



Code of Student Conduct

2017

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ST. JOSEPH'S COLLEGE CODE OF STUDENT CONDUCT

I. Introduction

A. Rationale

St. Joseph's College 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.

The St. Joseph's College community recognizes that the development of responsible student behavior and conduct is fostered by education, guidance, admonition and adherence to College 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 College 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 College 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 College. All students will receive due process and student conduct outcome decisions will be based on an unbiased analysis of information conducted by a College Hearing Panel.

B. Commitment to Diversity

St. Joseph's College 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 College 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 College encourages all members of the community to behave in ways that enhance our diverse and multicultural society.

C. Basis for Findings

A general principle in all matters of student discipline will be that the College 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.

D. Authority

This Code of Student Conduct applies to incidents that occur on the main and/or satellite campuses of the College, through the SJC online platform, at any College related facility, at any College event, between College students who utilize computer or other equipment located on the College campus or at College related facilities. College events include all athletic, academic, and social events sponsored by any College related organization, whether on or off campus.

Off campus misconduct may be subject to the authority of the College and addressed through its conduct procedures if a student engages in prohibited conduct under such circumstances that reasonable grounds exist for believing that the accused student poses a threat to the life, health or safety of any member of the College community or to the property of the College.

Each student will be responsible for his/her conduct from the time of enrollment through the actual awarding of a degree. This includes the time before classes begin or after classes end each semester.

E. 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 College 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.

II. Definitions

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 College.

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 College Panel Hearing or a College Administrative Hearing based on reviewable criteria.

Business day - any day when the College 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 College that govern student behaviors, rights, and responsibilities while such student is matriculated at this institution. The SJC Student Code of Conduct can be found on the portal or you may request a copy from the Office of Student Involvement and Leadership.

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

College Administrative Hearing – The Vice President of Student Life, as chief Conduct Officer, meets with parties involved in an alleged violation of the Code of Student Conduct and renders a decision.

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

College premises — buildings or grounds owned, leased, operated, controlled or supervised by the College.

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

Complainant — any member of the College 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 College 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 Code of Student Conduct.

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

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

Member of the College community — any College 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 College premises. Individuals who are not currently registered at the College who violate policy will be subject to this status. Individuals classified as non-students who seek to enroll in the College in the future will have to address the alleged violation prior to gaining admittance or re-entry into the College.

Policy — the written regulations of the College as found in, but not limited to, the Code of Student Conduct, the College 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 College’s “Gender-Based Misconduct Policy and Procedures” that can be found on the SJC Portal and on the website.

Student — includes all persons taking courses at the College, either full-time or part-time, pursuing undergraduate, graduate, professional, certificate, online or non-matriculated studies. Persons who withdraw after allegedly violating the Code of Student Conduct and who are not officially enrolled for a particular term, but who have a continuing relationship with the College are considered students. In addition, any person for whom the College 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 College. 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 College 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.

III. Conduct Violations

A. Academic Dishonesty

Minimum sanction: Probation; Maximum sanction: Expulsion

Academic dishonesty is any attempt by a student to submit 1) work completed by another person without proper citation or 2) to give improper aid to another student in the completion of an assignment, such as plagiarism. 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.

B. Alcohol Violation

Minimum sanction: Warning; Maximum sanction: Expulsion.

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

C. Computer Misuse

Minimum sanction: Probation; Maximum sanction: Expulsion.

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

D. Dating, Relationship or Sexual Misconduct

Minimum sanction: Probation; Maximum sanction: Expulsion .

The College is committed to protecting the health and safety of students and to implementing the New York Campus Sexual Assault Victim's Bill of Rights Act, by prohibiting threats, intimidation, coercion, assault, abuse and violence in dating, interpersonal and sexual relationships. This policy is gender neutral recognizing that both men and women can be victims or perpetrators of dating, relationship or sexual misconduct.

