



**NAZARETH UNIVERSITY**

# **STUDENT CODE OF CONDUCT**

**2023-2024**

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## Section 1: Introduction

Nazareth University is committed to fostering a safe and healthy campus environment conducive to education, study, work, and personal development. In order to establish and maintain this desired environment, the University has adopted the Student Code of Conduct by which all students and student organizations are expected to abide at all times. It should be noted that there are other policies that govern student behavior including the Sexual Misconduct Policy and the Title IX Policy.

Nazareth University's student code of conduct is based on behavioral standards and expectations consistent with its mission and vision as an educational institution. These regulations and the procedures for their enforcement described herein apply to all student conduct and behavior. The Student Code of Conduct exists in part to ensure an environment conducive to the achievement of the University's mission and vision.

This student code of conduct is also based on the principle that each student must accept responsibility for their own behavior. The code is designed to facilitate education, leadership development, reflection, and service of self and community.

The University's student conduct process is administrative in nature and independent of any concurrent criminal and/or civil proceedings. University student conduct proceedings are intended to enforce the Student Conduct Code at Nazareth University, although the conduct in question may be simultaneously in violation of federal, state, or local laws. The University may notify local and federal authorities when a violation of a criminal nature has occurred, but such notification will not modify the University's responsibility to adjudicate the alleged misconduct through its own student conduct system. The University may defer student conduct proceedings as it deems appropriate.

Any documents sent to students at their Nazareth University emails will be deemed received 3 calendar days after the date mailed.

In summary, the student code of conduct defines the expectations of the University community that students and student organizations will be held accountable to and outlines the procedures the University will use when responding to potential violations of these expectations. These procedures are designed to be fair and equitable to all parties involved and comply with the University's legal responsibilities.

## Statement of Diversity and Inclusion

**Preamble:** Nazareth University embraces a society that is both diverse and inclusive, and values both respect for the person and freedom of speech. Respect for the dignity of all people is an essential part of the University's tradition, mission, and vision for the future as we advance a socially just and equitable community. The University promotes civility and denounces acts of hatred, violence, and/or intolerance.

**Statement:** We define diversity as a continuum of individual, group, and social differences, both visible

and invisible. This definition compels us to confront inherent privilege, power, and marginalization to achieve equity and social justice. Diversity at Nazareth University is concerned with, but not limited to: race, ethnicity, socioeconomic status, gender, gender identity, sex, sexual orientation, religious and spiritual belief, ability, national origin, veteran status, age, and those individuals with cultural characteristics that have been historically underrepresented and underserved.

Nazareth University is dedicated to inclusion, the active pursuit of conscious and sustained practices and processes that value and respect differences. This commitment to diversity and inclusion informs our curriculum, teaching, learning, scholarship, creative activities, co-curricular activities, Residential Life, community involvement, and support of these endeavors by the Nazareth University Community.

This commitment includes:

- engaging in a continual process of education, critical self-reflection and dialogue regarding privilege, power, and marginalization,
- promoting greater access and inclusion through systemic and structural change, and
- ensuring that all students, faculty, and staff reach their fullest potential individually and collectively.

This endeavor is essential in meeting the goal of preparing our students and ourselves for meaningful lives in a diverse and global society.

## **Non-Discrimination Policy**

The University does not permit discrimination or harassment in its programs and activities on the basis of race, color, creed, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, age, religion, disability, medical condition, genetic information or predisposing characteristic, military or veteran status, political affiliation or belief, arrest or conviction record, marital status or any other characteristic protected by institutional policy or state, local or federal law. The University does not discriminate on the basis of sex or gender in its educational, extracurricular, athletic or other programs or in the context of employment.

The University, as an educational community, will respond promptly and equitably to reports of sex discrimination and harassment, sexual harassment, sexual violence, stalking, intimate partner violence, and sex- or gender-based harassment that does not involve conduct of a sexual nature in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

Inquiries concerning the application of this policy prescribed by Title VII of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973, may be directed to Human Resources at Nazareth University, 4245 East Avenue, Rochester, NY 14618, 585-389-2060. The University Title IX Coordinator (Division of Community and Belonging) coordinates the responsibilities under Title IX of the Educational Amendments of 1972 and may be contacted at 4245 East Avenue, Rochester, NY 14618, 585-389-2877. For more information, see the websites of the [Title IX Office](#) and the [Student Accessibility Services Office](#).

## Disclosure of Campus Security Policy and Campus Crime Statistics

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act [20 USC 1092(f)], otherwise known as the “Clery Act”, Nazareth University Campus Safety is responsible for preparing, publishing and distributing an annual report by October 1 of each year for the purpose of disclosing and disseminating certain information as outlined below. This information is made public by way of the university’s Annual Security & Fire Safety Report.

[To view the Annual Security and Fire Safety Report click here.](#)

Members of our community are strongly encouraged to commit to the sizable responsibility they share for their safety and the safety of those around them by reviewing the safety and security information contained in the report.

