



# **STUDENT CODE OF CONDUCT**

**2020-2021**

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## Section 1: Introduction

Nazareth College 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 College has adopted the Student Code of Conduct by which all students and student organizations are expected to abide at all times.

Nazareth College has formulated a student code of conduct on behavioral standards and expectations, which is consistent with its mission 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 is based on the principle that each student must accept responsibility for their own behavior.

## Statement of Respect and Diversity

**Preamble:** Nazareth College 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 College's tradition, mission, and vision for the future as we advance a socially just and equitable community. The College 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 is concerned with, but not limited to: race, ethnicity, socioeconomic status, gender, gender identity, 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 College 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 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.

## NOTICE OF NON-DISCRIMINATION

Nazareth College is an equal employment opportunity employer. The College does not permit discrimination or harassment in its programs and activities on the basis of race (including traits historically associated with race), color, creed, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, age, religion, disability, medical condition, reproductive health decision making, pregnancy-related condition, genetic information or predisposing characteristic, military or veteran status, political affiliation or belief, arrest or conviction record, domestic violence victim status, marital status, familial

status, or any other protected status under applicable law. The College does not discriminate on the basis of sex or gender in its educational, extracurricular, athletic or other programs or in the context of employment.

## **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

**Advisor** - an individual who provides a party support, guidance or advice

**Appeal** - a formal request and process to review a conduct outcome

**Code of Conduct or Code** - the policies and standards of behavior set forth in this document

**College Official** - Any person employed by Nazareth College performing assigned administrative or professional duties. This includes student workers including, but not limited to, Resident Assistants.

**Complainant** - the party who has reported or brought forward a report of misconduct.

**Formal Hearing** - complaint resolution process where a panel is the decision maker

**Hearing Panel** – 2 or 3 faculty or staff members convened to resolve a complaint

**A “Hold”** - A sanction that may apply to a student who does not comply with the disciplinary process. A hold may prevent a Student from registering for classes, adding classes, having transcripts released, and receiving a diploma.

**Informal Hearing** - resolution process where there is a single decision maker

**Interim Measure** - Any action deemed necessary to protect the safety and well-being of members of the campus community until an investigation or resolution is concluded. Interim measures may be imposed regardless of whether there is formal disciplinary action taken.

**Investigation** - Process where the College gathers information relating to alleged conduct

**Investigator** - Trained staff or faculty member who conducts the investigation

**Policy** - Any written rule, regulation, or standard of behavior in the Code of Conduct or otherwise authorized and enforced by Nazareth College

**Clear and Convincing Evidence Standard** - Evidence demonstrating that an allegation is substantially more likely than not to be true. Clear and convincing evidence must be clear, unequivocal, satisfactory, and convincing.

**Resident** - Any student who resides in a Nazareth College residential facility

**Respondent** - The student accused of violating the Student Conduct Code

**Sanction** - Any assignment given, action taken, fine or financial charge imposed, and/or status placed on a Student or

Student Organization found responsible for a violation of the Code of Conduct.

**Student Conduct Process** - The sequence of events that occurs starting when the College receives a report of alleged misconduct through the case resolution process.

### Section 3: Scope

The Nazareth College Student Code of Conduct shall apply to conduct that occurs on College premises; at College sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives.

Each student shall be responsible for their conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Student Code of Conduct shall apply to a student's conduct even if the student withdraws or graduates from the College while a conduct matter is pending.

It should also be noted that, in addition to being subject to any internal action that the College may initiate persons involved in alleged violations shall also be subject to the same procedures and consequences before the law as if the alleged conduct had occurred off College property.

Violations of the College policies included in this handbook are strictly prohibited. Lack of knowledge of these standards will not be considered a valid excuse. It is not intended that the actions described below constitute a complete enumeration of all conduct that may be subject to disciplinary procedures.

### Section 4: Code of Conduct

This section contains Nazareth College policies, rules, and regulations that prescribe the standards of conduct that the College requires of all students and student organizations. All members of the Nazareth community are required to become familiar with these policies and comply with them. Violations of any of these policies will be resolved in accordance with the appropriate College process and procedures. All conduct that violates the Code of Conduct, including any conduct that occurs off campus, will be subject to the College's Student Conduct Process.

Students or student organizations engaging, attempting to engage, or assisting in the following are subject to disciplinary sanctions.

1. **Alcohol:** Violation of the Nazareth College alcohol policy as stated in this handbook.
2. **Computer use policy:** Violation of the [Computer Use Policy](#) as stated in this handbook.
3. **Discrimination:** The treatment of an individual based on that individual's group, class, or category. Group, class, or category includes, but is 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. Any gender-based or sexual misconduct alleged will be adjudicated under the Nazareth College Title IX Policy or Sexual/Gender Based Misconduct Policy. The College's policy regarding sexual misconduct and procedures to resolve complaints of sexual misconduct can be found at [www.naz.edu/titleix](http://www.naz.edu/titleix). Copies can be obtained at the following locations: Title IX Office (Shults Community Center suite 100).