The College will assist the victim in reporting any sexual misconduct to law enforcement authorities. Refer to the document "Gender-Based Misconduct Policy and Procedures" which applies to all forms of prohibited conduct that occurs on campus, off-campus, and in college-controlled areas.

Dating or Relationship Misconduct. A student may be found responsible for dating or relationship misconduct when a student engages in misconduct as defined above, or harassment, intimidation, or bullying directed to a member of the College community with whom the student had, or has, or seeks to initiate a dating, or interpersonal, and/or sexual relationship.

Sexual Misconduct. A student is responsible for sexual misconduct when the student engages in a sexual act without the explicit consent of the other participant(s). Sexual misconduct includes any sexual act with a person who is under age or with a person who is incapable of giving consent because of temporary or permanent mental or physical incapacity. Consent to a sexual act is based upon active, informed, freely decided choice to participate in a sexual activity and cannot be assumed by the absence of physical resistance.

E. Harassment

Minimum sanction: Warning; Maximum sanction: Expulsion

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 e-mails, 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 College campus, through use of the College facilities, or at any function sponsored by the College or any College related organization, that is so severe or pervasive and objectively offensive that substantially disrupts or interferes with the orderly operation of the College or the rights of any student or other member of the College 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, College employment, or participation in activities sponsored by the College or organizations or groups related to the College.

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 College community, or by severely or pervasively causing physical or emotional harm to the student or other member of the College 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 *Minimum sanction: Probation; Maximum sanction: Expulsion*

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 *Minimum sanction: Probation; Maximum sanction: Expulsion*

A student will be found responsible for sexual harassment who engages in conduct directed at a specific individual based on sex, which would not have occurred but for the individual's gender, or gender identification, with conduct that is unwelcome and substantially interferes with work, educational performance or equal access to the College's resources and opportunities.

Sexual harassment is a violation of St. Joseph's College's Statement on Equal Opportunity, Affirmative Action, Sexual Harassment and Tolerance as well as Title IX of the Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964 (as amended in 1991). Under certain circumstances, sexual harassment may constitute sexual assault or abuse. The College will fully comply with all relevant civil laws prohibiting sexual harassment and all criminal laws concerning sexual assault.

Stalking *Minimum sanction: Probation; Maximum sanction: Expulsion*

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 College 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.

F. Destruction of Property

Minimum sanction: Probation; Maximum sanction: Suspension.

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

G. Disruptive Conduct

Minimum sanction: Warning; Maximum sanction: Suspension.

A student will be found responsible for disruptive conduct if he or she substantially impairs, interferes with or obstructs the orderly conduct, process and functions of the College. 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.

H. Drug Violations

Minimum sanction: Probation; Maximum sanction: Expulsion.

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 College related premises is prohibited. Marijuana prescribed for debilitating medical conditions is not allowed on College property or college related premises.

I. Failure to Comply

Minimum sanction: Warning; Maximum sanction: Suspension.

A student will be found responsible for failure to comply if he or she refuses to present identification to College 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 College official acting within the scope of his or her authority.

J. Forcible or Unauthorized Entry

Minimum sanction: Probation; Maximum sanction: Suspension.

Students are prohibited from forcible or unauthorized entry into any College or College 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.

K. Forgery, Alteration or Misuse of College Documents

Minimum sanction: Probation; Maximum sanction: Expulsion

The forgery, alteration, destruction, or misuse of College documents, records, timesheets, and identification cards is expressly prohibited. This includes, but is not limited to, the alteration, destruction, or misuse of such College and College-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.

L. Furnishing False Information

Minimum sanction: Warning; Maximum sanction: Suspension.

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

M. Gambling

Minimum sanction: Warning; Maximum sanction: Suspension.

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 College 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 College 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.

N. Hazing

Minimum sanction: Suspension; Maximum sanction: Expulsion.