### Section 2: Definitions

- **Adjudication:** The process of resolving a conduct case, making a determination of responsibility, and implementing sanctions as appropriate.
- **Adjudicator:** The decision maker in conduct cases.
- **Administrative Hearing:** A resolution process when there is a single decision maker.
- **Advisor:** An individual who provides a party support, guidance or advice, either chosen by the student or assigned by the Director of Residential Life and Community Standards. An advisor may not be an attorney.
- **Appeal:** A formal request and process to review a conduct outcome.
- **Bias:** Nazareth University defines bias as behavior that is threatening, harassing, intimidating, hostile, unwelcoming, exclusionary, demeaning, degrading, or derogatory and is based on a person’s real or perceived identity or group affiliation, including the following: age, ancestry, arrest or conviction record, creed, disability, domestic violence victim status, ethnicity, gender, gender identity, gender expression, genetic information or predisposing characteristic, familial status, marital status, military or veteran status, medical condition, national origin, pregnancy-related condition, race (i.e. Black, Indigenous, people of color — BIPOC), religion, reproductive health decision-making, sex, sexual orientation, and any other protected status under the law as identified under the University’s [Statement of Diversity & Inclusion](#).
- **Chair:** The student conduct hearing officer tasked with overseeing a student conduct board hearing.
- **Complaint:** Reports of alleged violations of the Student Code of Conduct.
- **Complainant:** The party who has reported or brought forward a report of misconduct.
- **Formal Hearing:** The complaint resolution process where a panel is the decision making body.
- **Hearing Panel:** A hearing panel is composed of three faculty and/or staff members who convene to resolve a complaint.
- **Hold:** A sanction applied when a student does not comply with the disciplinary process. A hold may prevent a student from registering for classes, adding classes, having transcripts released, contracting on-campus housing, and receiving a diploma.
- **Interim Action:** Any action deemed necessary to protect the safety and well-being of members of the campus community during an investigation or resolution process. Interim actions, such as

removal from university housing or temporary suspension, may be imposed regardless of whether formal student conduct action is taken.

- **Investigation:** The process where the University gathers information relating to alleged conduct.
- **Investigator:** The trained staff, faculty, or contracted 3rd party who conducts an investigation.
- **Party:** A term used to describe either the student or student organization accused of misconduct and the individual or entity that submitted the complaint.
- **Policy:** Any written rule, regulation, or standard of behavior in the Student Code of Conduct or otherwise authorized and enforced by Nazareth University .
- **Preponderance of the evidence:** The standard of proof used in student conduct hearings. The information presented during the hearing demonstrates that it is "more likely than not" that the student violated university policy. This is a lower burden of proof than "beyond a reasonable doubt" which is used in criminal cases.
- **Resident:** Any student who resides in a Nazareth University residence hall.
- **Respondent:** The student accused of violating the Student Code of Conduct. Anyone can be a complainant, only a Nazareth University student can be a respondent.
- **Sanction:** Any assignment given, action taken, fine or financial charge imposed, and/or status placed on a student or student organization after being found responsible for a violation of the Student Code of Conduct.
- **Student Code of Conduct:** The policies and standards of behavior set forth in this policy.
- **Student Conduct Process:** The sequence of events that begins when the University receives a complaint of alleged misconduct and concludes at the end of the case resolution process.
- **Student Conduct Office:** The office that adjudicates violations of the Student Code of Conduct.
- **Student Conduct Officer:** A university official, designated by the Director of Residential Life and Community Standards that hears a student conduct hearing.
- **University Official:** Any person employed by Nazareth University performing assigned administrative or professional duties. This includes student workers including, but not limited to, Resident Assistants.

### Section 3: Scope

The Nazareth University Student Code of Conduct applies to conduct occurring on University premises; at University sponsored activities, and to off-campus conduct (including on study abroad programs) that adversely affects the University community and/or the pursuit of its objectives.

Each student is responsible for their conduct from the time of their application for admission through the awarding of a degree. The student conduct process may be invoked not only during the academic year but also in the periods before classes start and after they end, as well as during the breaks between semesters. Students who withdraw or graduate from the University while a conduct matter is pending may be subject to the University continuing the student conduct process in their absence.

In addition to any conduct action taken by the University, students can face legal charges for alleged violations that occur. Students are subject to the same laws and penalties as if the violations occurred off campus.

The violations listed here are not a complete list of all behaviors that could lead to Student Conduct action. Students may face conduct procedures for misconduct not specifically described below.

## Section 4: Prohibited Conduct

This section lists Nazareth University expectations for student conduct. All students and student organizations must follow these standards. Lack of knowledge of these standards will not be considered a valid excuse and is the responsibility of the student to understand these policies, rules, and procedures.

1. **Alcohol:** Violation of [Nazareth University's Alcohol Policy](#).
2. **Computing Code of Conduct** (University Wide Policy) : Violation of the [Computing Code of Conduct](#).
3. **Controlled Substances:** The possession, use, manufacture, and/or distribution of narcotics or other drugs (other than those medically prescribed and properly used.) Drugs and drug paraphernalia is confiscated when found on University property. Use and/or being in the presence of illegal drugs and/or controlled substances may be inferred by the presence of substance odor.

Violations of the [Controlled Substance Policy](#) include, but are not limited to, the following:

- On campus consumption, possession, purchase, sale, distribution (including giving away), or use of drugs, including medically prescribed marijuana.
  - Inhaling or ingesting substances (e.g., nitrous oxide, glue, paint, etc.) that will alter a person's mental state.
  - Disruptive conduct due in part or in whole to being under the influence of drugs.
  - Providing a space for the consumption of drugs.
  - Possession or use of any and all types of drug paraphernalia including, but not limited to: scales, baggies, bongs, pens, pipes, water pipes, grinders, or any items modified or adapted, that can be used to consume/distribute/handle/prepare/use drugs are not permitted on University property.
4. **Discrimination:** The adverse treatment of an individual based on that individual's membership or perceived membership in a protected class including, but not limited to, race, religion, age, citizenship, color, creed, culture, actual or perceived disabilities, gender, marital status, ethnic or national origin, political affiliation or preference, military or veteran status, sexual orientation, gender identity, gender expression, or genetic predisposition. Harassment is considered a form of discrimination and covered under this standard.



