controlled dangerous substances, marijuana, steroids, or narcotics, including, but not limited to, opium (morphine, codeine, heroin), prescription drugs in possession of someone other than the prescribed individual, misuse of prescribed drugs, and every other substance not chemically distinguishable from them (i.e. imitation/synthetic products such as bath salts and/or K2) as well as any drug paraphernalia, on campus or in any University related premises is prohibited. Marijuana prescribed for debilitating medical conditions is not allowed on University property or University related premises.

## **Failure to Comply**

A student will be found responsible for failure to comply if he or she refuses to present identification to University officials acting in the performance of their duties; fails or refuses to respond personally to a request to report to an administrative office; or otherwise fails or refuses to abide by directions issued by a University official acting within the scope of his or her authority.

### **Forcible or Unauthorized Entry**

Students are prohibited from forcible or unauthorized entry into any University or University related building, structure, or facility. This prohibition also includes, but is not limited to, illegal or unauthorized access to campus facilities gained by opening windows; tampering with door locks or locking mechanisms; scaling walls, fences or gates; or copying, obtaining or using keys without authorization.

### **Forgery, Alteration or Misuse of University Documents**

The forgery, alteration, destruction, or misuse of University documents, records, timesheets and identification cards is expressly prohibited. This includes, but is not limited to, the alteration, destruction, or misuse of such University and University-related materials as academic forms, files, records, identification cards, or other papers. Students are prohibited from forging any such material and risk facing criminal charges should they be found in violation of this policy.

### **Furnishing False Information**

Students are prohibited from furnishing false oral or written information to any University office or University official. Students are expected to be truthful with University officials at all times. Dishonesty is considered a serious offense against the University.

### **Gambling**

Students are expected to abide by the federal laws and the laws of the State of New York prohibiting illegal gambling. Gambling for money or other things of value on campus or at University sponsored activities is prohibited, except as permitted by law. Such prohibited activity includes, but is not limited to, betting on, wagering on, or selling pools on any St. Joseph's athletic event; possessing a book or other device for registering bets; knowingly permitting the use of one's premises or telephone or other electronic communications device for illegal gambling; knowingly receiving or delivering a letter, package or parcel related to illegal gambling; offering, soliciting or accepting a bribe to influence the outcome of an athletic event; and, involvement in bookmaking or wagering pools with respect to sporting events.

### **Hazing**

A student will be found responsible for hazing if, in connection with the initiation of applicants to or members of a student organization (including but not limited to fraternities and sororities, athletic teams, SGA organizations, honor societies, etc.) he or she organizes, promotes, facilitates or engages in any conduct, other than competitive athletic events, which a) places or may place another person in danger or bodily injury or b) demonstrates indifference or disregard for another person's rights, dignity or well-being. Examples of hazing include, but are not limited to:

- Forced or required ingestion of alcohol, drugs, food or any undesirable substance or quantity of substances.
- Participation in sexual rituals or assaults.
- Forced or required participation in criminal conduct or conduct which violates the civil rights of others.
- Conduct which is mentally abusive or degrading to the participants or others.
- Acts that could result in physical, mental or emotional deprivations or harm.
- Physical abuse, including whipping, paddling, beating, tattooing, branding or exposure to the elements.
- Organizations charged with hazing, as distinct from individuals charged, face University disciplinary action.

### **Infliction or Threat of Bodily Harm**

Students are prohibited from fighting and engaging in other acts of physical assault and violence in any University or University-related facility, or at University events, including academic, athletic and social events held on campus or away from campus.

No student may intentionally inflict bodily harm upon any other person.

No student may intentionally take any action for the purpose of inflicting bodily harm upon any other person.

No student may intentionally take any action with reckless disregard for the fact that bodily harm could result on any other person.

No student may perform any intentional act that creates a substantial risk of bodily harm to any other person.

No student may threaten to use force to inflict bodily harm upon any other person.

### **Organization and Event Registration**

Students are required to comply with policies or regulations governing the registration of student organizations, events on campus and use of University facilities.

### **Safety**

The University requires students to abide by numerous security regulations and other protective measures, in order to assure safe learning environments for all students, as well as the faculty, administrators and staff using campus facilities. Students are prohibited from threatening to and/or bringing any incendiary device to campus, to University-related premises, or to University-related events, including academic, athletic and social events held off-campus. This includes, but is not limited to:

- Unauthorized use, possession, storage, knowledge or failure to report fireworks, explosives or other incendiary devices of any description including but not limited to: firecrackers, M-80s, bottle rockets, ammunition, gasoline, kerosene, propane, paint thinner and similar items.
- Causing or creating a fire.
- Tampering with safety measures or devices, such as alarm systems, fire extinguishers, exit signs, emergency phone systems, fire hoses, security systems or locked exterior doors.
- Failing to conform to safety regulations.
- False report of a bomb, fire or other emergency in any building, structure or facility on campus or in any University-related premises by means of activating a fire alarm or in any other manner.
- Failure to evacuate facilities in emergency situations or in response to fire alarms.
- Inappropriate use of the fire alarm system.
- No smoking in any University building or parking lots.

### **Solicitation/Commercial Activities**

Unauthorized soliciting and/or commercial activities by a student or an on-campus or off-campus organization, vendor or business, initiated by either a student or visitor:

- Distribution and/or posting of unauthorized flyers/advertisements or other materials.
- Chalking or defacing of property with various materials to solicit off-campus events.
- Selling unauthorized services or products, or seeking funds, signatures, merchandise or supplies.

## **Theft**

Students are not permitted to engage in any form of larceny, robbery, shoplifting or stealing, involving University or personal property, on University or University-related premises, or at University events (including academic, athletic and social events held away from campus. Students are also prohibited from enabling, aiding or abetting any individual in the theft of any property or service on University or University-related premises, or at any University event. This policy also applies to attempted theft and being in the possession of stolen items.

## **Violations of Local, State or Federal Law**

Students are not permitted to violate any local, state or federal law on campus, in other municipalities, or in University-related events. The University retains the discretion to report suspected violations of state, local or federal law to appropriate law enforcement officials, at any time, regardless of the issuance of disciplinary charges against a student under this Code.

## **Violations of Written University Policy, Regulations and Announcements**

Students are expected to abide by written policies, regulations and announcements about University processes and procedures that are developed and promulgated over the course of the academic year. No person will engage in conduct detrimental to the University community. Conduct will be deemed detrimental to the University community if it consists of an act or acts prohibited under municipal, state or federal law, or written policy or regulation of the University, and either:

- Results in or threatens injury, damage or loss to students, faculty or administrative personnel of the University, or to buildings, structures or other property under University control; or
- Hinders the University in the pursuit of its educational mission and the discharge of its basic responsibilities to maintain an orderly educational atmosphere and to function without interruption as an institution of higher learning.

## **Weapons**

Students are prohibited from threatening to and/or bringing any weapon or facsimile of a weapon, including a dart gun, BB gun, bow and arrow, any instrument that can hurl a projectile, hunting knife, carpet knife, knives except those whose purpose is related to the preparation or consumption of food, to campus, University-related premises or University-related events, including academic, athletic and social events held away from campus. Exceptions to this policy include replica/toy versions of any weapon that is used for an on-campus class presentation, project or activity with a faculty/staff member overseeing the event and University Security being alerted prior to the event occurring.

## **Student Organizations**

Student clubs and organizations recognized by student government and/or their officers may be charged with and held responsible for violations of the Code of Student Conduct. Sanctions against the student organization and its officers may include recommendation to the Student Government Association for revocation of the organization's charter, loss of permission to use University facilities, loss of other privileges and other appropriate sanctions.

## **Abuse of the Conduct System**

Any abuse of the University's conduct process, including, but not limited to, the following:

- Failure to obey the notice from a University official to appear for a meeting or hearing as part of the Code of Student Conduct System.
- Falsification, distortion or misrepresentation of information at a Conduct Conference or University Hearing Panel.

- Disruption or interference with the orderly conduct of a Student Conduct proceeding.
- Attempting to discourage an individual's proper participation in, or use of, the Student Conduct system.
- Attempting to influence the impartiality of a member of a University Hearing Panel prior to and/or during the course of the University Hearing Panel.
- Harassment (verbal or physical) and/or intimidation of a member of a University Hearing Panel prior to, during and/or after a Student Conduct proceeding.
- Failure to comply with the sanction(s) imposed under the Code of Student Conduct.
- Influencing or attempting to influence another person to commit an abuse of the Student Conduct system.
- Repeated and/or multiple violations of University policy.

### **Sanctions**

The following criteria will be analyzed in determining appropriate disciplinary sanctions:

- Present demeanor and past disciplinary record of the student.
- The nature of the offense(s).
- The severity of damage, injury or harm as perceived by the victim and/or University officials.
- University precedent for similar violations.
- Mitigating or aggravating factors identified by the student and/or witnesses.
- The severity of the case.
- The impact of the violation(s) on the campus community.
- Other policies violated during the incident.
- The discipline history of the student(s) involved
- The learning and ethical development needs of the student found responsible.

The use or abuse of alcohol and/or illegal substances will be considered an aggravating rather than a mitigating factor. Violations of the Code of Student Conduct that can be proven to have been motivated by illegal bias will result in the imposition of more severe sanctions. Victims may submit written statements detailing the effect of the offense on them and their ability to function as students. Repeated or aggravated violations of any provisions of this code may result in expulsion or suspension, or in the imposition of such lesser penalties as may be appropriate.

A student may receive more than one sanction for a single violation. Students found responsible for violating the Code of Student Conduct may, at the discretion of the vice president for Student Life or the University hearing panel, be offered the opportunity to engage in substantive educational and reflective activities. After the satisfactory completion of the specified educational and reflective activities, appropriate privileges may be restored.

The following sanctions may be imposed upon any individual student found responsible for violating the Code of Student Conduct:

### **University Warning**

This sanction indicates that a violation of the Code of Student Conduct has occurred and informs the student that a subsequent violation will be treated more severely.

### **University Probation**

This sanction informs the student that a subsequent violation of the Code of Student Conduct will result in revocation of certain University privileges and a serious review of his or her status as a student at the University. Students on probation may be prohibited from being members of a recognized or registered student organization; participating in the activities of such organizations; serving as a representative of the University; or participating in intramural, club or intercollegiate sports. Students on probation may also be restricted from certain campus facilities, including but not limited to the dining facilities and campus recreation facilities.

Copies of the notification of this sanction will be sent to appropriate University offices to notify them about students placed on probation and the nature of their probationary status.

No refunds of tuition or fees will be provided to any student who has been found responsible for violating the Code of Student Conduct and placed on probation from the University.

### **University Suspension**

This sanction informs the student of University privileges that have been revoked for a specific period of time, which include, but are not limited to:

- The ability to enroll as a student.
- The ability to register for or attend specific courses.
- The ability to be present on campus grounds.
- The ability to attend or participate in certain University-sponsored events on or off campus.
- The ability to use or visit University facilities, such as dining halls or recreation facilities, and to participate in student organizations or events.

Students who are suspended during the academic semester will be administratively assigned a “WD” for their coursework and will forfeit semester tuition and fees. No refunds of tuition or fees will be provided to any student who has been found responsible for violating the Code of Student Conduct and suspended from the University.

### **University Expulsion**

The student is permanently separated from the University and is not permitted to register for courses, be present on campus, or attend or participate in University-sponsored events. Individuals who do not comply are subject to arrest for criminal trespass. Students who are expelled during the academic semester will be administratively assigned a “WD” for their coursework and will forfeit semester tuition and fees. No refunds of tuition or fees will be provided to any student who has been found responsible for violating the Code of Student Conduct and expelled from the University.

### **Counseling and Wellness Referrals**

Students may be referred to Counseling and Wellness Services for appropriate on- or off-campus medical/psychological services.

### **Discretionary Sanctions**

Other sanctions that bear a reasonable relation to the violation for which the student has been sanctioned may be imposed instead of or in addition to those specified above. Discretionary sanctions include, but are not limited to, volunteer services hours, educational reflection assignments, and participation in alcohol or drug awareness programs. Discretionary sanctions are administered only with the approval of the vice president of Student Life or designee.

**Educational Sanctions**

Students may be required to complete community restitution projects and/or educational assignments.

**Financial Restitution**

Students may be required to make financial restitution for damages incurred as a result of the violation for which they have been found responsible.

**Parental Notification**

Underage students may be subject to parental notification in cases dealing with alcohol and/or drugs as outlined in the University Parental Notification Policy permitted by the Family Educational Rights and Privacy Act (FERPA).

**Transcript Notations**

Students disciplinarily suspended from the University for certain violations will have a notation placed on their transcript. The notation will read Disciplinary Suspension. If the student re-enrolls, remains in good disciplinary standing and completes the requirements for graduation, the student may request removal of the notation at the time he/she files for graduation. Requests must be submitted to the Vice President for Student Life, and a decision will be made in consultation with the Vice President for Academic Affairs.

Students expelled from the University as a result of disciplinary action will have a permanent notation placed on their transcript for certain violations. The notation will read Disciplinary Expulsion.

**Restriction from Privileges**

Loss of specified privileges for a defined period of time (restriction from residence facilities, campus on weekends, co-curricular activities, athletics participation, use of computing services, representing the University, participation in housing lottery, etc.).

**Revocation of Admission and/or Degree**

Admission to, or a degree awarded from, the University may be revoked for fraud, misrepresentation or other violation of University standards prior to graduation.

**Student Holds**

Students may be subject to having restrictions placed on their ability to register for credits or other holds placed on their accounts.

**Withholding Degree**

The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code of Student Conduct, including the completion of all sanctions imposed.

**Standards of Fairness in Disciplinary Cases**

St. Joseph's University is committed to providing fair and reasonable procedural standards that are equitably applied in the adjudication of student discipline cases. Accordingly, the University affords the following process to all students:

- To be presumed not responsible until found responsible by a preponderance of information.
- To have the discipline matter at hand decided by an impartial University Hearing Panel, excluding any person who has a conflict of interest in the proceeding at hand.
- Documents related to the incident will be read to the student verbatim during the scheduled Conduct Conference Meeting and/or University Hearing Panel. Students have the option to request copies of documents regarding any charges. All documents will be redacted to remove information that is confidential under the Family Educational Right and Privacy Act (FERPA). Copies of University

documents will be available in the Office of the Vice President for Student Life for two weeks for pick-up and then mailed to the home address listed for the student. FERPA requires the University to provide copies of such documents within 45 days from receipt of the request; however, any request will not delay the conduct process.