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 the following:

1. Forced or required ingestion of alcohol, drugs, food or any undesirable substance or quantity of substances.
2. Participation in sexual rituals or assaults.
3. Forced or required participation in criminal conduct, conduct which violates the civil rights of others.
4. Conduct which is mentally abusive or degrading to the participants or others.
5. Acts that could result in physical, mental or emotional deprivations or harm.
6. Physical abuse, including whipping, paddling, beating, tattooing, branding, exposure to the elements.

Organizations charged with hazing, as distinct from individuals charged, face College disciplinary action.

O. Infliction or Threat of Bodily Harm

Minimum sanction: Probation; Maximum sanction: Expulsion.

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

1. No student may intentionally inflict bodily harm upon any other person.
2. No student may intentionally take any action for the purpose of inflicting bodily harm upon any other person.
3. No student may intentionally take any action with reckless disregard for the fact that bodily harm could result on any other person.
4. No student may perform any intentional act that creates a substantial risk of bodily harm to any other person.

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

P. Organization and Event Registration

Minimum sanction: Warning; Maximum sanction: Suspension.

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

Q. Safety

Minimum sanction: Warning; Maximum sanction: Expulsion.

The College 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 who also use campus facilities. Students are prohibited from threatening to and/or bringing any incendiary device to campus, to College related premises, or to College related events, including academic, athletic, and social events held away from campus. This includes, but is not limited to the following:

- Unauthorized use, possession, storage, knowledge, or failure to report fireworks, explosives or other incendiary device of any description, but not limited to: firecracker; 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 College-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 College building or parking lots.

R. Theft

Minimum sanction: Probation; Maximum sanction: Expulsion.

Students are not permitted to engage in any form of larceny; robbery; shoplifting or stealing involving College or personal property; on College or College related premises or at College 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 College or College related premises, or at any College event. This policy also applies to attempted theft and being in the possession of stolen items.

S. Violations of Local, State or Federal Law

Minimum sanction: Probation; Maximum sanction: Expulsion.

Students are not permitted to violate any local, state or federal law on campus, in other municipalities, or in College related events. The College 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.

T. Violations of Written College Policy, Regulations and Announcements

Minimum sanction: Warning; Maximum sanction: Expulsion.

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

1. Results in or threatens injury, damage, or loss to students, faculty, or administrative personnel of the College, or to buildings, structures or other property under College control; or
2. Hinders the College 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.

U. Weapons

Minimum sanction: Suspension; Maximum sanction: Expulsion.

Students are prohibited from threatening to and/or bringing any weapon or facsimile of a weapon including: 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, to College related premises, or to College 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 the faculty/staff member overseeing the event and College Security being alerted prior to the event occurring.

V. 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 College facilities, loss of other privileges, and other appropriate sanctions.

W. Abuse of the Conduct System

Minimum Sanction: Probation; Maximum Sanction: Expulsion.

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

1. Failure to obey the notice from a College official to appear for a meeting or hearing as part of the Code of Student Conduct System.

2. Falsification, distortion, or misrepresentation of information at a Conduct Conference or College Hearing Panel.
3. Disruption or interference with the orderly conduct of a Student Conduct proceeding.
4. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct system.
5. Attempting to influence the impartiality of a member of a College Hearing Panel prior to, and/or during the course of the College Hearing Panel.
6. Harassment (verbal or physical) and/or intimidation of a member of a College Hearing Panel prior to, during, and/or after a Student Conduct proceeding.
7. Failure to comply with the sanction(s) imposed under the Code of Student Code.
8. Influencing or attempting to influence another person to commit an abuse of the Student Conduct system.
9. Repeated and/or multiple violations of College policy.

IV. Procedural Standards

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

- A. To be presumed not responsible until found responsible by a preponderance of information.
- B. To have the discipline matter at hand decided by an impartial College Hearing Panel, excluding any person who has a conflict of interest in the proceeding at hand.
- C. Documents related to the incident will be read to the student, verbatim during the scheduled Conduct Conference Meeting and/or College 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 College 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 College to provide copies of such documents within 45 days from receipt of the request however any request will not delay the conduct process.
- D. Access to advice by an individual of his or her choosing, including a College Advisor/Advocate. Such persons may not speak at a hearing on behalf of the student charged, or appear in lieu of the student.
- E. The respondent will be given the opportunity to testify, to present witnesses, and to present to the College Hearing Panel written questions for the College representative presenting the charges and to witnesses. The respondent may remain silent in a College proceeding. Such decision 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 College representative presenting the charges.