Discrimination on the basis of sex, gender, gender identity, or sexual orientation including gender-based or sexual misconduct alleged is adjudicated under [Nazareth University College Policy on Title IX Sex Discrimination: Dating Violence, Domestic Violence, Sexual Assault, Stalking, and Title IX Sexual Harassment](#) or [Sexual Misconduct Policy](#). More information can be found at [www.naz.edu/titleix](http://www.naz.edu/titleix).

5. **Dishonest behavior:** Any act of dishonesty, including lying to or withholding information from a University official, misrepresenting, omitting, altering, or falsifying information given to University officials or on University documents, providing false identification or records.
6. **Endangering Behavior:** Endangering or threatening to endanger the mental or physical health and/or safety of a student, or the University community. Endangering behavior may include physical, verbal, or electronic abuse, intimidation, harassment, coercion, and/or other conduct.
7. **Refusal to Comply:** Refusal to comply with any reasonable request of a University official, including during the student conduct process, or failure to comply with a sanction. This also includes engaging in abusive, disrespectful, or harassing behavior during any part of the conduct process by University officials.
8. **Fire Safety:** The University's fire safety policy prohibits tampering with any fire safety equipment, including fire alarms, extinguishers, smoke detectors, heat sensors, and sprinklers. Students must immediately evacuate any building when a fire alarm sounds. Emergency exits and egress paths cannot be blocked. Students are prohibited from threatening to start fires, making false fire or bomb reports, or setting any unauthorized fires on University property. Possessing or using candles, halogen lamps, fireworks, smoke bombs, dangerous chemicals, flammable fuels, explosives or any other prohibited items that present a fire hazard is not allowed.
9. **Harassment:** Unwanted verbal, physical, or written or electronic behavior directed toward an individual or group based on race, color, religion, sex, sexual orientation, gender identity or expression, national or ethnic origin, age, marital or veteran status, disability, carrier status, genetic predisposition, or any other protected status.
10. **Hazing:** Violation of the Hazing Policy.
11. **Laws:** Conduct prohibited by any federal, state, or local laws, ordinances, and/or regulations.
12. **Misuse of University Property:** The misuse of university property, including attempted or actual damage to or destruction of University property, or property on University premises that belongs

to others, theft, or unauthorized use, is prohibited. Students are expected to treat all university facilities, equipment, and property with care and respect.

13. **Political Activities Policy** (University Wide Policy): Violation of the [Political Activities Policy](#).
14. **Posting Policy** (University Wide Policy): Violation of the [Posting Policy](#).
15. **Residence Hall Rules**: Violation of residence hall rules, by residents or visitors, as set forth by the [Office of Residential Life, the Housing contract, and Guidelines for Residential Living](#).
16. **Retaliation**: An adverse action taken against a person because of their filing a complaint, participating in an investigation or adjudication of a complaint, or supporting a party to a complaint, or
17. **Smoking** (University Wide Policy): Violation of the [Smoking Policy](#)
18. **Stalking**: Engaging in a course of conduct directed at a specific person that is likely to cause reasonable fear of harm to their physical or emotional health, safety, property or cause substantial emotional distress. A course of conduct means two or more acts including but not limited to: directly or indirectly following, monitoring, observing, surveilling, threatening or communicating to or about a person; or interfering with a person's property. Such conduct may include but is not limited to: repeatedly contacting or communicating with someone in person, by phone, email, letters, gifts, threats or obscene gestures; surveillance; following; trespassing; or vandalism. Stalking includes cyber-stalking using electronic media like the Internet, social media, blogs, phones, texts or other devices to pursue, harass or make unwelcome contact. This policy refers specifically to non-sexual stalking.
19. **Theft**: Attempted or actual theft, or unauthorized possession of university, personal, or public property, including taking, attempting to take or assisting in taking of money, property, services, identity, or any item of value for which they do not have rightful possession, using property or services without proper authorization or permission and knowing, possessing, retaining, or disposing of any stolen property.
20. **Unauthorized Access or Entry**: Unauthorized access or entry to, into, or onto any property owned or operated by the University, or any private or restricted property, is prohibited. The University prohibits access to roofs, balconies, railings, ledges, and fire escapes (unless in the case of emergency) of all University-owned or -operated buildings and unauthorized possession, duplication, or use of a University key, ID, or access card.

21. **Weapons Possession:** Possession of, or implied possession of, a weapon anywhere on University property. Examples of weapons include, but are not limited to, any type of firearm, martial arts tools, 3-D printed weapons, paintball and airsoft guns, explosives, chemicals used in a dangerous way, knives, and ammunition.

## **Section 5: Conduct Process**

The University's designated student conduct officer and Campus Safety, have the authority to investigate and take action in response to alleged violations of the Nazareth University Student Conduct Code in accordance with the procedures described below. Upon receipt of a complaint, the Student Conduct Office reviews complaints and relevant documentation to determine if there is cause to initiate disciplinary proceedings or pursue alternative means for resolution. Possible courses of action include:

1. Dismissal of the complaint or taking no further action because the alleged behavior does not violate University policy.
2. Determine the allegation of misconduct can be resolved through informal means.
3. Determine the complaint alleges behaviors that violate the University's policies, rules, or regulations and charge the Respondent student(s) or student organization(s) on behalf of the University. The complaint is then resolved through either an administrative hearing or a formal hearing.
4. Direct the complaint to a restorative practice, provided that all parties are in agreement, to repair the harm to the community. It should be noted that in pursuing this course of action, additional conduct action may be taken where appropriate.