- Access to advice by an individual of his or her choosing, including a University Adviser/Advocate. Such persons may not speak at a hearing on behalf of the student charged or appear in lieu of the student.
- The respondent will be given the opportunity to testify, to present witnesses, and to present to the University Hearing Panel written questions for the University representative presenting the charges and for witnesses. The respondent may remain silent in a University proceeding. Such decisions will not be used against the respondent, but a violation of the Student Code may be found based upon the other information presented. The complainant may be called as a witness by the University representative presenting the charges.
- In all cases, the University Hearing Panel will not consider statements against the accused student until he or she has been advised of their content and the names of those who made them. The accused student has the ability to rebut such statements.
- A list of all witnesses that the respondent wishes to present information at the hearing must be submitted in writing to the Vice President for Student Life at least two business days prior to the hearing. The respondent is responsible for the attendance of witnesses at the hearing. Witnesses are considered individuals who have direct knowledge of the incidents or charges under investigation. Character witnesses will not be permitted.
- In accordance with existing statutes, student disciplinary records are confidential records. The Student Right-to-Know and Campus Security Act (Clery Act) permits the disclosure of campus conduct findings to victims of “sex offenses” (including non-forcible ones) or “crimes of violence.”
- Students may be accountable to both external authorities and to the University for acts that constitute violations of law and this Code. University Conduct proceedings will continue normally regardless of pending administrative, civil or criminal proceedings arising out of the same or other events, and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed, reduced or are pending.
- The University Hearing Panel may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the complainant, accused student and/or other witnesses during the hearing by providing separate facilities, using a visual screen and/or permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement or other means, where and as determined in the sole judgment of the Vice President for Student Life or designee to be appropriate.
- In cases involving Sexual Harassment/Assault: The University will disclose to alleged victims of violent crimes or non-forcible sex offenses, or to the next of kin if they have died, the final results of any disciplinary proceedings against alleged student perpetrators of such crimes.
- The respondent or complainant’s withdrawal from the University does not terminate the disciplinary proceeding. Any student(s) who withdraws from the University in an attempt to circumvent the



conduct process will still be held accountable to established policies, if the alleged student is found responsible based on process guidelines. In incidents such as this, the student would be subject to forfeiture of any tuition or fees depending on the outcome of the process.

- Any question of interpretation or application of the University's Code of Conduct will be referred to the campus Vice President for Student Life for final determination.

## **ADJUDICATION OF DISCIPLINARY CASES**

### **Filing a Complaint**

In order to initiate a disciplinary proceeding, a member of the University community, faculty, staff or student, must file a complaint with the Office of the Vice President for Student Life and/or University Security. The document should include:

- The name of the complainant.
- The name of the person who is the object of the complaint.
- The date or dates on which the alleged incident took place.
- The place or places where the alleged incident took place.
- A statement describing, in detail, the alleged incident.
- The names of any witnesses to the alleged incident.
- A one-sentence statement of the remedy sought by the complainant.
- The signature of the complainant, and the date when the complaint is filed.

### **Responding to Complaints**

Complaints may be submitted by St. Joseph's University students, faculty or administrators. Incident reports filed by University Security are also considered complaints. The complainant and/or written complaint do not constitute formal discipline charges. The Vice President for Student Life responding to the complaint will determine which University policy may have been violated after reviewing the complaint thoroughly. A student will be charged with any applicable conduct violations by electronic delivery notice.

### **Notices**

All notices will be delivered via the student's University electronic mail, and delivery will be considered confirmed upon the message being sent to the student's account. It is the responsibility of the student to check his/her University email. Students should note that disciplinary action may be taken, and that sanctions and applicable stipulations may be enacted if they fail to attend the initial conduct conference or the subsequent University Hearing Panel. Students who fail to appear after proper notice will be deemed to have pled not responsible to the charges pending against them. In cases where a student charged does not appear after proper notice or does not provide justifiable reason for non-appearance, the hearing will take place as scheduled and a decision rendered in the absence of the accused. In this circumstance, a student may not appeal under the ground that he or she has additional information that was not available at the time of the hearing.

### **Conduct Conference Meeting**

After receiving a complaint and interviewing the complainant, the Vice President for Student Life will schedule a mandatory meeting with the respondent (the student accused of violating the Code) within five (5) business days of the electronic delivery of the violation notice to review the complaint and to discuss the conduct process. Parents, a counselor or the University Adviser/Advocate will not be allowed in the Conduct Conference meeting. Only the respondent may request, in writing, the rescheduling of the Conduct Conference meeting; requests made by third parties, including counsel, will not be honored.

### **University Administrative Hearing**

The Vice President for Student Life, as the University's Conduct Officer, will meet with parties involved in the incident, including the complainant, the respondent and witnesses, if necessary, and will render a decision. The respondent may choose to have an Administrative Hearing held immediately after their initial Conduct Conference. If the respondent chooses to have the Administrative Hearing at another time, the meeting must occur within three (3) business days of the initial Conduct Conference meeting. If the Conduct Officer determines that a preponderance of information indicates that the respondent is responsible for violating the Code of Student Conduct, the Conduct Officer will then issue appropriate sanctions and applicable stipulations to the respondent. The outcome will be electronically delivered within five (5) business days of the University Administrative Hearing. The respondent may appeal the Conduct Officer's decision. Instructions on filing an appeal will be provided to the student in writing within the outcome letter. The respondent will also be informed in writing if the Conduct Officer determines that he or she is not responsible for any violation of the Code of Student Conduct. Administrative Hearings will be attended only by the Conduct Officer, the accused student and an Adviser/Advocate, if one is chosen.

### **University Hearing Panel**

The Vice President for Student Life will refer the discipline matter to a University Hearing Panel comprised of faculty and/or staff and/or students within the next seven (7) business days. The Vice President for Student Life will give the respondent a list of University Advocates/Advisers upon request.

### **Delay of University Hearing Panel**

Only the complainant or the respondent may submit a written request with reason to the Vice President for Student Life for a postponement of the scheduled hearing. Requests made by third parties, including counsel, will not be honored. Except in emergency situations, no request for a postponement will be considered unless received at least four (4) business days before the scheduled hearing date. The Vice President for Student Life will determine if a hearing delay is appropriate. Hearings will be rescheduled at a student's request only once. The respondent will be expected to attend the next scheduled hearing. The failure of the student to appear at a scheduled hearing without just cause may result in a finding of 'Responsible' against the absent student for violation of the Code of Student Conduct. Disciplinary sanctions and stipulations, if appropriate, will be based upon the information presented at the University Hearing Panel.

### **Hearing Panel Procedures**

The vice president for Student Life will review the complaint with the respondent. The respondent may be asked to submit a written response, provide names of witnesses to the alleged incident and identify a University Adviser/Advocate if desired. The respondent may have only one University Adviser/Advocate.

The vice president for Student Life, or a designee, will provide copies of the complaint, response (if one is provided), list of witnesses and a summary of the preliminary investigation to the members of the hearing panel. It will be the responsibility of the respondent to provide copies to their witnesses and attorney.

The hearing panel will typically consist of two faculty members, two administrators and three students. Quorum will consist of one faculty member, one administrator and one student. There will be a chairperson for each hearing. It may be appropriate for certain discipline matters involving alleged violations of a particularly sensitive or confidential nature to be heard by faculty or administrators only. The complainant,

respondent or University representative presenting the charges may request the case be heard by a faculty/administrator panel. The vice president for Student Life or designee will determine if it is appropriate for a case to be heard in such a manner. If the vice president for Student Life or designee determines it is appropriate, a three-person faculty/administrator panel will be convened.

At the hearing, members of the hearing body will ask the respondent and his/her adviser or attorney to remain in the room throughout the hearing. Witnesses will be called one at a time, and excused at the conclusion of their testimony.

It will be the sole responsibility of members of the hearing body to question the respondent, the University representative presenting the charges, and their witnesses. Advisers, if any, may only offer advice on whether to answer any question posed to the respondent during the hearing and may not address the hearing body.

At the conclusion of all testimony, the respondent and the University representative presenting the charges will be permitted a reasonable amount of time (not to exceed ten minutes) to amplify or clarify any aspect of the information or testimony presented.

If the respondent has a record of being found responsible for prior violations of the Student Code of Conduct, this information will be made available to the members of the hearing body. This information may then be used to assist in the determination of sanctions.

All matters upon which a decision may be based must be introduced into information at the hearing. The decision of the Hearing Panel will be based solely upon such information.

The Hearing Panel will examine all relevant facts and circumstances of the incident and will render a decision of 'responsible or not responsible' based upon a preponderance of the information.

Formal rules of evidence applicable to civil and criminal cases will not be applicable to the proceedings. It will be the initial responsibility of the chair of the hearing panel to insure the relevancy of testimony.

Hearings are regarded as confidential and are closed to all but the respondent, the adviser or attorney for the respondent, the University representative presenting the charges, the hearing panelists and any witnesses called to provide testimony.

The chair of the hearing panel will send electronic notice of the decision of the Hearing Panel to the respondent through the vice president for Student Life or designee, within seven business days of the hearing.

Decisions may be appealed according to the standards outlined in Appeals, Section VIII.

Decisions of a University hearing panel will be determined by a majority vote of the participating members.

## **Appeals**

A student may appeal a conduct sanction if he/she believes one or more of the following conditions exist:

- There was substantial and prejudicial failure to follow procedures, and/or
- The student can provide information and/or documentation that the sanction was unduly severe, and/or
- The student has additional information that was not available at the time of the hearing.

Appeals can only be made in writing and should be typed and submitted by the student who is appealing. Appeals will not be accepted from third parties, including but not limited to parents, relatives, employers, legal counsel or faculty.

Brooklyn Campus students should send their appeals to the vice president for Student Life in Long Island or designee; Long Island students should send their appeal to the vice president for Student Life in Brooklyn or designee.

Appeals must be submitted within five business days of the date the sanction letter is delivered. Late appeals will not be considered. Responses to appeal letters will be sent to students within seven business days of receipt of the written letter of appeal.

In most cases, students who are appealing their sanction(s) will not be subject to the imposed sanction until their appeal has been resolved. In cases that involve substantial threat, the campus vice president for Student Life maintains the right to continue or initiate an interim suspension, pending the outcome of the appeal.

### **Appeal outcomes can:**

- Affirm the original decision and support sanction and corresponding stipulations.
- Affirm the original decision but modify the original sanction.
- Oppose the original decision and determine a new outcome, which may include the dismissal of charges.

# VII. BIAS-RELATED INCIDENTS AND CRIMES

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In compliance with Section 6436 of the Education law, St. Joseph's University adopts the following policies and procedures:

All actions against persons or property which may be considered bias crimes are unequivocally prohibited at all times in any University-owned or operated property, or at any University-sponsored activities.

Bias crimes may be defined as any form of unlawful harassment or other harmful behavior, such as assault, which is based on an individual's sex, race, national origin, disability, veteran status or any individual's status in any group or class protected by applicable federal, state or local law.

The penalties for committing such crimes will include reporting incidents to the appropriate authorities so that an independent investigation can be conducted. The University will also undertake an investigation of the incident, in keeping with the guidelines published in the Code of Student Conduct.

## TITLE IX

Title IX Prohibits Sexual Harassment and Sexual Violence.

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity.

In compliance with Title IX, the Clery Act and the Campus SaVE Act, St. Joseph's University is committed to maintaining a healthy, safe and secure environment for students, faculty and staff. The University will enforce policies prohibiting all forms of sex discrimination, including sexual misconduct in the form of sexual assault, sexual coercion, sexual exploitation, dating violence, domestic violence and stalking.

## TITLE IX SEXUAL HARASSMENT POLICY AND PROCEDURES

### Introduction

#### What is the purpose of the Title IX Grievance Policy?

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence),
- Addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution **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>

Based on the Final Rule, the University will implement the following Title IX Grievance Policy, effective August 14, 2020.

## **How does the Title IX Grievance Policy impact other campus disciplinary policies?**

In recent years, “Title IX” cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, the University must narrow both the geographic scope of its authority to act under Title IX and the types of “sexual harassment” that it must subject to its Title IX investigation and adjudication process. The Title IX Grievance Procedures described in this document will be used to investigate reported misconduct that falls within the scope of Title IX. When a complaint contains allegations of both Title IX sexual harassment and non-Title IX misconduct, the University will determine at the outset, consistent with applicable law, whether the entire matter is most appropriately resolved through the Title IX Grievance Procedures or through two separate processes.

The University remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our campus has:

- A **Code of Conduct** that defines certain behavior as a violation of campus policy, and a separate **Other Sexual and Gender-Based Misconduct Policy** that addresses the types of sex-based offenses that fall outside the scope or jurisdiction of Title IX but that constitute a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses.

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Code of Conduct or Other Sexual and Gender-Based Misconduct Policy through a separate grievance proceeding.

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the University for any violation of the Code of Conduct, employment policies or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the University and may not be cited for or against any right or aspect of any other policy or process.

## **How does the Title IX Grievance Policy impact the handling of complaints?**

Our existing Title IX Coordinators and reporting structure remains in place. What has changed is the way we will handle different types of reports arising from sexual misconduct, as detailed in full in the section on the Title IX Grievance Process.

## **THE TITLE IX GRIEVANCE POLICY: GENERAL RULES OF APPLICATION**

### **Effective Date**

This Title IX Grievance Policy will become effective on August 14, 2020, and will only apply to formal complaints of sexual harassment that occurred on or after August 14, 2020. Complaints of alleged sexual harassment that occurred prior to August 14, 2020 will be investigated and adjudicated according to the policy and procedures in place at the time of the alleged misconduct.

## **Revocation by Operation of Law**

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing Code of Conduct and/or Other Sexual and Gender-Based Misconduct Policy.

## **Non-Discrimination in Application**

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at [ocrcas.ed.gov/contact-ocr](https://ocrcas.ed.gov/contact-ocr).

## **DEFINITIONS**

### **Covered Sexual Harassment**

For the purposes of this Title IX Grievance Policy, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo).
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity.
- Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; and (iii) The frequency of interaction between the persons involved in the relationship.
- Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York's domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York.

- Stalking (as defined in the VAWA amendments to the Clery Act), meaning 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.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Code of Conduct and/or the Other Sexual and Gender-Based Misconduct Policy.

### **Consent**

University policy and state law require that there be clear, knowing and voluntary affirmative consent to sexual activity of any kind. “Affirmative consent” in New York state is defined by New York State Education Law article 129-b (“Enough is Enough”) as set forth below. “Affirmative Consent” is defined as a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression.

### **Education Program or Activity**

For the purposes of this Title IX Grievance Policy, the University’s “education program or activity” includes all of the operations of the University, including:

- Any locations, events or circumstances, whether on or off campus, over which the University exercised substantial control over both the respondent and the context in which the sexual harassment occurred. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks; digital platforms; and computer hardware or software owned or operated by, or used in the operations of, the University’s programs and activities over which the University has substantial control.

### **Formal Complaint**

For the purposes of this Title IX Grievance Policy, “formal complaint” means a document — including an electronic submission — filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within the University education program or activity, and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

### **Complainant**

For the purposes of this Title IX Grievance Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

Relevant evidence and questions

“Relevant” evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.



“Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior, unless:
  - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
  - They concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. 34 C.F.R. § 106.45(6)(i).
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally recognized privilege.
- Any party’s medical, psychological and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

### **Respondent**

For the purposes of this Title IX Grievance policy, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

### **Privacy vs. Confidentiality**

Consistent with the Other Sexual and Gender-Based Misconduct Policy, references made to *confidentiality* refer to the ability of identified confidential resources not to report crimes and violations to law enforcement or University officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean the 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. The University will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

### **Disability Accommodations**

This Policy does not alter any institutional obligations under federal disability laws, including the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

### **Reporting Covered Sexual Harassment to the Institution**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report.