F. In all cases, the College 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.

G. A list of all witnesses that the respondent wishes to present information at the hearing, must be submitted in writing to the campus 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.

H. In accordance with existing statutes, student disciplinary records are confidential records. The Student Right-to-Know and Campus Security Act (Clergy Act) permits the disclosure of campus conduct findings to victims of "sex offenses" (including non-forcible ones) or "crimes of violence".

I. Students may be accountable to both external authorities and to the College for acts that constitute violations of law and this Code. College 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.

J. The College 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, by using a visual screen, and/or by 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 campus Vice President for Student Life or designee to be appropriate.

K. In cases involving Sexual Harassment/Assault: The College 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.

L. The respondent or complainant's withdrawal from the College does not terminate the disciplinary proceeding. Any student(s) who withdraws from the College 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.

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

V. Sanctions/Stipulations

A. Sanctions

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

1. Present demeanor and past disciplinary record of the student.

2. The nature of the offense(s).
3. The severity of damage, injury, or harm as perceived by the victim and/or College officials.
4. College precedent for similar violations.
5. Mitigating or aggravating factors identified by the student and/or witnesses.

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, suspension, or in the imposition of such lesser penalties as may be appropriate.

College 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.

College Probation

This sanction informs the student that a subsequent violation of the Code of Student Conduct will result in revocation of certain College privileges and a serious review of his or her status as a student at the College. 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 College, 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 College offices to notify them about students placed on probation and the nature of their probationary status.

College Suspension

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

1. The ability to enroll as a student.
2. The ability to register for or attend specific courses.
3. The ability to be present on campus grounds.
4. The ability to attend or participate in certain College-sponsored events, on- or off-campus.
5. The ability to use or visit College 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.

College Expulsion

The student is permanently separated from the College and is not permitted to register for courses, be present on campus, or attend or participate in College-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.

B. Stipulations

In addition to receiving a sanction for violating the Code of Student Conduct, a student may also receive stipulations based on the following criteria:

1. The severity of the case.
2. The impact of the violation(s) on the campus community.
3. Other policies violated during the incident.
4. The discipline history of the student(s) involved
5. The learning and ethical development needs of the student found responsible.

Sanction stipulations that may be imposed at the discretion of the Vice President for Student Life and the College Hearing Panel. Stipulations may include, but are not limited to, the following:

1. Students may be required to complete community restitution projects and/or educational assignments.
2. Students may be required to make financial restitution for damages incurred as a result of the violation for which they have been found responsible.
3. Students may be required to disassemble and/or remove certain belongings, materials, possessions, or property from campus or campus-related facilities, including material hosted or placed on College networks, servers, or websites in an unauthorized manner or in a manner inconsistent with College policies.
4. Students may be referred to Counseling and Wellness Services for appropriate on- or off-campus medical/psychological services.
5. Students may be subject to having restrictions placed on their ability to register for credits or other holds placed on their accounts.
6. Underage students may be subject to parental notification in cases dealing with alcohol and/or drugs as outlined in the College Parental Notification Policy permitted by the Family Educational Rights and Privacy Act (FERPA).
7. Admission to, or a degree awarded from, the College may be revoked for fraud, misrepresentation, or other violation of College standards prior to graduation.
8. The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed.

A student may receive more than one stipulation for a single violation. Students who are found responsible for violating the Code of Student Conduct may, at the discretion of the Vice President for Student Life or the College 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, certain appropriate privileges may be restored.