## **PARTIES RIGHTS**

The following rights are afforded to all parties participating in the Student Conduct Process as outlined by Education Law Article 129 B. Students have the right 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 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.

## **STUDENT CONDUCT PROCESS REFERRAL**

1. Anyone may make a complaint alleging a student has violated one or more of the Prohibited Behaviors included stated in [Section 4](#), above, or has engaged in other conduct that may be subject to disciplinary procedures.
2. Complaints can be made directly to the Student Conduct Office or through the offices of Campus Safety and Residential Life.
3. Charges brought against students for alleged violations of University policies are brought by the University against the Respondent; in many circumstances, the University is the only identifiable victim of an alleged offense.

## **INVESTIGATION**

The Student Conduct Office is responsible for adjudicating all allegations of non-academic student misconduct. When a complaint of alleged misconduct is presented to the University, it may be investigated by Campus Safety or Residential Life. The nature of the complaint determines the depth and scope of the investigation. This may include interviews of the parties involved and any witnesses to the incident. At the conclusion of the investigation, Campus Safety may refer the case to the Student Conduct Office once it has been determined that there may be sufficient cause to believe the alleged misconduct occurred.

## **ADJUDICATION**

The Director of Residential Life and Community Standards directs the activities of the Student Conduct Office and assigns cases to conduct officers. The Respondent is contacted to participate in a formal or informal student conduct hearing.

1. **Formal Student Conduct Hearings:** Formal conduct hearings can take two forms:
  - a. *Conduct Officer Hearings:* Cases are resolved through hearings held by the designated student conduct officer and the Respondent. Conduct officers are typically Residential Life staff but other faculty or staff may be appointed to serve in this capacity by the Associate Vice President for Student & Campus Life/Dean of Students. Respondents are sent a letter to their Nazareth University email address informing them of the alleged incident as well as the date, time, and location of the hearing.

- b. *Conduct Board Hearings*: Full student conduct hearing boards are typically reserved for allegations of misconduct that may result in sanctions of suspension, expulsion, or revocation of degree. These types of cases are taken seriously as they are typically held as a result of an incident that has caused significant harm to the University community or repeated violations where the Respondent has not amended their conduct. Cases heard by a student conduct hearing board are directed by the Chair who manages all related activities and is a non-voting member. In addition to the Chair, the Conduct Board has three (3) faculty or staff members who determine whether the Respondent is responsible for a violation of Nazareth University policy and, if so, what the sanction should be issued. Respondents are sent a letter to their Nazareth University email address informing them of the alleged incident as well as the date, time, and location of their hearing. Prior to the board, the Director of Residential Life and Community Standards will also meet with the Respondent to explain the process, offer the Respondent an advisor, and get the names of any witnesses the Respondent would like to participate on their behalf.
2. **Informal Student Conduct Meeting**: Residential Life staff and other University officials as designed by the Director of Residential Life and Community Standards hold informal meetings to address incidents occurring on campus that may not rise to the level of a policy violation but are concerning behavior. An example of this would be a meeting with a student who has evoked the Good Samaritan Protocol to ensure the student has appropriate support and is aware of the resources available to them.

## **NOTICE OF CHARGES**

1. Respondents receive written notice sent to their Nazareth University email account detailing the alleged behaviors, the University policies which may have been violated because of the behaviors, and the time and place of the hearing.
2. The written notice is sent to Respondents at least one (1) business day before conduct officer hearings and informal conduct meetings and at least five (5) business days before conduct board hearings.
  - a. In such cases as conduct officer hearings and informal conduct hearings, Respondents can make a written request to the hearing officer to waive their right to notice. The hearing officer has full discretion to grant or deny this request.
3. Students may be accountable for additional violations discovered through the hearing process and not part of the initial notice of charges.
4. A web link (or copy) of the Student Code of Conduct is provided to the Respondent with the written notice of charges.

## **CONDUCT OFFICER HEARINGS AND INFORMAL STUDENT CONDUCT MEETING PROCEDURES**

1. Reports describing the alleged violations may be reviewed with the Respondent. The designated student conduct officer, the Respondent, or the Complainant may request that any person who filed an incident report related to the alleged behaviors be called as a witness during the hearing. Requests for witnesses must be submitted in writing to the designated student conduct officer at least twenty-four (24) hours prior to the time of the hearing. If extenuating circumstances prevented the request for witnesses being submitted an exception may be made.
2. At the beginning of the hearing, the conduct officer reads the charge(s) brought against the Respondent by the University.
3. The Respondent is given the opportunity to answer the charges, refute, explain, or offer any additional information that might be helpful in resolving the case.
4. The hearing officer asks questions to clarify any outstanding, confusing, or conflicting information and to obtain a full understanding of the case.
5. Students are presumed not responsible unless proven otherwise by the preponderance of the evidence. The Nazareth University student conduct process is not a court of law and legal rules of evidence and procedure do not apply.
6. At the conclusion of the hearing, the hearing officer discusses next steps regarding their deliberation on the Respondent's responsibility for the alleged violation of policy, any sanctions which could be imposed if the Respondent is found responsible, when the Respondent will learn the outcome of the case, and the process the Respondent can use to appeal the decision.
7. Notification of the outcome of the hearing including information about sanctions is emailed to the Respondent's Nazareth University email within fourteen (14) days of the hearing. In those instances where it is not possible to personally retrieve the decision letter via email, a copy of the decision will be mailed to the Respondent's Nazareth University home of record. Unless shown otherwise, the decision shall be deemed received by the Respondent three calendar days after the date it was mailed.
8. For complaints involving more than one Respondent, the designated student conduct officer may hold a separate hearings for each Respondent or one hearing for all Respondents. A Respondent can request to have a separate hearing. If heard simultaneously, all common information will be shared at the beginning of the hearing. Once all common information has been shared, one at a time, the Respondents will be asked to describe the incident and answer the questions of the board. The other Respondents shall remain outside the hearing room.
9. The hearing officer may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or witnesses during the hearing. This may be accomplished while not depriving the Respondent student access to information.
10. Special Precautions: University officials may employ additional safety and security measures when there is a perceived risk of harm or disruption during the hearing. For example, a hearing