## **Contact Information for the Title IX Coordinator:**

### **Title IX Coordinator:**

#### **D'adra Crump**

Executive Director of Human Resources  
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### **Deputy Title IX Coordinators:**

#### **Anthony Costagliola**

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[alist@sjny.edu](mailto:alist@sjny.edu)  
631.687.5198

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

### **Confidential Reporting**

#### **Confidential Reporting Resources:**

For a full list of Brooklyn Confidential Reporting Resources

[click here](#)

For a full list of Long Island Confidential Reporting Resources

[click here](#)

### **Non-Investigatory Measures Available Under the Title IX Grievance Policy**

#### **Supportive Measures**

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from the University regardless of whether they desire to file a complaint, which may include counseling, extension of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties (no contact orders), changes in work or housing locations, leaves of absence, or increased security and monitoring of certain areas of the campus, as appropriate. Supportive measures are non-disciplinary and non-punitive.

#### **Emergency Removal**

The University retains the authority to remove a respondent from the University's program or activity on an emergency basis, where the University (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

## **Administrative Leave**

The University retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with University policy.

## **The Title IX Grievance Process**

### **Filing a Formal Complaint**

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than sixty (60) school/ calendar/business days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's adviser or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of the University, including as an employee. For complainants who do not meet these criteria, the University will utilize existing policy in Code of Conduct and/or Other Sexual and Gender-Based Misconduct Policy.

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. The University 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 and Process.

Nothing in the Title IX Grievance Policy or the Code of Conduct and/or Other Sexual and Gender-Based Misconduct Policy prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

A complainant who files a Formal Complaint may elect, at any time, to address the matter through the Institution's Informal Resolution Process.

### **Informal Resolution**

In cases other than sexual assault or forcible touching, a reporting person may request, or the Title IX Coordinator or Deputy Coordinator may propose, that the parties explore an informal resolution. The informal resolution process is intended to provide a prompt, effective and mutually agreeable resolution without a formal investigation. Typically, an informal resolution involves a meeting with the Title IX Coordinator or Deputy Coordinator to explore mutually agreeable solutions. Participation is voluntary, and a Complainant or Respondent may terminate the informal resolution process at any time and request a formal resolution. Further, if the informal resolution does not prove effective in stopping the prohibited conduct, addressing its effects and preventing its recurrence, the Complainant or the University may pursue formal resolution. Records of informal resolutions will be maintained by the Title IX Coordinator for tracking and enforcement purposes. The results of an informal resolution may be taken into account when fashioning a sanction in a subsequent proceeding.

### **Multi-Party Situations**

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

## **Determining Jurisdiction**

The Title IX Coordinator will determine if the instant Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

- The conduct is alleged to have occurred on or after August 14, 2020;
- The conduct is alleged to have occurred in the United States;
- The conduct is alleged to have occurred in the University's education program or activity; and
- The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, the University will investigate the allegations according to the Title IX Grievance Process.

## **Allegations Potentially Falling Under Two Policies**

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Coordinator will conduct an initial assessment upon receipt of the complaint and determine, at his or her own discretion, whether the matter is most appropriately resolved through a single process (the Title IX Grievance Process) or whether the conduct that is not covered is more appropriately resolved through a separate formal resolution process at the University.

## **Mandatory Dismissal**

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

## **Discretionary Dismissal**

The Title IX Coordinator may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing if:

- 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;
- The respondent is no longer enrolled or employed by the University; or,
- If specific circumstances prevent the University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in "Appeals" below.

## **Notice of Dismissal**

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

## **Notice of Removal**

Upon dismissal for the purposes of Title IX, the University retains discretion to Code of Conduct and/or Other Sexual and Gender-Based Misconduct Policy to determine if a violation of Code of Conduct and/or Other Sexual and Gender-Based Misconduct Policy has occurred. If so, the University will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the conduct process.

## **Notice of Allegations**

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

The institution 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 may determine that the Formal Complaint must be dismissed on the mandatory 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.

## **Contents of Notice**

The Notice of Allegations will include the following:

- Notice of the institution's Title IX Grievance Process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- A statement that the parties may have an adviser of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi).

## **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 covered "sexual harassment" falling within the Title IX Grievance Policy, the institution 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.

## **Adviser of Choice, and Participation of Adviser of Choice**

The University will provide the parties equal access to advisers and support persons; any restrictions on adviser participation will be applied equally.

The University has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Adviser of Choice to any meeting or hearing to which they are required or are eligible to attend. The Adviser of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisers of Choice shall not participate directly in the process, as per standard policy and practice of the University.

The University will not intentionally schedule meetings or hearings on dates where the Advisers of Choice for all parties are not available, provided that the Advisers act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

The University's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other University policies apply to matters governed under this Policy, and the University cannot agree to extensive delays solely to accommodate the schedule of an Adviser of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. The University will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Adviser of Choice, and may offer the party the opportunity to obtain a different Adviser of Choice or utilize one provided by the University.

### **Notice of Meetings and Interviews**

The University will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants and purpose of all hearings, investigative interviews or other meetings with a party, with sufficient time for the party to prepare to participate.

### **Delays**

Each party may request a one-time delay in the Grievance Process of up to five (5) days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Director of Student Conduct or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

For example, a request to take a five-day pause made an hour before a hearing for which multiple parties and their advisers have traveled to and prepared for shall generally not be granted, while a request for a five-day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX coordinator or designee shall have sole judgment to grant further pauses in the process.

## **Investigation**

### **General Rules of Investigations**

The Title IX coordinator and/or an investigator designated by the Title IX coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment 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 of 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.

### **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:

- Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility.
- 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 institution will send the evidence made available for each party and each party's adviser, if any, to inspect and review through an electronic format or a hard copy. The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) business 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 completing the Investigative Report.

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

### **Inclusion of Evidence Not Directly Related to the Allegations**

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a "privilege log" that may be reviewed by the parties and their advisers, if any.

### **Investigative Report**

The Title IX coordinator and/or an investigator designated by the Title IX coordinator will create an Investigative Report that fairly summarizes relevant evidence and will provide that Report to the parties at least ten (10) business days prior to the hearing in an electronic format or a hard copy for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory — i.e. tending to prove and disprove the allegations — relevant evidence) will be referenced 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. See, 85 Fed. Reg. 30026, 30304 (May 19, 2020).

## **Hearing**

### **General Rules of Hearings**

The University will not issue a disciplinary sanction arising from an allegation of covered sexual harassment 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 through remote video conferencing option. This technology 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 or transcript will be made available to the parties for inspection and review.

### **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) is 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.

### **Participants in the Live Hearing**

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

#### *Complainant and Respondent (The Parties)*

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party. 85 Fed. Reg. 30026, 30361 (May 19, 2020).
- For example, a verbal or written statement constituting part or all of the sexual harassment itself is not a "prior statement" that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and 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. See 34 C.F.R. § 106.71; see also 85 Fed. Reg. 30026, 30216 (May 19, 2020).
- If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party 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.



- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross examination or other questions. See 34 C.F.R. §106.45(b)(6)(i).

#### *The Decision-maker*

- The hearing body will consist of a panel of at least three faculty and/or staff.
- No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or adviser to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- 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 hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

#### *Adviser of choice*

- The parties have the right to select an adviser of their choice, who may be, but does not have to be, an attorney.
- The adviser of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- The parties are not permitted to conduct cross-examination; the adviser must conduct it. As a result, if a party does not select an adviser, the institution will select an adviser to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The adviser is not prohibited from having 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 adviser is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's adviser may appear and conduct cross-examination on their behalf. 85 Fed. Reg. 30026, 30340 (May 19, 2020).
- If neither a party nor their adviser appears at the hearing, the University will provide an adviser to appear on behalf of the non-appearing party. See, 85 Fed. Reg. 30026, 30339-40 (May 19, 2020).

#### *Witnesses*

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing, free from retaliation. See, 85 Fed. Reg. 30026, 30360 (May 19, 2020).
- If a witness does not submit to cross-examination, as described below, the decision-maker 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. 85 Fed. Reg. 30026, 30347 (May 19, 2020).

## **Hearing Procedures**

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

- The University hearing panel will open and establish rules and expectations for the hearing.
- The parties will each be given the opportunity to provide opening statements.
- The University hearing panel will ask questions of the parties and witnesses. Parties will be given the opportunity for live cross-examination after the University hearing panel conducts its initial round of questioning. During the parties' cross-examination, the University hearing panel will have the authority to pause cross-examination at any time for the purposes of asking the University hearing panel its own follow-up questions, and any time necessary in order to enforce the established rules of decorum.
- Should a party or the party's adviser choose not to cross-examine a party or witness, the party shall affirmatively waive cross-examination through a written or oral statement to the University hearing panel. A party's waiver of cross-examination does not eliminate the ability of the University hearing panel to use statements made by the party.

### **Live Cross-Examination Procedure**

Each party's adviser will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination, the adviser 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 cross-examination question is answered, the University hearing panel will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the University hearing panel, may be deemed irrelevant if they have been asked and answered.

### **Review of Transcript/Recording**

The recording/transcript of the hearing will be available for review by the parties within 10 business days, unless there are any extenuating circumstances. The recording/transcript of the hearing will not be provided to parties or advisers of choice.

## **Determination Regarding Responsibility**

### **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.

### **General Considerations for Evaluating Testimony and Evidence**

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual and digital evidence, as warranted in the reasoned judgment of the decision-maker.

Decision-makers shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent or witness, nor shall 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 demeanor 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.

Still, 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.

Decision-makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that the University allow parties to call "expert witnesses" for direct and cross examination. The University does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that the University allow parties to call character witnesses to testify. The University does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that the University admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

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 University hearing panel may draw an adverse inference as to that party or witness' credibility.

## Components of the 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 covered sexual harassment.
- 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 Code of Student Conduct, 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 recipient imposes on the respondent.
  - A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant.
- The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

## Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the University within ten (10) business days of the completion of the hearing. Prior to imposing a sanction, the victim will be given the opportunity to provide an impact statement.

## Sanctions

In the event of a finding of responsibility, the Coordinator/Investigator will, in consultation with the University employee below, formulate a sanction:

<b>Respondent</b>	<b>Recommendation to</b>
Student	Vice President for Student Life
Staff	Director of Human Resources
Faculty	Provost
Vendors	CFO
Athletics	Title IX Coordinator or Deputy Title IX Coordinator

## **Finality**

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in “Appeals” below, or if an appeal is not filed, on the date at which the opportunity to appeal expires.

## **Appeals**

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) business 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 sanctions imposed are substantially disproportionate to the severity of the violation.

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

Appeals may be no longer than 10 pages (including attachments). Appeals should be submitted in electronic form using Arial or Times New Roman, 12-point font and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by the Panel of at least three faculty and/or staff, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX coordinator or hearing decision-maker in the same matter.

Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

## **Retaliation**

The University will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a formal complaint of sexual harassment under this Title IX Grievance Policy; any complainant; any individual who has been reported to be the perpetrator of sex discrimination, any Respondent; and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce or discriminate against any individual 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 Title IX Grievance Policy.

Any intimidation, threats, coercion or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Complaints alleging retaliation may be filed according to the procedures described in this document.

### **Amnesty for Alcohol and Drug Use**

The health and safety of every student at the University is of utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence — including but not limited to domestic violence, dating violence, stalking or sexual assault — occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report domestic violence, dating violence, stalking or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to University officials or law enforcement will not be subject to University policy for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual assault.

## Students' Bill of Rights

Under New York State Education Law article 129-b ("Enough is Enough"), you have the following rights, which will be shared with you at the time of first disclosure of an incident:

- The right to report prohibited conduct to campus security, local law enforcement or state police.
- The right to be assisted by campus security in reporting prohibited conduct to local law enforcement or state police.
- The right not to make a report.
- The right to report prohibited conduct to the University.
- The right to be protected by the University from retaliation for making or participating in a report of prohibited conduct.
- The right to receive assistance and resources from the University.
- The right to emergency access to the Title IX Coordinator or Deputy Coordinator, or another individual trained to respond to reports of prohibited conduct. This individual will inform you of your options to proceed; where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible; that the criminal justice system uses different standards of proof and evidence; and that questions about whether certain conduct amounts to a crime should be addressed to law enforcement or the district attorney. This individual will also explain whether he or she is authorized to offer you confidentiality or privacy, and will inform you of other reporting options.

Other reporting options may include:

- Confidentially disclosing the incident to the University's Confidential Reporting Resources, listed at Section IX.E. of this Policy.
- Confidentially disclosing the incident and obtaining services from the New York state, New York City or county hotlines, listed at Section IX.E. of this Policy.
- Disclosing the incident to the University's Non-Confidential Reporting Resources, listed at Section IX.F. of this Policy, who can offer privacy and can assist you in obtaining resources.
- Consulting with the Title IX Coordinator, Deputy Coordinator or other individual trained to respond to reports of prohibited conduct for information and assistance.
- Employees making a report under this Policy have a right to contact the University's Executive Director of Human Resources, who is also the Title IX Coordinator.
- The right to information about resources, including intervention, mental health counseling and medical services. Available resources include:

## ON-CAMPUS RESOURCES

Long Island Campus' Center for Counseling and Wellness  
319 W. Roe Blvd., Patchogue NY 11772  
631.687.1262

Brooklyn Campus' Office of Counseling and Wellness  
Tuohy Hall, Room 101  
718.940.5851

Counseling and Wellness services are free and confidential for all registered students.

## OFF-CAMPUS RESOURCES

Crime Victims Center: 631.689.2672, or 24-Hour Hotline: 631.332.9234

National Coalition of Anti-Violence Programs (dedicated to LGBTQ individuals): 212.714.1141

New York State Domestic and Sexual Violence Hotline: 800.942.6906

New York State Office of Victim Services: 800.247.8035 or [ovs.ny.gov](http://ovs.ny.gov)

New York State Police Campus Sexual Assault Hotline: 844.845.7269

NYC Domestic Violence Hotline: 800.621.4673

VIBS Rape 24-Hour Hotline: 631.360.3606

VITP Violence Intervention and Treatment Program at Wyckoff Heights Medical Center: 718.906.3857

- Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available. Off-campus resources:

[Suffolk County Department of Health Services](#)

[New York City Department of Health](#)

- Within 96 hours of an assault, you can get a sexual assault forensic examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found online at [ovs.ny.gov/victim-compensation](http://ovs.ny.gov/victim-compensation), or by calling 1.800.247.8035. Options are explained here: [ovs.ny.gov/help-crime-victims](http://ovs.ny.gov/help-crime-victims).

To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating or doing anything to alter physical appearance until after a physical exam has been completed.

- The right to receive assistance from the Title IX Coordinator, Deputy Coordinator or other appropriate individual in initiating legal proceedings in family court or civil court.
- The right to withdraw a report or involvement from the University's investigative process at any time.



## Recordkeeping

In accordance with the Final Rule, the University will maintain the following records for a period of seven years:

- Records of each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript of the hearing.
- Records of any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the University's education program or activity.
- Records of any appeal and the result therefrom.
- Records of any informal resolution and the result therefrom.
- Records of all materials used to train Title IX Coordinators, investigators, decision-makers and any person who facilitates an informal resolution process.[1]
- Records of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment. The University will document the basis for its conclusion that a response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity. (If the University does not provide a complainant with supportive measures, it will document the reasons why that response was not clearly unreasonable in light of the known circumstances.)

## Transcript Notations

New York State Education Law article 129-b ("Enough is Enough") requires that certain notations be made on the transcripts of students who have been found responsible for crimes of violence, including sexual assault, as set forth in 20 U.S.C.1092(F)(1)(F)(i)(I)-(VIII) of the Clery Act. Accordingly, in such cases, the following notations will be made in a Respondent's transcript, as appropriate, once the disposition becomes final:

Event	Transcript Notation
Respondent found Responsible	"Suspended after a finding responsibility for a conduct violation." <i>or</i> "Dismissed after a finding of responsibility for a conduct violation."
Respondent withdraws from the University while a sexual misconduct investigation conduct proceeding is pending	"Withdrew with conduct charges pending."