C. Transcript Notations

Students disciplinarily suspended from the College for certain violations, will have a notation placed on their transcript. The notation will read, ***Disciplinary Suspension***. If the student reenrolls, 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 College, as a result of disciplinary action, will have a *permanent* notation placed on their transcript, for certain violations. The notation will read ***Disciplinary Expulsion***.

D. Refund Policy

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, suspended or expelled from the College.

VI. College No Contact Order (CNCO)

If a student alleges to be a victim of any of the following:

- Violation C. Computer misuse
- Violation D. Dating, Relationship, or Sexual Misconduct
- Violation E. Harassment
- Violation G. Disruptive conduct
- Violation O. Infliction or Threat of Bodily Harm

A College No Contact Order (CNCO) will be issued by the Vice President for Student Life to assist the victim. The CNCO shall be served upon all parties and state the reasons in support of its issuance. Students who have been issued a CNCO will meet with the Vice President for Student Life to discuss the CNCO. The alleged student violator will be asked to provide written consent indicating compliance with the CNCO. If the alleged student violator fails to provide written consent, the Vice President for Student Life may proceed with a College Hearing Panel. The alleged student violator who fails to provide written consent may still be issued a CNCO, if warranted, for the protection and safety of the complainant pending a final hearing regarding the alleged violation. The College No Contact Order is not part of a student's official and/or unofficial academic record.

VII. Adjudication of Disciplinary Cases

A. Filing a Complaint

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

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

B. Responding to Complaints

Complaints may be submitted by St. Joseph's College students, faculty, or administrators. Incident reports filed by College 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 College policy may have been violated after reviewing the complaint thoroughly. A student will be charged with any applicable conduct violations by electronic delivery notice.

Interim Suspension

The Vice President for Student Life (VPSL) may suspend a student from the College for an interim period pending disciplinary proceedings. The interim suspension will become immediately effective without prior notice whenever the VPSL determines there is a reasonable basis to conclude that the continued presence of the student at the College 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 College activity, including academic work, unless otherwise notified.

A student suspended on an interim basis will be given an opportunity to meet with the VPSL to discuss the following issues only:

1. The reliability of the information concerning the student's alleged misconduct, including the matter of his or her identity.
2. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on College 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 College Hearing Panel will proceed as expeditiously as possible. Any student placed on interim suspension will be given an opportunity to appear at a College 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.

Notices

All notices will be delivered via the student's College 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 College email. Students should note that disciplinary action may be taken, and sanctions, and applicable stipulations, may be enacted, if they fail to attend the initial conduct conference or the subsequent College 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, counselor or the College Advisor/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.

College Administrative Hearing

The Vice President for Student Life, as the College'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 College 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 Advisor/Advocate, if one is chosen.

College Hearing Panel

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

Delay of College Hearing Panel

Only the complainant or the respondent may submit a written request with reason to the VPSL 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 VPSL 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 College Hearing Panel.

Hearing Panel Procedures

The Vice President for Student Life (VPSL) will review the complaint with the respondent. The respondent may be asked to submit a written response, to provide names of witnesses to the alleged incident, and to identify a College Advisor/Advocate if desired. The respondent may have only one College Advisor/Advocate.

The VPSL, 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 College representative presenting the charges may request the case be heard by a faculty/administrator panel. The VPSL or designee will determine if it is appropriate for a case to be heard in such a manner. If the VPSL 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 advisor 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 College representative presenting the charges, and their witnesses. Advisors, 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 College 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 advisor or attorney for the respondent, the College 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 VPSL 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 College Hearing Panel will be determined by a majority vote of the participating members.

VIII. Appeals

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

1. There was substantial and prejudicial failure to follow procedures and/or
2. The student can provide information and/or documentation that the sanction was unduly severe and/or
3. 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.

SJC Brooklyn 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 VPSL Brooklyn or designee.

Appeals must be submitted within five business days of the date the delivery of the Sanction Letter.

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 VPSL maintains the right to continue or initiate an interim suspension, pending the outcome of the appeal.

Appeal outcomes can:

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