may be conducted at an off-campus location; the number of personal items or bags that may be brought into the hearing space may be limited and/or subject to search before entering; electronic wands for screening participants may be used upon entry to the room. All involved parties will be notified of these conditions by the Campus Safety Director, either directly or through the use of electronic means or mail.

## **STUDENT CONDUCT BOARD HEARING PROCEDURES:**

1. Prior to a board hearing:
  - a. Reports filed by the Campus Safety department or Residential Life staff describing the violations will be reviewed with the Respondent.
  - b. The membership of the student conduct board. The Respondent has an opportunity to object to any member of the board on the basis of conflict of interest or bias. All attempts to avoid a conflict of interest when selecting members are made prior to convening the board.
  - c. The designated student conduct officer, chair, board member, the Respondent, or the Complainant may request that any person filing incident reports be called to be questioned as a witness.
    - i. Requests for witnesses must be submitted in writing to the designated student conduct officer or chair at least twenty-four (24) hours prior to the time of the hearing. Exceptions to this would only be made when there are extenuating circumstances preventing the names of witnesses to be submitted in a timely fashion.
2. At the beginning of the hearing, the chair of the student conduct hearing board reads the charges brought against the Respondent by the University and outlines the hearing process.
3. The Respondent is informed the hearing is being audio recorded. The University's recording of the hearing is the sole official record of the hearing and is the property of the University. No other recordings of the hearing are allowed.
4. Expectations for privacy and decorum are explained to all parties present and enforced by the chair.
5. All procedural questions are decided at the sole discretion of the chair.
6. Chairs have the right to adjourn or pause the hearing for a reasonable period of time.
7. Board members introduce themselves and the Respondent has a final opportunity to object to any member of the board on the basis of conflict of interest or bias.
8. Advisors (if present) are advised of their role and responsibilities, that they may confer with and assist the student(s), but may not speak for them as an advocate.
9. The Respondent is given the opportunity to answer the charges, refute, explain, or offer any additional information that might be helpful in resolving the case.

10. The board, and only the board, may ask questions of Respondent(s), the Complaint, or witnesses.
11. The chair calls witnesses the board believes will assist them in making a determination of responsibility.
12. Witnesses are only permitted in the hearing room during their testimony.
13. The Respondent may present witnesses on their behalf, followed by any additional questions from the hearing board.
14. The Respondent may give a closing statement.
15. At the conclusion of the hearing, the board deliberates in a closed session to determine whether the Respondent violated University policy(ies) and, if so, what sanctions should be imposed upon them.
16. Students are presumed not responsible unless proven otherwise by a preponderance of the information. The hearing officer will apply a preponderance of the information standard during its deliberations, meaning the information provided supports a finding that it is more likely than not that the alleged conduct occurred.
17. At hearings involving more than one Respondent, the designated student conduct officer or chair may permit hearings concerning each student to be conducted separately or simultaneously. If heard simultaneously, all common information will be shared at the beginning of the hearing. Once all common information has been shared, one at a time, the Respondents will be asked to describe the incident and answer the questions of the board. The other Respondents shall remain outside the hearing room.
18. The chair may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or witnesses during the hearing. This may be accomplished while not depriving the Respondent student access to information.
19. Special Precautions: University officials may determine that additional safety and security measures must be employed. To minimize risk, for instance, a hearing may be conducted by the designated student conduct officer at an off-campus location; the number of personal items or bags that may be brought into the hearing may be limited and subject to search before entering; the use of electronic wands and any additional related safety precautions as identified and recommended to University officials by the director of Campus Safety may be used. The Respondent will be notified of these conditions by the Campus Safety director, either directly or through the use of electronic means or mail.

Formal notification containing the decision and, if applicable, the disciplinary sanction(s), shall be prepared and will be emailed/mailed to the Respondent within fourteen (14) days of the hearing. In those instances where it is not possible to personally retrieve the decision letter via email, a copy of the decision will be mailed to the Respondent's Nazareth University home of record. Unless shown



otherwise, the decision shall be deemed received by the Respondent three calendar days after the date it was mailed.

## **ALTERNATE MEANS OF RESOLUTION**

If, in the judgment of the designated student conduct officer, the alleged violation of the Student Conduct Code could be better resolved through alternate means such as restorative practices, the designated student conduct officer may suggest an alternative resolution. In such a case, and provided both the Respondent and Complainant agree, the designated student conduct officer refers the matter to a trained restorative justice practitioner on campus.