Students who have been suspended may, after a year from when the suspension became final, petition the Vice President for Student Life to have the suspension notation removed. The Vice President for Student Life, in consultation with the Vice President for Academic Affairs, will generally render a decision within 60 days. In cases where a decision will take longer than 60 days, the student will be notified of the expected response date.

Notations of dismissal or withdrawal may not be removed. If a finding of responsibility is vacated for any reason, the University will remove any such transcript notation.

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[1] The University will make these training materials publicly available on its website.

**ST. JOSEPH'S UNIVERSITY**  
**Other Sexual and Gender-Based Misconduct**  
**Policy and Procedures**  
**For conduct falling outside the scope or jurisdiction of the**  
**Title IX Sexual Harassment Policy**

**I. INTRODUCTION AND SCOPE OF POLICY**

The University is committed to fostering a climate free from sexual and gender-based discrimination, harassment and violence, intimate partner violence, and stalking. Such conduct, in any form, are serious violations of University and community standards and values, and will not be tolerated. The University will take all appropriate steps to eliminate prohibited conduct, prevent its recurrence and address its effects. Any individual found responsible for sexual misconduct or retaliation against an individual who makes a report or participates in any proceedings under this Policy may face disciplinary action up to and including dismissal from the University or termination of employment, vendor or guest status. The purpose of this document is to describe what is prohibited, how to report violations, how reports and violations will be handled, and the resources the University makes available to individuals who have experienced conduct prohibited by this policy or are involved in proceedings under this Policy.

This Policy applies to all students, faculty, staff, administrators, trustees, independent contractors, consultants, interns, vendors, others engaged in business with the University, guests and visitors. This Policy applies to all forms of prohibited conduct that occurs on campus; off campus but in the context of any University program or activity, including education, employment and study abroad activities and programs; and misconduct that occurs off campus or outside of the University's programs or activities but has continuing adverse effects on campus or in the University's programs or activities.

This Policy addresses the procedures for reporting and responding to incidents of discrimination, harassment, and sexual misconduct that falls outside the scope or jurisdiction of the Title IX Sexual Harassment Policy. Some of the conduct prohibited by this Policy is also prohibited by the University's Title IX Sexual Harassment Policy, but the conduct falls outside the scope of Title IX because (1) It did not happen in the United States; (2) It happened outside of the University's programs or activities; or (3) It is not so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's education programs or activities.

When a complaint alleges violations of both the Title IX Sexual Harassment Policy and this Policy, the University will determine at the outset, consistent with applicable law, whether the entire matter is most appropriately resolved through the Title IX Grievance Procedures or through two separate processes. Complaints of misconduct that fall within the scope and jurisdiction of the Title IX Sexual Harassment Policy will always be governed by the procedures in that Policy.

## **II. STATEMENT OF NON-DISCRIMINATION**

St. Joseph's University prohibits any form of discrimination or harassment against any person on the basis of race, color, sex, gender, pregnancy, religion, creed, marital status, partnership status, age, sexual orientation, gender identity or expression, national origin, disability, military or veteran status, genetic characteristics, domestic violence victim status or any other legally-protected status in the administration of its programs and activities, including education, employment, admissions, athletics and this Policy.

## **III. SPEECH RIGHTS AND ACADEMIC FREEDOM**

This Policy is not intended to infringe on speech rights or the academic freedom recognized by the University. It is not intended to mandate or prohibit the use of particular textbooks, classroom instruction or curricula, unless use of particular textbooks, classroom instruction or curricula would constitute discrimination or harassment prohibited by this Policy and applicable law, in which case such use remains prohibited.

## **IV. ROLES AND RESPONSIBILITIES**

### **The Role of Title IX Coordinators**

In addition to carrying out responsibilities under the Title IX Sexual Harassment Policy, the Title IX Coordinator is also the primary contact for concerns related to Other Sexual and Gender-Based Misconduct. In this role, the Title IX Coordinator oversees the University's response to reports and complaints involving possible violations of this Policy, and they are responsible for monitoring outcomes, identifying and addressing any patterns, and assessing effects on the campus climate, so the University can address issues that affect the wider school community. To assist a Title IX Coordinator, an institution may designate one or more Deputy Title IX Coordinator(s).

Members of the University community are encouraged to contact the Title IX Coordinator or Deputy Title IX Coordinator(s) in order to:

- Seek information or training about rights and courses of action available to resolve reports or complaints that involve potential violations of this Policy.
- File a complaint or make a report of conduct prohibited by this Policy or the Title IX Sexual Harassment Policy.[1]
- Notify the University of an incident or a policy, procedure, or practice that may raise potential discrimination concerns.
- Get information about available resources (including confidential resources) and support services relating to conduct prohibited by this Policy.
- Ask questions about the University's policies and procedures related to conduct prohibited by this Policy.

## OUR TITLE IX COORDINATORS

### Title IX Coordinator:

#### D'adra Crump

Executive Director of Human Resources  
245 Clinton Avenue, Suite 109  
Brooklyn, NY 11205  
[dcrump@sjny.edu](mailto:dcrump@sjny.edu) • 718.940.5869

### Deputy Title IX Coordinators:

#### Anthony Costagliola

Assistant to the Director of Benefits Administration  
155 W. Roe Boulevard  
Patchogue, NY 11772  
[acostagliola@sjny.edu](mailto:acostagliola@sjny.edu) • 631.687.4513

#### Allison List

Director of Institutional Research  
Great River, Room 103  
[alist@sjny.edu](mailto:alist@sjny.edu) • 631.687.5198

### The Role of Other Sexual and Gender-Based Misconduct (“OSGBM”) Investigators

OSGBM Investigators are trained individuals who assist the Title IX Coordinator/Deputy Coordinators in resolving complaints of Other Sexual and Gender-Based Misconduct at the University. When a complaint is filed pursuant to this Policy, the OSGBM Investigator will conduct a prompt and thorough investigation in coordination with the Title IX Coordinators/Deputy Coordinators. The Investigator acts as a neutral party in the investigation and provides a detailed, unbiased report regarding the findings of the investigation.

## V. PROHIBITED CONDUCT

In addition to the conduct prohibited under the University’s Title IX Sexual Harassment Policy, the University prohibits a broader range of misconduct under this Policy, its Other Sexual and Gender-Based Misconduct Policy.

### Other Sexual and Gender-Based Misconduct

“Other Sexual and Gender-Based Misconduct” captures any unwelcome sexual advance, request for sexual favors, or other unwanted verbal or physical conduct of a sexual nature, when:

- The conduct meets the definition of Covered Sexual Harassment under the Title IX Sexual Harassment Policy, but falls outside the scope of Title IX because it occurs outside of the United States;
- The conduct meets the definition of Covered Sexual Harassment under the Title IX Sexual Harassment Policy, but falls outside the scope of Title IX because it occurs outside of the University’s education programs and activities but has continuing adverse effects on campus or in the University’s programs or activities;
- The conduct does not meet the definition of Covered Sexual Harassment under the Title IX Sexual Harassment Policy, but unwelcome conduct of a sexual nature is occurring, and
  - Submission to or rejection of such conduct is an explicit or implicit condition of an individual’s employment, evaluation of academic work, or any aspect of a University program or activity;

- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; *or* Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective and subjective standard.

Other Sexual and Gender-Based Misconduct also includes harassment based on sex, gender, sexual orientation, gender identity, or gender expression, that may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on gender or gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

A single incident of Other Sexual and Gender-Based Misconduct alone, such as a sexual assault that falls outside the scope of Title IX, may create a hostile environment requiring a mandatory response by the University if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a pattern of incidents to create a hostile environment. The determination of whether an environment is "hostile" will be based on the totality of the circumstances, including, but not limited to:

- The frequency of the speech or conduct;
- The nature and severity of the speech or conduct;
- Whether the speech or conduct was physically threatening;
- Whether the speech or conduct was demeaning;
- The effect of the speech or conduct;
- Whether the speech or conduct was directed at more than one person;
- Whether the speech or conduct arose in the context of other discriminatory conduct;
- Whether the speech or conduct unreasonably interfered with the complainant's educational opportunities or academic performance, University-controlled living environment, work opportunities or performance;
- Whether a statement is a mere utterance of an epithet that engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
- Whether the speech or conduct is legally-protected and/or deserves the protections of academic freedom.

### **Non-Consensual Sexual Intercourse**

The University prohibits conduct constituting Non-Consensual Sexual Intercourse that falls outside the scope or jurisdiction of Title IX. Non-Consensual Sexual Intercourse is defined as having or attempting to have sexual intercourse with another individual:

- By force or threat of force;
- Without clear, knowing and voluntary affirmative consent; or
- Where that individual is underage or incapacitated.

Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact or mouth to anus contact.

## **Non-Consensual Sexual Contact**

The University prohibits conduct constituting Non-Consensual Sexual Contact that falls outside the scope or jurisdiction of Title IX. Non-Consensual Sexual Contact is defined as having sexual contact with another individual:

- By force or threat of force;
- Without clear, knowing, and voluntary affirmative consent; or
- Where that individual is underage or incapacitated.

Sexual contact includes any intentional touching of the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner. Sexual contact may be over the clothes or skin-to-skin.

## **Sexual Exploitation**

The University prohibits conduct constituting Sexual Exploitation that falls outside the scope or jurisdiction of Title IX. Sexual Exploitation is knowingly, intentionally, or purposefully taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual sexual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, personal benefit, or any other non-legitimate purpose. Examples of Sexual Exploitation include:

Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;

- Voyeurism;
- Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Non-consensual recording of individuals in locations in which they have a reasonable expectation of privacy, such as restrooms or locker rooms, regardless of whether the images captured reveal sexual activity or nudity;
- Prostituting another individual;
- Exposing one's genitals in non-consensual circumstances;
- Knowingly exposing another individual to a sexually transmitted infection or virus without that individual's knowledge; and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity, e.g., by using alcohol or other drugs (such as Rohypnol or GHB).

## **Stalking**

The University prohibits conduct constituting Stalking that falls outside the scope or jurisdiction of Title IX. Stalking occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, under circumstances that demonstrate either of the following:

- Placing the person in reasonable fear of bodily injury to oneself or others, or of damage to their property; or
- Reasonably causing substantial emotional distress to the person.

Stalking includes cyber or electronic stalking, in which electronic media or devices such as the internet, social networks, blogs, cell phones, texts, or other similar platforms or devices are used to make contact or create a presence.

## **Intimate Partner Violence**

The University prohibits conduct constituting Intimate Partner Violence that falls outside the scope or jurisdiction of Title IX. Intimate Partner Violence (including dating violence and domestic violence) includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate Partner Violence may include any form of Prohibited Conduct under this Policy. The University will evaluate the existence of an intimate relationship based upon the complainant's statements and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

## **Retaliation**

Retaliation is any real or perceived act or attempt to retaliate against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of a report under this Policy.

Retaliation can take many forms, including abuse, violence, threats, and intimidation. Any individual or group of individuals, including but not limited to a complainant or respondent, can be held accountable for retaliation under this Policy.

## **VI. AFFIRMATIVE CONSENT TO SEXUAL ACTIVITY REQUIRED**

University policy and state law require that there be clear, knowing and voluntary affirmative consent to sexual activity of any kind. "Affirmative consent" in New York State is defined by New York State Education Law article 129-b ("Enough is Enough") as set forth below.

### **Affirmative Consent Defined**

"Affirmative Consent" is defined as a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

- **Principles of Consensual Sexual Activity**

The following principles, along with above definition, will be used to evaluate whether sexual activity was consensual or not.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity.
- Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending upon the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm.

- When consent is withdrawn or can no longer be given, sexual activity must stop.
- Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.
- **Key Consent Concepts Explained**
  - **Force**  
 "Force" is the use or threat of physical action to overcome an individual's free choice as to whether or not to participate in sexual activity or provide consent. Consent obtained by force is not valid.
  - **Intimidation**  
 "Intimidation" is the use of implied threats to overcome an individual's free choice as to whether or not to participate in sexual activity or provide consent. Consent obtained by intimidation is not valid.
  - **Coercion**  
 "Coercion" is the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual's will. Consent obtained through coercion is not valid. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail.
  - **Incapacitation**  
 "Incapacitation" is a state where an individual cannot make an informed and rational decision to engage in sexual activity. For example, an individual is incapacitated, and therefore unable to give consent, if the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition. Incapacitation may result from the use of alcohol, drugs, or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation, since such consumption does not always render a person incapacitated. Sexual activity is not consensual if the Respondent knows or reasonably should know that the Complainant is incapacitated.
  - **Minors Cannot Consent**  
 According to New York state law, a minor, defined as anyone less than 17 years of age, is incapable of consenting to sexual activity with a person 18 years of age or older. The University adopts this prohibition of sexual activity by adults with minors for the purposes of determining consent under this Policy.



## **VII. STUDENT BILL OF RIGHTS**

In accordance with Enough is Enough, all students are advised that they have the following rights to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

## **VIII. MAKING A REPORT**

### **Generally**

Victims of sexual assault or violence are encouraged to get to a safe place and obtain immediate medical treatment. Calling 911 or campus security at 917-209-3625 (Long Island Campus) or dial “3” from any campus phone and 646-208-4597 (Brooklyn Campus) or dial “6” from any campus phone is an important first step to obtaining immediate medical assistance and medical support, and to preserve evidence. The University urges any person who observes or believes that they have been the victim of conduct prohibited by this Policy to make a report as provided for in this Policy and seek support and assistance. Making a report ensures that the University can provide a victim with appropriate support and resources and enables it to maintain a safe and welcoming educational environment.

### **Your Rights Under New York State Law**

Under New York State Education Law article 129-b (“Enough is Enough”), you have the following rights, which will be shared with you at the time of first disclosure of an incident:

- The right to report prohibited conduct to Campus Security, Local Law Enforcement, or State Police. The right to be assisted by Campus Security in reporting prohibited conduct to Local Law Enforcement or State Police;
- The right not to make a report;
- The right to report prohibited conduct to the University;
- The right to be protected by the University from retaliation for making or participating in a report of prohibited conduct;
- The right to receive assistance and resources from the University;
- The right to emergency access to the Title IX Coordinator or Deputy Coordinator or other individual trained to respond to reports of prohibited conduct. This individual will inform you of your options to proceed and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and that the criminal justice system uses different standards of proof and evidence and questions about whether certain conduct amounts to a crime should be addressed to law enforcement or the district attorney. This individual will also explain whether he or she is authorized to offer you confidentiality or privacy, and will inform you of other reporting options. Other reporting options may include:

- Confidentially disclosing the incident to the University’s Confidential Reporting Resources, listed at Section IX.E. of this Policy;
  - Confidentially disclosing the incident and obtaining services from the New York State, New York City or county hotlines, listed at Section IX.E. of this Policy;
  - Disclosing the incident to the University’s Non-Confidential Reporting Resources, listed at Section IX.F. of this Policy, who can offer privacy and can assist you in obtaining resources; or
  - Consulting with the Title IX Coordinator, Deputy Coordinator or other individual trained to respond to reports of prohibited conduct for information and assistance.
- Employees making a report under this Policy have a right to contact the University’s Executive Director of Human Resources, who is also the Title IX Coordinator;
  - The right to information about resources, including intervention, mental health counseling and medical services. Available resources include:

## ON-CAMPUS RESOURCES

Long Island Campus' Center for Counseling and Wellness  
319 W. Roe Blvd., Patchogue NY 11772  
631.687.1262

Brooklyn Campus' Office of Counseling and Wellness  
Tuohy Hall, Room 101  
718.940.5851

Counseling and Wellness services are free and confidential for all registered students.