If the Respondent and the Complainant participate in the alternate resolution and agree that the matter pertaining to the violation is resolved, the designated student conduct officer or chair may dismiss the alleged violation.

## **Section 6: Sanctions**

The hearing officer or hearing board has the authority to impose any combination of the sanctions listed below. When determining the appropriate sanction, the hearing officer or board considers Respondents' prior disciplinary history, the severity of the behavior and the presence, if any, of mitigating or aggravating factors. The University reserves the right to notify parents of dependent students when student conduct action has resulted in serious disciplinary sanctions.

- A. **Admonition:** An oral statement to a Respondent informing them they have violated University policies, rules, or regulations and admonishing them from doing so in the future.
- B. **Written Warning:** A written notice to a student that continued or further violations of any University policy, rule, or regulation within a specified period of time may result in more severe student conduct action.
- C. **Deferred removal from the residence halls:** Status indicating the student is expected to refrain from all further campus violations for a designated period of time and that further violations of University policy or the code of conduct may result in immediate removal from on-campus housing.
- D. **Removal from residence halls/Cancellation of housing contract:** A revocation of the student's ability to reside in University residence halls and a cancellation of the housing contract, which provides resident student room and board privileges, for a specified period of time with the understanding that renewal of these privileges is at the discretion of the Office of Residential Life.
- E. **Disciplinary probation:** Status indicating the student is expected to refrain from all further campus violations for a designated period of time and further violations may result in suspension or expulsion from Nazareth University .

- F. **Deferred suspension from Nazareth University:** Status indicating the student is expected to refrain from all further campus violations for a designated period of time and further violations of University policy may result in the student being suspended. The University may impose additional conditions during the deferral period.
- G. **Suspension:** Status indicating the student is not permitted to attend or register for courses at Nazareth University for a designated period of time. At the end of the suspension period, the student must submit a written request for reinstatement to the Associate Vice President for Student & Campus Life/Dean of Students. Any specific requirements identified at the time of suspension or at the time of the request for reinstatement must be fulfilled before reinstatement will be considered. In the event of a suspension, no refunds are granted; this includes tuition, room, board and fees.
- H. **Expulsion:** The student's status in the University is terminated, and the student is ineligible to reapply for admission. In the event of an expulsion, no refunds are granted; to the student; this includes tuition, room, board and fees.
- I. **Restitution:** The student is required to reimburse the University and/or identified parties for replacement or repair of damaged or stolen property. The amount due and the expected date of payment will be provided in writing. Failure to make timely restitution may result in further student conduct action , including a hold on the student's account.
- J. **Fine:** A fine is imposed, payable within a specified period of time. Failure to comply may result in further student conduct action including a hold on the student's account. Tampering with, covering, taping, or hanging objects from smoke detectors will result in a \$250 fine for the first offense. Additional offenses will result in subsequent fines and student conduct action.
- K. **Loss of campus privileges:** The respondent forfeits certain privileges, or participation in University sponsored activities (including membership in student government or on athletic teams) for a specific period of time.
- L. **Withholding degree:** The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Conduct Code, including the completion of all sanctions imposed, if any.
- M. **Revocation of admission and/or degree:** Revoking admission to, or a degree awarded by, the University. This sanction may be imposed upon a finding of dishonest behavior or other violation of University standards in obtaining the degree, or for serious violations committed by a student prior to graduation.
- N. **Hold:** This prevents a student from registering for classes and may be applied when a pending disciplinary charge is pending or when a student owes a debt to the University.
- O. **Educational Program or Project:** Educational conditions provide students the opportunity to review conduct expectations, understand how their behaviors contribute to a positive and

beneficial University experience, and learn about campus resources which support academic and non-academic success. Students or student organizations may be assigned

- Essay or research paper on assigned topic
- Participation in an educational group or class
- Program presentations
- Substance abuse education and/or evaluation
- Community service
- Community restoration

## **FAILURE TO COMPLETE SANCTIONS**

Students who fail to complete assigned sanctions may be subject to further student conduct action and charged with failure to comply. If found responsible, additional sanctions may be applied and a hold placed on the student's account.

## **Section 7: Interim Actions**

Upon receipt of an allegation of behaviors affecting the safety, welfare and orderly processes of the Nazareth University community, the University, through the Director of Residential Life and Community Standards or their designee, may take interim actions until such time as the complaint is adjudicated through the student conduct process.

Interim actions may include, but are not limited to interim suspension, loss of privileges, no contact orders, etc.

When an interim action is imposed the student or organization receives written notice of outlining the interim action imposed, and explains the action is pending adjudication. The interim action remains in effect through the hearing process and appeal, if appropriate.

Upon request, the Respondent or responding organization is afforded a prompt review of the decision to impose interim action. The purpose of the review is to ensure the decision made was reasonable under the circumstances, and may request potential modification. Requests for review are directed to the Associate Vice President for Student & Campus Life/Dean of Students or their designee in circumstances where the interim measure is imposed by the Associate Vice President for Student & Campus Life/Dean of Students, in writing within 24 hours of notice of the interim action. The request must include an explanation of the objection to the interim action, and may include evidence in support of the request. The party will be notified of the University's decision as soon as possible. While this review is pending, the interim action shall remain in place.

## **EMERGENCY CONTACT NOTIFICATION**

When a student is transported to a hospital, attempts will be made via phone to notify the student's emergency contact.

## **Section 8: Appeals**

Respondents may appeal decisions of hearing officers and hearing boards to the Associate Vice President for Student & Campus Life/Dean of Students no later than seven (7) business days after receiving an outcome letter using the instructions enclosed in said letter. If unavailable, the Associate Vice President for Student & Campus Life/Dean of Students designates an individual from the University's senior administrative staff to hear the appeal. An appeal may be requested if the student believes one or more of the following conditions exist:

1. A procedural error occurred during the process that had a direct impact on the outcome;
2. Information is now available that was unavailable and unknowable at the time of the hearing, and the new information is relevant to the hearing officer/board's determination; or
3. The sanction is too severe (appeal from accused student).

All sanctions and interim actions remain in place throughout the appeal process or until the time to appeal has passed. If the Associate Vice President for Student & Campus Life/Dean of Students receives a request for an appeal, they may do the following

- a. Uphold the original decision and sanctions
- b. Uphold the original decision and alter sanctions
- c. Refer the case for rehearing or review

All decisions of the Associate Vice President for Student & Campus Life/Dean of Students or designee are final. Sanctions of oral admonition or warning are not subject to appeal.

## **Section 9: Student Conduct Records**

The Office of Student Conduct maintains records related to student conduct matters. These records contain documents such as incident reports, audio or video recordings of conduct hearings, correspondence, and decisions.

A student's conduct records are maintained for seven (7) years after the most recent incident.

In the event a complaint is dismissed without going through the conduct process, the Student Conduct Office reserves the right to maintain an office file in the event continued, similar behavior occurs, and/or if subsequently discovered information leads a reasonable person to believe that misconduct occurred. Charges will be considered and initiated if appropriate at that time.

Records for students who withdraw, are suspended or expelled due to conduct violations are maintained indefinitely by the Office of Student Conduct, as they may remain relevant if the student seeks reenrollment.

Nazareth University does not release student records without prior written consent, except in cases outlined by the Family Educational Rights and Privacy Act (FERPA). The Office of Student Conduct cannot guarantee confidentiality but will maintain a student's privacy to the greatest extent possible. More information about [Nazareth University's FERPA Policy](#) can be found by clicking the link.

## **Section 10: University Policies**

### **A. ALCOHOL POLICY**

#### **a. Good Samaritan Protocol**

- i. Student health and safety is a primary concern for the campus community. Students are expected to contact Residential Life or Campus Safety whenever they believe an individual needs medical attention due to the use of alcohol or other drugs including prescription and, over the counter drugs. The Good Samaritan Protocol is designed to provide education rather than discipline when a student voluntarily contacts University personnel or outside emergency services for medical assistance related to the use of alcohol or other drugs. Individuals covered by the Good Samaritan Protocol are the caller, the person in need of assistance, the host student organization, and any witnesses named in the incident report.

#### **b. Amnesty for Personal Use of Alcohol or Other Drugs**

- i. Nazareth University strongly encourages students to report domestic violence, dating violence, stalking, sexual assault, and any other form of sexual misconduct to institution officials. 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 use of substances
- ii. Reporting individuals and bystanders acting in good faith who disclose any incident of domestic violence, dating violence, stalking, sexual assault or any other form of sexual misconduct to the University's officials or law enforcement will not be subject to action under Nazareth University's code of conduct 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, sexual assault or other act of sexual misconduct.

#### **c. Alcohol Rules**

- i. Possession and consumption of alcoholic beverages is prohibited on campus grounds and in buildings, except in a student's own residence hall room by

persons 21 years and older under the conditions described below. Consumption of alcohol may be inferred based upon the number, location, and condition of empty or partially empty cans and bottles.

- ii. The sale and/or distribution (including giving away) of alcoholic beverages to persons under age 21 is prohibited.
- iii. Procedures for obtaining University approval to use campus facilities for events where alcoholic beverages will be served are available at the Information Desk, Shults Center, and the office of Sodexo Dining Services.
- iv. Alcoholic beverages in serving containers greater than 32 ounces (beer kegs, etc.) are prohibited, except at Sodexo catered events and at the discretion of University officials.
- v. The University recognizes Sodexo as the sole possessor of a catering/liquor license at Nazareth University . Therefore, the public selling and/or dispensing of alcoholic beverages anywhere on campus is restricted to Sodexo personnel only.
- vi. Open containers of alcoholic beverages are prohibited in all corridors, lounges, stairwells, lobbies, parking lots, grounds, vehicles, and any public areas of the campus unless University approval was previously received.
- vii. Student fees collected by the University and/or student organizations and distributed through the Undergraduate Association cannot be used for the purchase of alcoholic beverages.
- viii. Non-alcoholic beverages and food items must be made equally available at any program or event where alcohol beverages are sold, distributed, or consumed.
- ix. During all University- or student-sponsored events on campus, alcoholic beverages may only be served in the specific location designated for that approved event.
- x. Campus events involving only persons 21 and older are catered by Sodexo personnel and require prior approval from University officials.
- xi. Students are prohibited from presenting themselves as another person through the misuse of identification. It is considered a misrepresentation of identity for any student to possess, alter, deface, manufacture, obtain, conspire to obtain, or falsify IDs.
- xii. Items/substances/games used to dispense alcohol in a rapid manner, (e.g., beer bong, funnels, "Beer Pong," etc.) or the use of any other tools that promotes binge drinking.