## OFF-CAMPUS RESOURCES

Crime Victims Center: 631.689.2672, or 24-Hour Hotline: 631.332.9234

National Coalition of Anti-Violence Programs (dedicated to LGBTQ individuals): 212.714.1141

New York State Domestic and Sexual Violence Hotline: 800.942.6906

New York State Office of Victim Services: 800.247.8035 or ovs.ny.gov

New York State Police Campus Sexual Assault Hotline: 844.845.7269

NYC Domestic Violence Hotline: 800.621.4673

VIBS Rape 24-Hour Hotline: 631.360.3606

VITP Violence Intervention and Treatment Program at Wyckoff Heights Medical Center: 718.906.3857

- Sexual contact can transmit sexually transmitted infections (STI) and may result in pregnancy. Testing for STIs is available, and emergency contraception is also available.

## OFF-CAMPUS RESOURCES

### [Suffolk County Department of Health Services](#)

### [New York City Sexual Health Clinics](#)

- Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: [ovs.ny.gov](http://ovs.ny.gov), or by calling 1-800-247-8035.

Options are explained [here](#).

- To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.
- The right to receive assistance from the Title IX Coordinator, Deputy Coordinator or other appropriate individual in initiating legal proceedings in family court or civil court;
- The right to withdraw a report or involvement from the University's investigative process at any time; and
- You will be provided a copy of this Policy.

## **University Policy on Reporting**

The University has deemed as “mandatory reporters” for the purposes of this Policy all of its employees (faculty and staff) who are not specifically designated as a Confidential Reporting Resource. Mandatory reporters must inform the University’s Title IX Coordinator or one of the Deputy Title IX Coordinator if they have reason to believe that a violation of this Policy has occurred, including any details disclosed to them. To the extent practicable, prior to receiving a report under this Policy, a mandatory reporter should inform the reporting party that he or she is a non-confidential reporting resource and inform the reporting party of the right to make a confidential report. Stories or experiences shared at awareness events, such as “Take Back the Night” or as part of academic work will not, without more, be deemed reports of prohibited conduct under this Policy. However, the University may take such perspectives and experiences into consideration when evaluating its education and prevention efforts.

## **Privacy and Confidentiality Explained**

For the purposes of this Policy, privacy and confidentiality are defined as follows. Privacy means that information will be shared on a “need to know” basis. All University employees are expected to maintain the privacy of individuals involved in proceedings under this Policy. Confidentiality means that information shared by an individual will not be shared with any other individual without the express permission of the individual or as otherwise required or permitted by law. As noted above, even mandatory reporters, who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for Title IX personnel to investigate and/or seek a resolution of the matter reported.

## **Confidential Reporting Resources**

Only a limited group of persons may receive truly confidential reports of Prohibited Conduct under this Policy. These individuals will not forward any personally identifiable information to Title IX or law enforcement personnel, unless required by law to do so. Thus, these reports will typically not trigger a law enforcement or University investigation. Please note that there may be rare circumstances in which a Confidential Reporting Resource is required by law to report a particular offense—for example, in the case where the perpetrator presents an imminent threat of harm to the community or the report involves the abuse of a minor.

### **Confidential Reporting Resources:**

**For a full list of Brooklyn Confidential Reporting Resources**

[click here](#)

**For a full list of Long Island Confidential Reporting Resources**

[click here](#)

### **Off-campus - 24/7 Confidential Hotlines:**

Crime Victims Center: 631.689.2672, or 24-Hour Hotline: 631.332.9234

National Coalition of Anti-Violence Programs (dedicated to LGBTQ individuals): 212.714.1141

New York State Domestic and Sexual Violence Hotline: 800.942.6906

New York State Office of Victim Services: 800.247.8035 or ovs.ny.gov

New York State Police Campus Sexual Assault Hotline: 844.845.7269

NYC Domestic Violence Hotline: 800.621.4673

VIBS Rape 24-Hour Hotline: 631.360.3606

VITP Violence Intervention and Treatment Program at Wyckoff Heights Medical Center: 718.906.3857

- Assistance can also be obtained through:
  - [SurvJustice](#)
  - [Legal Momentum](#)
  - [NYSCASA](#)
  - [NYSCADV](#)
  - [Pandora's Project](#)
  - [GLBTQ Domestic Violence Project](#)
  - [RAINN](#)
  - [Safe Horizons](#)

Note that these hotlines are for crisis intervention, resources and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the University. You are encouraged to additionally contact a University Confidential or Non-Confidential Reporting Resource so that the University can take appropriate action.

Please note that a reporting party may always choose to make a non-confidential report at any time.

#### **Non-Confidential Reporting Resources**

As noted above, University employees, unless they are a Confidential Reporting Resource identified above, must inform the University's Title IX Coordinator or one of its Deputy Title IX Coordinators if they observe or learn of any conduct prohibited by this Policy. However, all University employees are expected to maintain the privacy of all affected individuals to the extent practicable.

Generally, victims of or witnesses to prohibited conduct are encouraged to contact the University's Title IX Coordinator or Deputy Title IX Coordinator to make a report. These individuals are trained and have the ability to marshal support services. Irrespective of where or on what campus the prohibited conduct occurred, you may contact either the University's Title IX Coordinator or any of the Deputy Title IX Coordinators.

From time to time, the University may also designate faculty ombudspersons who may serve as a resource to faculty with various questions or concerns. For Title IX purposes, these ombudspersons are deemed non-confidential reporting resources.

## **Requests for Confidentiality, Anonymity or That No Action be Taken to Persons Who are Not Confidential Reporting Resources**

Persons desiring to make a truly confidential report that will not trigger specific action should make their reports to the Confidential Reporting Sources identified above. Requests for confidentiality, anonymity or that no action be taken, made to persons who are not Confidential Reporting Resources will be forwarded to the Title IX Coordinator or one of the Deputy Title IX Coordinators for evaluation as to whether the request can be honored. Upon making such a request, the reporting party will be advised that the University's ability to respond to the event or occurrence will be limited if the request is honored. If the reporting party, having been so advised, continues to desire confidentiality, anonymity, or that no action be taken, the Title IX Coordinator or the respective Deputy Title IX Coordinator will evaluate the request in light of all the relevant circumstances, including whether:

- There is a risk of additional attacks, including whether the accused has a history of prohibited conduct or is a repeat offender;
- The reporting party is a minor;
- Weapons, drugs or force was used;
- There were multiple attackers;
- The report reveals a pattern at a particular location or by a particular group;
- Whether the University possesses other means to obtain the evidence, such as security footage; and
- The attack was accompanied by other crimes or threats.

If the University cannot honor a request for confidentiality or that no action be taken, the reporting party will be notified of the University's decision before any action is taken, unless exigent circumstances exist. If the University does honor such a request, the University nonetheless reserves the right to take generalized remedial actions consistent with the request, such as campus-wide education efforts, monitoring, climate assessments, and the like.

A reporting party may request at any time that a confidential report be converted into a non-confidential report for the purposes of further proceedings under this policy.

### SUMMARY OF REPORTING OPTIONS

<b>Reporting Resource</b>	<b>Action</b>
<b>Confidential Reporting Resource</b>	The University will not be privy to the report details and thus will have no basis to take action. The Confidential Reporting Resource may forward anonymous data to the Campus Security Authority for Clery Act purposes and to the Title IX Coordinator or Deputy Coordinator for tracking purposes and evaluation of the campus environment.
<b>Mandatory Reporter</b>	Report will be forwarded to the Title IX Coordinator or Deputy Coordinator who will attempt to contact the reporting party to discuss rights and options as set forth in this Policy. Necessary information will also be shared with the Campus Security Authority for Clery Act purposes
<b>Title IX Coordinator or Deputy Coordinator with a request for confidentiality, anonymity or that no action will be taken.</b>	The Title IX Coordinator or Deputy Coordinator will advise the reporting party that honoring the request will limit the University's ability to respond to the report. The request for confidentiality will be evaluated as set forth in this Policy. Appropriate action will be taken consistent with any such request that is honored. If the request is not honored, the reported party will be informed and the investigation process will begin, which may or may not result in disciplinary action. Necessary information may be shared with the Campus Security Authority for Clery Act purposes.
<b>Title IX Coordinator or Deputy Coordinator with no request for confidentiality, anonymity or that no action be taken.</b>	The Title IX Coordinator or Deputy Coordinator will attempt to contact the reporting party to discuss rights and options as set forth in this Policy. The investigation process will begin, which may or may not result in disciplinary action. Necessary information will also be shared with the Campus Security Authority for Clery Act purposes.

#### 24/7 Reporting Sources

- Call 911 and/or Long Island Campus Security 917.209.3625
- Call 911 or Brooklyn Campus Security 646.208.4597
- For Brooklyn: NYPD Special Victims Division – 24-hour hotline: 646.610.7272
- For Long Island: NYSP University Sexual Assault Victims Unit – 24-hour hotline 1.844.845.7269

## **Amnesty for Alcohol and Drug Use**

The health and safety of every student at the University is of the utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to University officials or law enforcement will not be subject to University policy for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

## **Knowingly False or Frivolous Reporting**

Any member of the University community who knowingly makes a false or frivolous report or who knowingly provides false or frivolous information in connection with any investigation may be subject to disciplinary action.

## **Reports and the Clery Act**

All reports will be handled in accordance with state and federal law, including the Clery Act. However, confidential reporting resources should only provide “aggregate data”—that is, reports without personally identifying information associated with them.

## **WHAT HAPPENS AFTER YOU MAKE A REPORT**

Upon the University’s receipt of a report, you will be accorded the rights set forth above, including being advised of your reporting options and support resources. You will also be provided a copy of this Policy, which contains the Bill of Rights described above. Finally, you will be advised of the interim measures and support resources described in this Policy. Reports will be handled as follows:

### **Interim Protective Measures**

In the event of a report of conduct prohibited by this Policy, the University will determine whether interim protective measures are warranted. Interim protective measures are available regardless of whether the reporting party chooses to pursue any action under this Policy. Potential interim measures include:

- Imposition of a “no-contact order”;
- Assistance in obtaining an order of protection;
- Access to support services, including counseling services;
- Reasonable academic accommodations, including academic support services or extensions of time or other course-related adjustments;
- Modifications of work or class schedules or job assignments;
- Change in student’s University-owned, sponsored or controlled housing;
- Assistance from University support staff in completing housing relocation;
- Limiting an individual’s or organization’s access to certain University facilities or activities pending resolution of the matter;
- Leave of absence;
- Providing medical services;
- University-imposed administrative leave or separation; and
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this Policy.



Please note that the presumption of non-responsibility to which the accused is entitled does not prohibit the University from taking any actions it deems necessary to protect the health and safety of the community.

### **No Contact Orders**

The University has the discretion to implement No Contact Orders, directing a community member not to have any further contact with another community member, either directly or indirectly. In most circumstances, No Contact Orders are mutual, meaning that the person requesting a No Contact Order from the University will also be directed not to have any contact with the other individual. The prohibition against contact includes, but is not limited to phone calls, texts, email, social media, and using others to send messages.

Where an individual has been found responsible for misconduct, or if the University deems it necessary to protect the health and safety of the community, No Contact Orders may be implemented unilaterally. A party may challenge the issuance or the refusal to issue a No Contact Order by providing a written statement to the Title IX Coordinator for or against the No Contact Order at any time. Parties may similarly request modifications of No Contact Orders that have been issued, including modification of the duration and scope of the order.

### **Interim Suspensions**

When the Respondent is determined to present a continuing threat to the health and safety of the community, the University may suspend the Respondent pending the outcome of the resolution process under this Policy. Either the Reporting Party/Complainant or Respondent may obtain prompt review of the need for and terms of an interim suspension, and may submit evidence in support of their positions.

## **RESOLUTION OF COMPLAINTS**

When a reporting party makes a complaint of prohibited conduct to be investigated and resolved under this Policy, the reporting party will be referred to as the “Complainant.” The alleged perpetrator of the prohibited conduct will be referred to as the “Respondent.”

### **Timeline for Resolution of Title IX Complaints/Reports**

The University will make every effort to resolve complaints involving prohibited conduct within 60 working days. The 60-day period does not include time spent in informal resolution (described below) or in connection with appeals. The timelines outlined below are anticipated timeframes in cases that do not present extraordinary circumstances, such as the temporary unavailability of evidence or witnesses. The academic calendar may also impact the timeframe for resolving complaints. The University will inform parties of more specific dates to the extent it can and of any deviations from previously established timelines. Key timeframes are set forth below:

- **Interim Measures:** Interim measures will be discussed at the time of the first report and evaluated and revisited as appropriate.
- **Commencement of Investigation or Informal Resolution:** Ordinarily, within 7 working days of receipt of the complaint.
- **Notice of Outcome:** Ordinarily, within 60 working days of receipt of the complaint involving the Formal Resolution Process.
- **Deadline for Filing an Appeal:** The appealing party must submit his/her appeal within five working days from the date the final decision is emailed.
- **Decision on Appeal:** Ordinarily, within 14 working days from the date any response to an appeal was due.

### **Impact of Criminal Investigation on Timeline**

At the request of law enforcement, the University may agree to briefly defer its fact gathering until after the evidence gathering stage of a criminal investigation. The University will nevertheless communicate with the complainant regarding their rights, procedural options, and the implementation of interim measures to assure safety and well-being. The University will promptly resume its fact gathering as soon as it is informed that law enforcement has completed its initial gathering of evidence.

### **Right to Adviser of Choice**

Both the reporting party/complainant and respondent have a right to an adviser of his or her choice to provide support and assistance during any proceedings under this policy, including during all meetings and hearings relating to the process. The University will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally. A party may also choose to proceed without an adviser. Parties are expected to ask and respond to questions on their own behalf, without interference by their advisor during an investigative meeting. The adviser may consult with the advisee quietly or in writing or outside during breaks in the meeting, but may not provide testimony on behalf of the advisee. Any written submission must also be composed by the party. Any adviser who steps outside of this defined role will be given one warning and then be asked to leave the investigative meeting. (A substitute advisor will not be permitted at this meeting.)

### **Conflicts of Interest**

Both parties have a right to an investigator and appeals board that are free from conflicts of interest. Either party may seek disqualification of an investigator and appeals board member by providing a written statement to the supervisor of the investigator or board member who may have a conflict. If a conflict of interest is found, the investigator or board member will be replaced.

### **Informal Resolution**

In cases other than sexual assault or forcible touching, a reporting person may request or the Title IX coordinator or deputy coordinator may propose that the parties explore an informal resolution. The informal resolution process is intended to provide a prompt, effective, and mutually agreeable resolution without a formal investigation. Typically, an informal resolution involves a meeting with the Title IX coordinator or deputy coordinator to explore mutually agreeable solutions. Participation is voluntary, and a complainant or respondent may terminate the informal resolution process at any time and request a formal resolution. Further, if the informal resolution does not prove effective in stopping the prohibited conduct, addressing its effects, and preventing its recurrence, the complainant or the University may pursue formal resolution. Records of informal resolutions will be maintained by the Title IX coordinator for tracking and enforcement purposes. The results of an informal resolution may be taken into account when fashioning a sanction in a subsequent proceeding.