- xiii. An incident in which a student, regardless of age, is transported to the hospital or when medical professionals are called to campus to evaluate the student for an alcohol or drug related condition (i.e., intoxication, alcohol poisoning) will be treated as a violation of the Student Conduct Code, unless the Good Samaritan Protocol applies.
- xiv. Nazareth University students found in violation of New York State law and/or campus policy pertaining to the sale, distribution, possession, or consumption of alcoholic beverages or drugs may be subject to parental notification, student conduct action, and/or criminal prosecution.
- xv. The alcohol policy applies to residential and non-residential student conduct and to on- and off-campus behavior.

## B. BIAS RELATED INCIDENT POLICY

- a. Nazareth University embraces a society that is both diverse and inclusive, and values both respect for the person and freedom of speech. Respect for the dignity of all people is an essential part of the University's tradition, mission, and vision for the future as we advance a socially just and equitable community. The University promotes civility and denounces acts of hatred, violence, and/or intolerance.
- b. The goal of Nazareth University's bias reporting and response process is community building. Through our educational restorative justice process, people recognize harm experienced in the community and, when appropriate take responsibility for harming others, providing the community the opportunity for healing and rebuilding trust.
- c. **Definition of bias:** Nazareth University defines bias as behavior that is threatening, harassing, intimidating, hostile, unwelcoming, exclusionary, demeaning, degrading, or derogatory and is based on a person's real or perceived identity or group affiliation, including the following: age, ancestry, arrest or conviction record, creed, disability, domestic violence victim status, ethnicity, gender, gender identity, gender expression, genetic information or predisposing characteristic, familial status, marital status, military or veteran status, medical condition, national origin, pregnancy-related condition, race (i.e. Black, Indigenous, people of color — BIPOC), religion, reproductive health decision-making, sex, sexual orientation, and any other protected status under the law as identified under the University's [Statement of Diversity & Inclusion](#).
- d. **Forms of bias:** Bias may be verbal, nonverbal, visual, or written. A bias incident can occur whether the act is intentional or unintentional. Speech or expression consistent with the principles of academic freedom does not constitute a bias incident.
- e. **Reporting an incident of bias:** Any member of the University community can report an incident of bias using this form: [Bias Incident Report](#)
- f. The Bias Response and Education Team will review your bias report within 3-5 business days. Please note, if you feel unsafe or are filing a report when the University is on break, please consult [Campus Safety](#).
- g. In addition to, or in lieu of, this form, you may reach out to members of the Bias Response & Education Team for verbal reporting and support.

- h. **Other relevant laws/policies:** NBRET also can offer support, education, and help for acts of discrimination that fall under these existing policies/laws:
  - i. Title VII (employment discrimination; contact [Nazareth University Human Resources](#))
  - ii. [Title IX](#) (that webpage includes a button to report an incident of gender-based and/or sexual violence including sexual harassment, sexual assault, dating violence, domestic violence or stalking)
  - iii. Criminal acts defined as a hate crime under New York State or federal law. To report a hate crime, contact Campus Safety at 585-389-2850 or [campussafety@naz.edu](mailto:campussafety@naz.edu)

### **C. CONTROLLED SUBSTANCE POLICY**

- a. The possession, use, sale, distribution (including giving away), manufacture of illegal drugs, controlled substances, and/or paraphernalia prohibited by law, is a violation of University policy and prohibited. Use and/or being in the presence of illegal drugs and/or controlled substances may be inferred by the presence of substance odor.
- b. The University is committed to maintaining a drug-free environment. In accordance with the Drug-Free Workplace Act of 1988, the University prohibits the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance (drugs) in and on Nazareth University owned or controlled property. The University abides by the Controlled Substances Act (21U.S.C. §812), including the Drug-Free Schools and Communities Act (DFSCA), which requires institutions of higher education to maintain a drug-free campus.

### **D. HAZING**

- a. Hazing is any behavior, regardless of intent, which endangers the emotional, or physical health and safety of a student for the purpose of membership, affiliation with, or maintaining membership in, a group or Student Organization.
- b. Students may be found responsible for hazing regardless of their personal engagement in the harmful behaviors if they are in the presence of hazing, or were otherwise aware of hazing and failed to report it to the University.
- c. Examples of hazing include, but are not limited to, physically beating or branding another person, causing sleep deprivation or excessive fatigue, threatening harm, forcing or coercing consumption of food, water, alcohol or other drugs, or other substances, verbal abuse, forcing participants to engage in or witness embarrassing, humiliating, or degrading acts, or activities that induce, cause, or require the student to perform a duty or task inconsistent with fraternal law, ritual, or policy or involves a violation of local, state or federal laws, or the Nazareth University Student Code of Conduct.



## **E. SOCIAL NETWORKING**

- a. Nazareth University does not monitor social media networks. However, the University may take action if inappropriate conduct on social media is brought to its attention. This includes conduct that compromises the integrity of University programs, including athletics.
- b. Students are responsible for social media actions even if the only evidence is a social media post. Posts depicting harassment, vandalism, underage drinking, alcohol violations, hazing, or illegal drug activity may be used by the University and law enforcement in conduct code and criminal proceedings. The athletic department may also consider such posts when determining athletic eligibility.
- c. Student-athletes should review and follow the athletic department's social media policy.

## **F. ACADEMIC POLICIES AND PROCEDURES**

## **G. COMPUTING CODE OF CONDUCT**

## **H. GUIDELINES FOR POSTING**

## **I. POLICY ON POLITICAL ACTIVITIES**

## **J. POLICY ON TITLE IX SEX DISCRIMINATION: DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING, AND TITLE IX SEXUAL HARASSMENT**

## **K. SEXUAL MISCONDUCT POLICY**

## **L. SMOKING POLICY**