## Formal Resolution

Formal resolution to complaints will involve a thorough, reliable, and impartial investigation process. A Respondent found to have violated this policy will be subject to appropriate discipline and/or remedial action.

Complaints handled under the formal resolution process will proceed as follows:

- **Informational Meeting:** The coordinator/investigator will initially hold separate informational meetings with the parties. The parties will be notified in writing of the identities of the parties involved, the date and location of the alleged incident, the precise conduct allegedly constituting the potential violation, the specific policy provision(s) alleged to have been violated, and the potential sanction(s) for the violation. Such written notice shall be provided in advance of the informational meetings, with sufficient time to prepare for meaningful participation. The parties will further be notified of the investigator's appointment and identity.
  - Each party will be offered support services and the opportunity to obtain an advisor of their choice, such as a friend, family member, or an attorney.
  - Policies and procedures will be explained to each party.
  - Each party will be notified that he or she will have the opportunity to offer evidence during the investigation and review the opposing evidence.
  - Each party will be encouraged to identify all relevant evidence, including witnesses, documents, and electronic information, such as email, text messages, and social media.
  - The timelines of the investigation will be reviewed with the parties, including the deadline for submitting evidence.
- **Evidence Gathering:** The Coordinator/Investigator will then interview the parties and witnesses and review the available evidence. Evidence of mental health history or treatment, or prior sexual history with persons other than the other party, will not be considered in determining responsibility under this Policy. However, past findings of domestic violence, dating violence, stalking, or sexual assault may be considered in determining an appropriate sanction.
- **Evidence Evaluation:** In conducting the investigation and evaluating the evidence, the Coordinator/Investigator will presume that the Respondent is "not responsible" until responsibility is proven by a "preponderance of the evidence." A "preponderance of the evidence" means the "greater weight of the evidence" or alternatively, "more likely than not."
- **Preliminary Report:** Upon the completion of the investigation and evaluation of the evidence, the Coordinator/Investigator will compose a preliminary report summarizing the evidence and preliminarily determining whether the preponderance of the evidence demonstrates that Respondent is "responsible" for a violation of this Policy.
- **Meeting with Parties:** Upon completion of the preliminary report, the Coordinator/Investigator will schedule separate meetings with the parties to discuss the preliminary report. The parties will have three working days from the date of the meeting in which to inform the investigator of any errors, omissions or additional evidence.
- **Final Report:** Upon the close of the feedback period set forth in section 5 above, the Coordinator/Investigator will consider any feedback, conduct any follow up deemed appropriate, and then finalize the report.
- **Sanctions:** In the event of a finding of responsibility, the Coordinator/Investigator will, in consultation with the University employee below, formulate a sanction:

<b>Respondent</b>	<b>Recommendation to</b>
Student	Vice President of Student Life
Staff	Director of HR
Faculty	Provost
Vendors	CFO
Athletics	Title IX Coordinator or Deputy Title IX Coordinator

### **Potential Sanctions**

All sanctions shall be proportional to the violation found and designed to eliminate prohibited conduct, including any hostile environment, prevent its recurrence and address its effects. The range of potential sanctions include:

- Training, counseling or similar remedial action;
- Written sanctions, such as a letter of counseling or reprimand;
- No Contact or No Trespass Orders;
- Probation;
- Suspension, including Interim Suspension;
- Last Chance Agreement;
- Expulsion; and
- Termination of employment or contracting relationship.

Prior to imposing a sanction, the victim will be provided the opportunity to provide an impact statement.

### **Notice of Outcome**

The University will simultaneously inform each party in writing of the outcome of the investigation. In the case of students, FERPA, the Clery Act, and Enough is Enough grant students certain rights to information, as well as certain privacy rights. The University will attempt to comply with these laws in providing the parties notice of the outcome of the investigation.

Where there is a finding of responsibility for sexual assault, domestic violence, dating violence, stalking, or other sexual misconduct, the University will provide the following information:

- The material facts found;
- The determination of responsibility;
- The sanction, if any;
- The rationale for any sanction imposed; and
- When the results become final.

In other cases involving students, the parties will be simultaneously notified of the information above except that FERPA requires the University to limit the information on any sanctions imposed on the Respondent to those sanctions that directly relate to the Complainant. For example, suspensions, No Contact Orders, and expulsions all directly relate to the Complainant while a requirement that the Respondent perform community service may not.

Sanctions of University employees will be handled according to University policy.

### **Appeals**

If the Complainant or Respondent disagrees with the outcome, he or she may submit an appeal, within five business days from the date the written decision is emailed. The appeal must be submitted in writing to the Title IX Coordinator or Deputy Title Coordinator.

The grounds for an appeal are as follows:

- A procedural error occurred that materially impacted the outcome of the investigation, such as bias or a material deviation from established procedures.
- New evidence unavailable during the investigation, despite reasonable diligence to identify and obtain evidence, which would substantially impact the finding or sanction. As part of the appeal, the appealing party must submit a summary of the new evidence, its asserted impact on the finding of responsibility or sanction, and a statement as to why the evidence could not have been identified and obtained during the investigation, despite reasonable diligence.
- The sanctions imposed are substantially disproportionate to the severity of the violation.

Upon receipt of an appeal, the Title IX Coordinator or Deputy Title IX Coordinator shall review the appeal to determine if it states a ground upon which an appeal can be taken. A copy of the appeal shall also be shared with the non-appealing party. If the appeal does not state one or more of the grounds for appeal stated above, the appeal will be dismissed, the decision will become final, and the parties will be informed of that fact. Any such dismissal is final.

If the appeal states a ground upon which an appeal can be taken, the Title IX Coordinator or Deputy Title IX Coordinator shall convene an Appeals Board, which shall consist of three trained University employees. The Appeals Board will notify the parties that the appeal has been accepted. The non-appealing party shall have five work days in which to respond to the appeal. The Appeals Board will generally issue its decision to both parties within 14 work days of the date on which any response to the appeal was due. The decision of the Appeals Board is final.

If the Appeals Board determines that new evidence should be considered, the Appeals Board will remand the case to the investigator to reconsider the decision in light of the new evidence. The investigator will review the new evidence and submit an addendum to the report, which may include any revised findings or recommended sanctions. The amended report will be provided to the parties, who may appeal the amended report as set forth above.

### **XI. TRANSCRIPT NOTATIONS**

New York State Education Law article 129-b (“Enough is Enough”) requires that certain notations be made on the transcripts of students who have been found responsible for crimes of violence, including sexual assault, as set forth in 20 U.S.C.1092(F)(1)(F)(i)(I)-(VIII) of the Clery Act. Accordingly, in such cases, the following notations will be made in a Respondent’s transcript, as appropriate, once the disposition becomes final.

Event	Transcript Notation
Respondent found responsible	“Suspended after a finding of responsibility for a conduct violation.” or “Dismissed after a finding of responsibility for a conduct violation”
Respondent withdraws from the University while a sexual misconduct investigation or conduct proceeding is pending	“Withdrew with conduct charges pending.”

Students who have been suspended may, after a year from when the suspension became final, petition the Vice President for Student Life to have the suspension notation removed. The Vice President for Student Life, in consultation with the Vice President for Academic Affairs, will generally render a decision within 60 days. In cases where a decision will take longer than 60 days, the student will be notified of the expected response date.

Notations of dismissal or withdrawal may not be removed. If a finding of responsibility is vacated for any reason, the University will remove any such transcript notation.

**XII. HANDLING OF RECORDS AND EVIDENCE**

The University will endeavor to maintain the privacy/confidentiality of all records and evidence related to proceedings under this Policy. Parties to a proceeding under this Policy have the right to inspect the evidence gathered during the course of the investigation and any appeal. However, investigator notes remain the property of the investigator and are not subject to inspection. No evidence or records will be released to third parties unless there is a valid subpoena or lawful court order compelling the release. A party’s inspection rights end five years after the close of the proceedings.

**XIII. ANNUAL TRAINING**

All investigators and appeal board members will receive annual training in the following: conducting investigations of sexual violence and conducting a process that protects the safety of victims and promotes accountability; the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made under this Policy; and other issues relating to discriminatory harassment, domestic violence, dating violence, sexual assault and stalking.

#### **XIV. CAMPUS CLIMATE ASSESSMENTS**

At least every two years, the University will conduct a Campus Climate Assessment to ascertain student knowledge, attitudes, and experiences on topics, such as:

- The Title IX coordinator's role;
- Campus policies and procedures addressing sexual assault;
- How and where to report sexual violence as a victim/survivor or witness;
- The availability of resources on and off campus, such as counseling, health, academic assistance;
- The prevalence of victimization and perpetration of sexual assault, domestic violence, dating violence, and stalking on and off campus during a set time period (for example, the last two years);
- Bystander attitudes and behavior;
- Whether survivors reported to the University or law enforcement, and reasons why they did or did not report;
- The general awareness of the difference, if any, between the University's policies and the penal law; *and*
- The general awareness of the definition of affirmative consent.

The University will take steps to ensure that answers remain anonymous and that no individual is identified. The anonymous results will be published on the University's website.

#### **XV. AMENDMENTS/POLICY SUPREMACY**

The Policy shall prevail over any other conflicting University policy, and it may be amended at any time in the University's sole discretion.

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[1] Please note that a Title IX Coordinator or Deputy Coordinator may not be able to honor requests for confidentiality. For reporting options, including confidential reporting options, please see pages 10-14 of this Policy.

## **General Policies**

### **Academic Dishonesty Policy**

Academic dishonesty is any attempt by a student to submit 1) work completed by another person, 2) plagiarism (the act of copying, stealing or representing the words or ideas of another as one's own without giving credit to the source) or 3) to give improper aid to another student in the completion of an assignment. No student may intentionally or knowingly give or receive aid on any test or examination, or on any academic exercise, that requires independent work. This includes, but is not limited to using technology (i.e., instant messaging, text messaging, or using a camera phone) or any other unauthorized materials of any sort, or giving or receiving aid on a test or examination without the express permission of the instructor. Students found guilty of violating University policy and procedure relating to Academic Dishonesty are subject to appropriate disciplinary action. This may include a reduction in grade, a failure in the course, suspension, or expulsion.

### **Procedure for Disciplinary Action**

1. If a faculty member suspects a student of academic dishonesty, the faculty member will discuss with the student the reasons and/or evidence which support the suspicion. If, after the exchange, the faculty member believes his or her suspicions are correct, he or she should consult with the chairperson of the department to discuss an appropriate penalty. This penalty may take several forms, including reworking of the plagiarized material, reduction in grade, or failure in the course. Consideration of suspension or expulsion is reserved to the campus Executive Dean.
2. To preserve the integrity of the degree and to avoid repetitions of the offense, faculty members are encouraged to report all instances of dishonesty to the campus Executive Dean. This is particularly important if any penalty imposed may affect eligibility for graduation.
3. When informed of an instance of academic dishonesty, the dean may meet with the parties and/or review the evidence to determine if suspension or expulsion may be an appropriate penalty. If so, that officer will initiate the proper procedures, i.e., a hearing conducted by the disinterested deans and the Provost. The dean who has initiated the proceeding may be present at the hearing and give testimony, but will not participate in making a determination. The hearing will be conducted in compliance with the principles of due process and every effort will be made to safeguard the confidentiality of all parties. The hearing will be held not later than fifteen school days after the dean has initiated the process. A decision of the panel will be rendered, in writing, not later than ten school days after the hearing.

### **Appeal Process**

1. In cases in which a penalty has been imposed by a faculty member, the student may appeal the penalty by filing a written request for review with the department chairperson within five school days of the decision. The chairperson will render a decision in writing no later than fifteen school days after receipt of the request.
2. The student may appeal the department chairperson's decision by filing a written request for review with the dean within five school days of the decision. The dean will render a decision in writing no later than fifteen school days after receipt of the request.
3. In cases in which suspension or expulsion has been recommended by the panel of disinterested deans and the Provost, the student may appeal the decision by filing a written request for review with the President of the University no later than five school days after receipt of notice of the decision.
4. The President or an appropriate delegate will review the matter and may confirm or reverse the decision but may not increase the penalty imposed.
5. Within a reasonable time of receipt of the request for review, the President or an appropriate delegate will advise the student, in writing, of a decision.



## **Alcohol and Drug Policy**

St. Joseph's University is committed to facilitating the educational and personal growth of its students and recognizes the importance of an alcohol and drug-free campus. As such, the University seeks to prevent the abuse of drugs and alcohol, which can adversely impact academic performance and threaten the health and safety of students, employees, and the larger community.

Additionally, St. Joseph's University complies with all federal, state, and local laws concerning the unlawful possession, use, and distribution of drugs and alcohol. Federal law requires that the University adopt and implement a program to prevent the use of illicit drugs and abuse of alcohol by students and employees. This policy addresses the following as part of St. Joseph's University Alcohol and Drug Prevention program:

- Standards of Conduct
- Sanctions for Violation of Conduct Standards
- Legal Sanctions
- Amnesty for Alcohol and Drug use
- Health risks associated with the use of illicit drugs and the abuse of alcohol
- Programs and Resources available to assist students **Standards of Conduct**

The unlawful possession, use, distribution, dispensation, sale, or manufacture of controlled substances, and/or the abuse of alcohol are prohibited on University premises at University sponsored functions and while engaged in business or activities on behalf of the University off-campus. Students who reside in University residential housing should be aware of any additional policies surrounding drugs and alcohol by referencing the Residential Life Handbook. Any student found in violation of the Standards of Conduct surrounding drugs and/or alcohol will be subject to sanction.

Students, irrespective of age, are not permitted to possess or consume alcohol on campus or at St. Joseph's University sponsored events on or off campus. Faculty, administration, and staff are prohibited from serving or allowing students to consume alcoholic beverages on University premises or at events, meetings, or informal gatherings sponsored by St. Joseph's University. To the extent that students are present at a St. Joseph's University sponsored event where alcohol is being served, event organizers must take measures to ensure that students do not consume alcohol. Additionally, no privately obtained alcoholic beverages may be brought to an organized event. The Vice President of Student Life can make exceptions to this policy as appropriate.

### **Sanctions for Violation of Alcohol/Drug Policy**

Students are expected to comply with University policies with respect to drugs and alcohol. Students found in violation of St. Joseph's University Alcohol and Drug Policy are subject to disciplinary sanctions as set forth in the Code of Conduct. St. Joseph's University will impose sanctions on students consistent with local, state, and federal law, which may include educational sanctions, reprimands, fines, disciplinary probation, suspension and/or expulsion and will, where appropriate, refer for prosecution by lawful authorities any student who violates the standards of conduct described above. For Alcohol and Drug related policies pertaining to employees, please reference the St. Joseph's University Handbook for Administration and Staff and/ or contact the office of Human Resources.

## Legal Sanctions

Federal and New York State laws make it a criminal offense to manufacture, distribute, dispense, possess with intent to distribute, or simply possess a controlled substance. Applicable legal sanctions under local, state or federal law for the unlawful possession or distribution of illicit drugs and alcohol include penalties ranging from confiscation of property to fines and/or imprisonment.

*Drugs* – This category of crime, according to New York State Penal Law, ranges from Class “A” Misdemeanor to Class “C” Felony. The severity of penalties depends upon many factors, such as type of drug, amount, use of, sale of, location, and so forth. Persons convicted of Article 220 (drug violations) are subject to imprisonment depending upon the seriousness of the crime. Federal law requires suspension of aid eligibility for students convicted under Federal or State law of sale or possession of drugs, if the offense occurred while you were receiving federal student aid (grants, loans, or work-study). [Click here for more information.](#)

*Alcohol* – There is a range of sanctions for violations of the laws pertaining to alcohol; these include fines, community service and imprisonment. Examples of sanctions for alcohol violations as per the New York Alcoholic Beverage Control Law are as follows:

- For procuring alcohol for someone under the age of 21: up to \$200 fine and/or up to five days imprisonment.
- Purchasing of an alcoholic beverage by a person under the age of 21 through fraudulent means: fine up to \$100 and/or community service up to 30 hours; possible revocation of driver’s license for up to 90 days.
- For unlawful possession of alcoholic beverage by a person under the age of 21 with intent to consume: peace officer and/or police officer may seize the beverage and may destroy it. The person(s) in possession may be summoned before the court having jurisdiction and may be fined up to \$50.

## Amnesty for Alcohol and Drug Use Policy

The health and safety of every student at the University is of utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to University officials or law enforcement will not be subject to University policy for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

## Risks and Consequences of Drug and Alcohol Use

The use of illicit drugs, abuse of prescription drugs and abuse of alcohol involve various psychological and physical health risks.

Psychological effects include: depression (and possible suicide); poor judgment; disorientation; extreme emotions such as fear, anger, etc.; loss of inhibitions; impaired thinking processes; and poor concentration. In addition, frequent drinking to intoxication and/or drug use can result in serious mental health issues, social and familial conflicts, increased stress and isolation. Behavioral problems may include: sudden changes in mood; abrupt changes in school or work attendance, performance, productivity and/or grades; withdrawal

from responsibilities; changes in overall attitude; deterioration of physical appearance and hygiene; stealing or unusual borrowing of money; and secretive behavior.

Physical effects include: Drugs – Lethargy and fatigue; poor muscle control, possibly combined with flaccid or rigid muscles; fast or irregular heart beat and the possibility of a heart attack no matter how old you are; distorted senses (e.g., light is too bright, sensitivity to sounds); excessive perspiration; clammy skin; bad breath; memory loss; chronic cold or sinus problems including runny nose or nasal irritation; loss of appetite or sudden and unexplained weight loss; seizures scars or “tracks”; and unconsciousness or coma. Alcohol – Damage to the liver, kidneys and/or brain; heart disease – including heart and congestive heart failure; malnutrition; ulcers and gastritis; unconsciousness or coma; birth defects, including Fetal Alcohol Syndrome. Excessive alcohol use can increase a person’s risk of stroke, liver cirrhosis, alcoholic hepatitis, cancer, and other serious health conditions.

[Click here for more information and resources regarding the impacts of Alcohol and Drug abuse.](#)

### **Programs Available to Assist Students**

The University urges students who engage in the illegal use of controlled substances and alcohol abuse to seek professional advice and treatment. The Office of Counseling and Wellness provides free, confidential counseling and psychological services for all St. Joseph’s University students. These include consultation, short-term psychotherapy, group therapy, referrals and outreach services for a variety of personal and psychological concerns. The staff of licensed counselors and trainees strictly comply with standards of confidentiality. In addition, the University provides information through health and wellness fairs, workshops, brochures, pamphlets and resources through partner organizations.

### **ON-CAMPUS RESOURCES**

#### **Brooklyn:**

Office of Counseling and Wellness, 245 Clinton Ave, Brooklyn, NY – Tuohy Hall, Room 215

[Click here for more information.](#)

#### **Long Island:**

Center for Counseling and Wellness, 319 W. Roe Boulevard, Patchogue, NY

[Click here for more information.](#)

### **OFF-CAMPUS RESOURCES**

- Long Island Council on Alcoholism and Drug Dependence: 516.747.2606
- Alcoholism Council of New York: 212.252.7001
- Center for Substance Abuse Treatment, National Drug and Alcohol Treatment Referral Service (24 hours): 800.662.HELP
- Alcoholics Anonymous, New York City Intergroup: 212.647.1680
- Alcoholics Anonymous, Nassau Intergroup: 516.292.3040
- Alcoholics Anonymous, Suffolk Intergroup: 631.669.1124
- Marijuana Anonymous: 800.766.6779
- Narcotics Anonymous: 212.929.6262
- Cocaine Anonymous: 212.262.2463

## **Smoking/Tobacco Policy**

St. Joseph's University desires to protect the health, comfort, and safe working environment for its faculty, staff, administrators, students, visitors, and vendors. It is St. Joseph's University policy to provide a tobacco-free environment in all University facilities and outdoor areas in full conformance with applicable statutes including the New York State Clean Indoor Air Act

(Public Health Law Article 13-E). The act of using any tobacco product in any University facility or outdoor areas, including, chewing tobacco, and the act of smoking or carrying a lighted cigar, cigarette, pipe or any other smoking material or device (i.e. e-cigarette, vaporizer [vape], hookah, THC oils) is strictly prohibited by St. Joseph's University.

Enforcement of this policy shall not be punitive, but rather consist of policy reminders and guidance for minor offenders. Faculty, staff, administrators and students are expected to remind individuals who they see violate the policy, in a professional and courteous manner, that St. Joseph's University is a tobacco-free campus. The University reserves the right to initiate disciplinary actions, which may include counseling, verbal and written warnings and education or other appropriate disciplinary actions in accordance with the student and/or the faculty, staff and administrator handbooks. If an individual is a member of the St. Joseph's community and refuses to comply, they should be reported to the following:

- Human Resources (for Faculty, Administrators, Staff)
- Vice President for Student Life (for students)
- If an individual is a visitor on campus and refuses to comply, a report should be made to the event organizer and/or Campus Safety.

While the University recognizes the difficulty this policy may cause for some, it is incumbent on the University to enforce the policy as stated. This will be done in a reasonable and equitable manner.

## **Service and Emotional Support Animal Policy**

St. Joseph's University is committed to compliance with applicable state and federal laws relating to individuals with disabilities and recognizes and supports the assistance a trained service animal can provide a student or an employee with a disability. With respect to a request for an Emotional Support Animal (ESA), the University will determine, on a case-by-case basis, and in accordance with applicable laws and regulations, whether such an animal is a reasonable accommodation on campus. In doing so, the University must balance the needs of the individual with the impact of animals on other campus community members

### **Service Animals**

Under the Americans with Disabilities Act (ADA), a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The task(s) performed by the dog must be directly related to the person's disability. A service animal is permitted to accompany people with disabilities in all areas where members of the public are allowed. Note that a service animal does not have to wear a vest, patch, special harness, etc. In a situation where it is unclear if the dog is a service animal, faculty/staff may ask only two specific questions:

- Is the service animal required because of a disability?
- What work or task has the dog been trained to perform?

Faculty/staff are not allowed to ask for any documentation for the dog, require that the dog demonstrate its task, or inquire about the nature of the person's disability. The ADA does not require service animals to wear a vest, ID tag, or specific harness.

Students with service animals are not required to register their animals with accessibility services, but may do so voluntarily. Service animals are held to the same local animal control and public health requirements as any other animal. This includes any local laws regarding licensing, vaccinations, and registration that applies to all dogs.

The ADA requires that service animals be under the control of the handler at all times. The service animal must be harnessed, leashed, or tethered – except when that interferes with its ability to perform its tasks or when the student’s disability prevents them from using such devices. In that case, the handler must maintain control through voice, signal, or other effective controls. If a particular service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or is not under the control of the handler, the animal may be excluded. Note that allergies or fear of dogs are not valid reasons for denying access or refusing service to people using service animals. In the circumstance of a conflicting disability due to an allergy to pet dander, consideration will be taken of the needs of both persons in order to resolve the problem as efficiently and effectively as possible.

For more information on service animals, please visit the U.S. Department of Justice’s Civil Rights Division’s website ([linked here](#)) informational page about service animals and the ADA’s Revised Requirements: Service Animals ([linked here](#)). Information on service animals and emotional support animals was adapted from these pages.

### **Assistance/Emotional Support Animals**

Emotional Support Animals (ESA) [also termed assistance, therapy, comfort, or companion animals] provide comfort just by being with a person. They do not fall under the Americans with Disabilities Act (ADA) because they have not been trained to perform a specific job or task. Requests for bringing an ESA to campus must go through Student Accessibility Services. Requests will be reviewed on a case-by-case basis, and in accordance with applicable laws and regulations, to determine whether such an animal is a reasonable on-campus accommodation. If a request is approved, the handling and control of the animal will be held to the same requirements as that of a service animal (please see the above section). If a particular service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or is not under the control of the handler, the animal may be excluded. An emotional support animal may also be asked to leave the premises if it is not housebroken. Requests for ESAs in residential housing should be directed to the Coordinator of Residence Life ([bkhousing@sjny.edu](mailto:bkhousing@sjny.edu)).

### **Care and Supervision of Service Animals and Assistance/ESAs**

The care and supervision of the service animal or ESA is the responsibility of the handler. The student or employee will assume full responsibility for the care and management of his or her own animal. This will include, but is not limited to, providing food, water, and shelter; managing the animal’s behavior on campus and in the community; maintaining the health and wellness of the animal; and disposing of animal waste in an appropriate manner. The University will identify safe areas to allow for the basic needs of the animal. The service animal will be viewed by the campus as an extension of the individual student or employee, and will therefore be subject to the code of conduct of the University in the case of the student and the applicable governing policies in the case of an employee.

## **Conflicts of Interest**

It is possible that persons at the University may have a condition that precipitates an allergic reaction to animals. Persons who have asthma/an allergic/or a medical reaction to the animal are directed to bring their concerns to the appropriate offices (the Office of Student Accessibility Services for student complaints and the Office of Human Resources for employee complaints). The person making the complaint must provide verifiable medical documentation to support their claim. The needs of both persons will be considered, and in consultation with the Director of Health Services the problem will be resolved as efficiently and effectively as possible.

## **Complaints**

If there is any complaint regarding the animal and its behavior, Campus Safety, the Vice President for Student Life, or designee, or the Office of Human Resources (in the case of an employee), should contact the student or staff member and, in collaboration with the Office of Accessibility Director, inform the student or employee of the policies regarding service animals.

## **Policy for External Speakers**

St. Joseph's University, New York, is a private, not-for-profit, institution founded in 1916 by the Sisters of St. Joseph. The mission of the University is to provide a strong academic and values-oriented education at the undergraduate and graduate levels, rooted in a liberal arts tradition that prepares each student for a life characterized by integrity, intellectual and spiritual values, social responsibility and service. The University affirms the dignity, freedom, and inherent value of each person. It also endeavors to foster an environment of openness to the exploration and understanding of diverse ideas, traditions and cultures. Therefore, the University welcomes visiting speakers who contribute to the intellectual and cultural life of the institution and who are consonant with the aforementioned principles.

## **The Expression of ideas in a Respectful and Civil Manner**

St. Joseph's University encourages all members of the University community to express their ideas, thoughts, opinions, and views on a variety of issues in a respectful and civil manner. Members of the University community are prohibited from using verbal assaults and hateful language in a manner that compromises the safety and well-being of the members of the campus community. Outside guests are also prohibited from using verbal assaults and/or hateful language that may create a violent and unsafe campus environment.

## **The Safety and Security of the Campus Community**

The safety and security of the campus community is paramount in the planning and implementation of all campus events, activities, and programs. Faculty, staff, students, invited guests, and attendees are prohibited from intentionally creating a hostile campus environment through verbal assaults, hateful language, or harassing behavior. As the situation warrants, University security reserves the right to deny access to or remove individuals from University property and to address the situation appropriately.

## **Campus Demonstration and Protests**

Campus demonstrations such as marches, meetings, and rallies conducted by students, are permitted provided participants are respectful, civil, and not in violation of the Code of Student Conduct. Individual students and recognized clubs and organizations may organize marches, meetings, and rallies in concert with the Office of Student Involvement, Leadership and Intercultural Engagement. Students and clubs/organizations must submit a request utilizing the “Request for Demonstration form” no less than two business days prior to the date of the proposed campus demonstration. This will ensure that University officials can assist students in the planning of their event. Staff will be present during campus demonstrations to monitor the event’s safety and to ensure the event does not interrupt University operations.

### **Please note that the following actions are prohibited:**

- Conduct which is disorderly;
- Breach of peace;
- Aiding, abetting, or procuring another person to breach the peace on University premises or at sponsored events;
- Intentional or unintentional obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised events;
- Participation in any behavior which disrupts the normal operations of the University and infringes on the rights of other members of the University community.

Campus demonstrations may not take place in classrooms, corridors, or in or near administrative offices, but may take place inside designated University event spaces if approved in advance.

## **Inviting Guests to Campus**

All invited guests outside of regularly scheduled academic classes must be approved. Student requests made on behalf of recognized student clubs and organizations must be submitted to and approved by the Vice President for Student Life. Faculty requests, outside of individual class speakers, must be submitted to and approved by the Provost. Staff requests must be submitted to and approved by the Vice President for Marketing and Communications. The External Speaker Approval Form should be submitted at least one month prior to the intended event. All guests are expected to comply with the University standard of respect and civility.

## **Political Campaigns**

St. Joseph’s University, as a tax-exempt, not-for-profit institution, adheres to federal law that states it may not participate in, or intervene in, any political campaign on behalf of (or in opposition to) any candidate for public office. The University must maintain neutrality at all times. For specific information on political activities that are permitted and prohibited, please see the **St. Joseph’s University Guidelines for Political Activities for Students, Faculty, and Staff**.

**(Documents will be available on the SJNY Portal.)**

## **Medical Leave of Absence Policy**

St. Joseph's University recognizes that health issues may on occasion interfere with a student's academic progress. The University aims to support students so they are able to address their needs by utilizing a Medical Leave of Absence. A student may request a Medical Leave of Absence if the student has a medical or psychological condition that necessitates their absence from the University. The Office of Counseling and Wellness is responsible for facilitating the Medical Leave of Absence process at both campuses.

### **Procedure**

- If a student has a medical condition that impedes their ability to complete their coursework, they should contact the Office of Counseling and Wellness to discuss the possibility of taking a medical leave of absence.
- To request a Medical Leave of Absence students will need to complete an application and should contact the Office of Counseling and Wellness to do so. The application process will require the following:
  - Completed Medical Leave of Absence form
  - Completed drop/add form
  - Medical documentation
  - Tuition credit letter, if applicable
  - Return of Financial Aid letter, if applicable
- All medical documentation submitted must be submitted to the Counseling and Wellness staff for review and include the nature of the medical condition. This documentation must be on a physician's official letterhead. Students may be required to sign a Release of Information Form to allow the appropriate University officials to speak to the treating physician or licensed mental health professional.
- Approval for the request for a Medical Leave of Absence will be made by the Office of Counseling and Wellness in conjunction with the Vice President for Student Life or his/her designee.
- Once all the forms have been submitted and the medical documentation is approved, a student's courses will reflect a WD (withdrawal) for the semester. WD grade does not impact a student's GPA.

\*A medical leave does not mean that the student's financial liability is eliminated. It is imperative that the student contacts the Bursar's Office and the Financial Aid Office to discuss his/her individual financial implications.

### **Request to Return**

When a student is ready to return they must make an appointment to meet with their adviser to select their courses. The adviser will let the student know if there are any holds on his/her account which would prevent them from registering. In addition, students must contact the Financial Aid Office to ensure that all paperwork has been completed.



# VIII. UNIVERSITY POLICIES THAT PROTECT STUDENT RIGHTS

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## Protection of Subjects' Rights in Research Projects

A student may be asked at some time during his/her years at St. Joseph's to participate as a subject in a research project. Such participation in research is extremely helpful to the experimenter and often can be educationally valuable to the subject. However, every person has the right to refuse. If you decide to take part in an experiment, the experimenter will provide you with a card containing his/her name and affiliation and the name of the experimental project. If the experimenter does not supply you with such information, you should request it from the experimenter. Should you have any complaints about the procedures used by the experimenter, you may submit a request for review to the Academic Dean either on the form on this page or in person. Your name is not required; however, to ensure a swift and thorough disposition of the complaints it would be helpful if you provided your name and a phone number where you can be reached. In either instance, your name will be held in strict confidence.

To: Executive Dean

From: (To be held confidential by the Dean)

Phone:

NAME OF EXPERIMENTER:

AFFILIATION OF EXPERIMENTER:

NAME OF EXPERIMENTAL PROJECT:

REASON FOR REQUESTED REVIEW:

The ultimate decision of the Executive Dean will be made known to the person requesting this review.

## Policies Regarding Students with Documented Disabilities

It is the policy of St. Joseph's University not to discriminate on the basis of a disability in its academic programs, admissions policies, employment opportunities, financial aid or other school administered programs. This policy is implemented in compliance with Section 504 of the Rehabilitation Act of 1973, the American with Disabilities Act of 1990 and other applicable federal and state statutes.

Students with documented disabilities may request accommodations or auxiliary aids that will enable them to participate in and benefit from all postsecondary educational programs and activities.

Accessibility accommodations must not fundamentally alter the nature of the academic program, class, activity, or service.

### Disability Defined

A person with a disability is anyone with a physical or mental impairment that substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. In addition to those people who have visible disabilities, such as persons who are blind, deaf, or those who use a wheelchair, the definition includes people with a whole range of invisible disabilities. These include psychological disorders, learning disabilities or some chronic health impairment such as epilepsy, diabetes, arthritis, cancer, cardiac problems, HIV/AIDS and more.

Therefore, "a person is considered to be a person with a disability if he/she has a disability that limits one or more major life activity, has a record of a disability, or is regarded as having a disability."

## **Student Responsibility**

It is the responsibility of a student with a documented disability to identify themselves to the Office of Student Accessibility Services and request reasonable academic accommodations. Students requesting accommodations must present documentation verifying the disability and complete the accessibility services registration process. Accommodations must be renewed with accessibility services every semester, including the winter and summer intersessions.

It is the student's responsibility to make requests for reasonable accommodations with the appropriate office or campus entity when accommodations are needed outside the classroom. Students requiring accommodations and who wish to participate in co-curricular activities should make accommodation needs known to the Office of Student Life and Co-Curricular Programs. To arrange for a sign language interpreter, give at least two weeks' notice. Inquire with accessibility services for assistance.

For the most recent information on the accommodation registration process and for the detailed breakdown on accessibility services and procedures, see the [Student Guide to Accessibility Services](#) on the Portal.

## **Accessibility Services Contact Information:**

**Brooklyn:** 718.940.5859, 3rd floor McEntegart Hall, Academic Center

**Long Island:** 631.687.1426, room N304, O'Connor Hall, Office for Academic Tutoring, Development, and Accessibility Services

## **Reasonable Accommodations**

In the context of higher education, it is easier to define what is not reasonable. The following three kinds of accommodations are not considered reasonable:

1. If making the accommodation means making a substantial change in an essential nature of a program or element of the curriculum
2. If it poses an undue financial or administrative burden
3. If they create a direct threat to the health or safety of others

St. Joseph's University provides support services for students with disabilities rather than a disability program.

Some reasonable accommodations include but are not limited to:

- extended time for testing, assignments, and/or labs
- test questions read aloud
- use of a computer or word processor for note-taking or exams
- use of a calculator
- tape record classroom lectures with instructor permission
- class notes and other materials enlarged
- sign-language interpreters
- copy of class notes
- scribe for exams
- separate, quiet location for testing
- preferential classroom seating
- textbooks in alternate formats

Colleges and universities may (but are not required to) provide aids, devices or services of a *personal nature*, such as personal assistants, wheelchairs, or specially certified tutors.

### **Accessibility Services Mission and Goals**

It is the mission of Student Accessibility Services, in conjunction with the Academic Center and faculty, to provide equal access to all of St. Joseph's University programs and services in order to create a supportive campus environment. Our guiding philosophy is a student-centered approach that focuses on maximizing student strengths to ensure that each student realizes their full potential. Through our support services, students can achieve personal, academic, and vocational goals. St. Joseph's University is committed to serving and empowering our students in becoming their own best advocates.

The goal of Student Accessibility Services with regard to students with disabilities is to equalize educational opportunities by supporting educational development and ensuring appropriate accommodations are provided. The main objectives are:

1. Ensure students with disabilities equal access to all programs and services at St. Joseph's University
2. Record appropriate accommodations based on documented disabilities
3. Encourage independence by teaching students self-advocacy skills
4. Assist students with transferring skills learned in the classroom to settings outside of the classroom
5. Serve as a liaison and resource for the faculty and staff to facilitate awareness and appreciation for students with disabilities.

### **GRIEVANCE PROCEDURE FOR STUDENTS WITH A DISABILITY**

St. Joseph's University ensures that all students are afforded fair and equitable access to its programs and activities. Student Accessibility Services, along with faculty, staff and administration, assist students with disabilities in accessing their documented, reasonable accommodations.

The purpose of the grievance procedures is to ensure compliance with federal, state, and the University guidelines and regulations related to students with disabilities. This policy applies to all University academic and co-curricular programs, functions and staff.

Some information is included below, but for the most current information and forms for filing a grievance, visit the Student Accessibility Services portal.

#### **Informal Grievance Procedure**

With respect to any grievance covered under this policy and as a prerequisite to initiating the formal grievance procedure, a student shall first attempt to resolve his or her complaint informally by meeting with the individual the person feels is discriminating against them. Any student who feels uncomfortable meeting with the individual who is allegedly discriminating against them may bypass the informal process and proceed directly to the formal grievance process. For students utilizing the informal grievance procedure, if the grievance is not resolved informally, then the student shall have the right to invoke the Formal Grievance Procedure detailed below.

## **Formal Grievance Procedure**

A student who has failed to achieve a satisfactory resolution through the informal process described above may initiate a formal grievance through the following procedure.

1. The student shall submit the Disability Formal Complaint Form to the Coordinator/Director of Accessibility Services. The written complaint must be filed within ten days after the conclusion of the informal process above and shall include the following:
  - A full description of the problem and any relevant facts;
  - A summary of the steps the student has already taken in attempt to resolve the problem, including the names of persons involved;
  - A statement of the requested resolution and the student's rationale for the requested accommodations;
  - Any supporting documentation; *and*
  - The name, contact information and signature of the person initiating the complaint.
2. The Accessibility Coordinator/Director will then send the form and additional documentation to the campus parties listed below:
  - For the Brooklyn Campus, the form will be sent to the Associate Dean for Student Success
  - For the Long Island Campus, the form will be sent to Executive Dean and the Associate Dean for Student Success
3. Those individuals will review the complaint and begin a formal investigation, meet with the student, interview other persons involved in the matter, and attempt to resolve the issue.
4. Their findings will be documented and sent to the Accessibility Coordinator/Director, Department Chairperson, and the Provost.
5. The student will be notified in writing the results of the formal investigation within two weeks of filing the grievance.

## **Prohibition Against Retaliation**

Consistent with applicable law, St. Joseph's prohibits retaliation against any person who requests accommodation, files a grievance alleging disability discrimination or participates in the grievance process. Any concerns about retaliation related to this process should be disclosed immediately to the Accessibility Coordinator/Director or the 504 Compliance Officer (or designee).

### **Brooklyn Accessibility Coordinator**

Hannah Wood - 3rd floor McEntegart Hall, Academic Center, 718.940.5859

### **Brooklyn 504 Compliance Officer**

Dr. Joe Ross - Burns Hall, Third floor 718.940.5750

### **Long Island Accessibility Director**

Kathleen Blumenthal, Student Accessibility Services, 631.687.1426

### **Long Island 504 Compliance Officer**

Associate Dean for Student Success

## **Alternative Avenues for Redress of Grievances**

Although all SJNY students may avail themselves of this policy and procedure, students are encouraged to try to resolve matters informally whenever necessary. If a student believes that an informal resolution is possible, even in the context of a filed grievance, the student is encouraged to describe a proposed course of action to the Accessibility Coordinator/Director and/or Associate Dean for Student Success. Further, while students are encouraged to utilize SJNY's process towards resolving disability-related grievances, all students have a right to file a complaint directly with the U.S. Department of Education, Office of Civil Rights (OCR). OCR's contact information is below:

### **New York Office**

#### **Office for Civil Rights**

#### **U.S. Department of Education**

32 Old Slip, 26th Floor

New York, NY 10005-2500

Telephone: 646.428.3900

FAX: 646-428.3843; TDD: 800.877.8339

Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

## **POLICIES REGARDING STUDENT RECORDS**

### **Family Education Rights and Privacy Act**

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

The right to inspect and review the student's education records within forty-five (45) days of the day the University receives a request for access. Students should submit to the Office of the Registrar written requests that identify the record(s) they wish to inspect. (Forms are available in the Office of the Registrar for this purpose.) The Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected.

The right to request the amendment of the student's education records that the student believes is inaccurate or misleading. Students may ask the University to amend or remove a record that they believe is inaccurate or misleading. They should write to the Office of the Registrar, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

### **Grievance Procedure Regarding Student Records**

In case of disagreement between the student and the Registrar, the student may file a written request for review with the Academic Dean, who will attempt to resolve the matter informally. If an informal settlement cannot be reached, the Dean will request the Advisory Council to conduct a hearing. This hearing will be held within fifteen (15) school days of the Dean's request, and will be conducted in accordance with the Constitution of the Committee. An appeal from the decision may be taken to the President of the University.

The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. Some exceptions to this stipulation are University officials with a "legitimate educational interest" in the information. A

legitimate educational interest is defined as an official who needs to review an education record in order to fulfil his or her professional responsibility. Those with a legitimate educational interest include, but are not limited to, professors, instructors, administrators, health staff, counselors, attorneys, auditors, clerical staff, trustees of the University, members of committees and disciplinary boards which may include other students; and any contractor or vendor to whom the University has outsourced institutional services or functions.

Certain federal officials or authorities as required by state statute, accrediting agencies, parents of a dependent student, information required for the application of financial aid and release of information for health emergencies.

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers **FERPA** is:

Family Policy Compliance Office

U.S. Department of Education 400 Maryland Avenue, S.W. Washington, DC 20202-4605

More information on FERPA and University policies and procedures can be found [on the portal and on the website](#).

### **Policy for Releasing Information**

Directory information released without prior consent of the student is limited to the student's name, dates of attendance, current enrollment status – full, half or part time, major field of study, minors, concentrations, class level, date of birth, honors/ awards, degree(s) received, home address and SJNY email address.

Students who do not wish release of directory information, must file a form with the Office of the Registrar requesting that the University not disclose this information. This directive will remain in effect even after graduation or withdrawal from the University unless the student revokes the request.

### **Student Grievance Procedure in Academic Matters**

All faculty members have the right to state the requirements and standards they wish students to reach in their courses. They also have the right to state the conditions under which exemptions to final examinations will be given. A faculty member may or may not choose to grant exemptions. These areas are not subject to grievance procedures.

If a student wants to appeal a grade or report an academic grievance, the student must initiate the process 30 calendar days from the time the grievance occurs or the grade is posted.

- The student should discuss the situation with the designated member of the Office of the Executive Dean, i.e. the Associate Dean for Student Success or designated Assistant Dean.
- The Assistant or Associate Dean will require the student to meet with the instructor to resolve the grievance if they have not already done so.
- If informal consultation with the instructor fails, the student should register the grievance in writing, with attached relevant materials, with the respective Department Chair or Associate Chair within 10 business days after their consultation with the instructor. If the Chair or Associate Chair is the instructor in question, the Chair or Associate Chair of the other campus should perform this duty.
- The Department Chairperson/Associate Chair will consult with the student and the faculty member separately within 10 business days, and will attempt to resolve the grievance.

- If the student disagrees with the result, they may appeal to the Executive Dean within 10 business days after meeting with the chairperson. The student will submit the written grievance to the Assistant or Associate Dean, or directly to the Executive Dean.
- The Executive Academic Dean will consult with the student within 10 days of receipt of the grievance and will render a decision within 10 days after consulting with the student.

### **NEW YORK STATE CONSUMER COMPLAINT PROCESS**

Any student who believes he or she has been aggrieved by St. Joseph's University may file a written complaint with the New York State Education Department within three years of the alleged incident. The form to be used for these complaints has been determined by the Department. Upon receipt of the written complaint, the Department will either conduct an investigation or refer the matter to an appropriate entity for resolution. St. Joseph's University will take no adverse action against any student who files a complaint.

### **SECTION 1213 OF TITLE XII OF THE HIGHER EDUCATION ACT OF 1965 MANDATES THE ANNUAL DISTRIBUTION OF A STATEMENT TO EACH STUDENT AND EMPLOYEE THAT INCLUDES THE INFORMATION HEREIN SPELLED OUT.**

### **OUT OF STATE COMPLAINT INFORMATION**

To be in compliance with the United States Department of Education's Program Integrity Rule, St. Joseph's University, New York is required to provide all prospective and current students with the contact information of the state agency or agencies that handle complaints against post- secondary education institutions offering distance learning or correspondence education within that state.

Prior to filling out a complaint with the state we encourage our students to try to resolve the issue by following steps outlined in the St. Joseph's University Student Handbook.

Students who deem their issue was not solved at the University level and who wish to file a complaint regarding St. Joseph's University may do so by contacting:

Middle States Commission on Higher Education  
 3624 Market Street 2nd Floor West  
 Philadelphia, PA 19104  
 267.284.5000  
[info@msche.org](mailto:info@msche.org)

New York Office of University and University Evaluation New York State Education Department  
 5 North Mezzanine  
 Albany, NY 12234 [ocueinfo@mail.nysed.gov](mailto:ocueinfo@mail.nysed.gov)

For information on who to contact at the University please call 631.687.2677.

# IX. MODIFICATIONS

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Final substantive policy changes are to be approved by the President and President's Cabinet.

Last Modified: Fall 2022





**Ready. Set. Joe's.**

**LONG ISLAND CAMPUS**

155 W. Roe Blvd.  
Patchogue, NY 11772  
Phone: 631.687.5100

**ONLINE CAMPUS**

155 W. Roe Blvd.  
Patchogue, NY 11772  
Phone: 631.687.4501

**BROOKLYN CAMPUS**

245 Clinton Ave.  
Brooklyn, NY 11205  
718.940.5300

[sjny.edu](http://sjny.edu)

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