4. **Dishonest behavior:** Any act of dishonesty, including lying to or withholding information from a College official or misrepresenting, omitting, altering, or falsifying information to university officials or on university documents, false identification, or records, plagiarism, cheating or other forms of academic dishonesty.
5. **Drugs:** The possession and/or use of narcotics or drugs other than those medically prescribed, properly used, properly secured, and in the original container (hereafter: Drugs) is prohibited. Drugs and Drug paraphernalia will be confiscated when found on College 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 Drug Policy include, but are not limited to, the following:

- a) Consumption, possession, purchase, sale, distribution (including giving away), or use of Drugs, including medically prescribed marijuana.
  - b) Inhaling or ingesting substances (e.g., nitrous oxide, glue, paint, etc.) that will alter a person's mental state.
  - c) Disruptive conduct due in part or in whole to being under the influence of Drugs.
  - d) Providing a space for the consumption of Drugs.
  - e) Possession or use of any and all types of Drug paraphernalia including, but not limited to: scales, baggies, stems, bong, 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 College property. This list is not exhaustive.
6. **Endangering Behavior:** Any action or causing of a situation that threatens or endangers the mental or physical health and/or safety of a student, the College community. Endangering behavior may include the use of or threatened use of physical, verbal, or electronic abuse, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
  7. **Failure to comply:** with any reasonable request or the direction of College officials, including the student conduct process, or failure to comply with any disciplinary conditions imposed by an authorized College official or group, is prohibited.
  8. **Fire Safety:** Misuse of or tampering with fire safety control or alarm equipment, such as but not limited to fire extinguishers, alarm pull stations, smoke detectors, heat sensors, or sprinklers is prohibited. Making a false fire report, warning, or threat of fire by any means of communication is prohibited. or initiation of a report, alarm, or warning of an impending bombing, fire, or other crime, emergency, or catastrophe, knowing that such report, alarm, or warning is false. Failing to vacate a building whenever a fire alarm sounds as soon as possible, blocking a path of egress, setting a fire on College property without proper authorization and the use and/or possession of candles, halogen lamps, fireworks, smoke bombs, dangerous chemicals, explosive or flammable fuels, bottle rockets, or explosives is prohibited on College property.
  9. **Gambling:** Possession of gambling devices, operation of lotteries, and/or the promotion of gambling, on campus or at College sponsored student activities.
  10. **Sexual/Gender Based Misconduct:** Violation of the [Sexual/Gender Based Misconduct Policy](#).

11. **Social Media Comment Policy:** Violation of the [Social Media Comment Policy](#). Students will be held responsible for any actions that compromise the integrity of the College and/or academic program, including their sport or other College organizations or programs with which they may be affiliated. They are also accountable for any behaviors that violate the College's Student Conduct Code and federal, state, and local law.
12. **Harassment:** Harassment includes verbal, physical, or written abuse directed toward an individual or group on College premises, or any person affiliated with the College, at any location (including messages or materials transmitted electronically), or at events sponsored and supervised by the College, or in which a College-sponsored organization is participating, on the basis of 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. This includes using remarks, language, illustrations, or electronic messages that deprecate or offend a person based on his or her ethnic background, race, religion, sexual orientation, age, disability, or any other protected status as noted above.
13. **Hazing/Failure to Report Hazing:** 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. Hazing includes any level of participation, such as being in the presence, having awareness of hazing, or failing to report hazing. Examples of hazing include, but are not limited to, beating or branding, sleep deprivation or causing excessive fatigue, threats of harm, forcing or coercing consumption of food, water, alcohol or other drugs, or other substances, verbal abuse, embarrassing, humiliating, or degrading acts, or activities that induce, cause or require the Student to perform a duty or task which is not consistent with fraternal law, ritual or policy or involves a violation of local, state or federal laws, or the Nazareth College Student Code of Conduct.
14. **Interference with the Student Conduct Process:** Engaging in abusive, disrespectful, or harassing behavior during any part of the conduct process by College officials.
15. **Laws:** Conduct prohibited by any federal, state, or local laws, ordinances, and/or regulations.
16. **Obstruction or disruption of regular College activities** including teaching, research, administration, campus services, student conduct proceedings, and organized events; deliberate interference with the free speech, expression or movement of members of the College community, including guests or visitors engaged in permissible use of College facilities; refusal to identify oneself when requested or to obey any other lawful instruction from a College official or faculty member to discontinue or modify any action which is deemed disruptive.
17. **Political and Legislative Activities Policy:** Violation of the Political Activities Policy (See Section (9)(C))
18. **Posting Policy:** Violation of the [Posting Policy](#)
19. **Property Damage:** Attempted or actual damage to or destruction of College property or property on College premises that belongs to others.
20. **Residence Hall Rules:** Violation of residence hall rules, by residents or visitors, as set forth by the office of residential life, the residence hall contracts, and Guidelines for Residential Living.

21. **Retaliation:** Retaliation against a person(s) for filing a complaint, cooperating with investigators and/or College officials, for supporting a party to the complaint, or against witnesses for providing testimony (during an investigation, hearing, etc.).
22. **Smoking:** Violation of the [Tobacco/Vape Free Campus](#) Policy
23. **Stalking:** Stalking occurs when a person engages in a course of conduct or repeatedly commits acts directed at a specific individual that is likely to cause such individual to have a reasonable fear of harm to his or her physical or emotional health, safety, or property or suffer substantial emotional distress. Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property. Such conduct may include, but is not limited to, repeatedly engaging in contact or communication (including, but not limited to, face-to-face communication, telephone calls or messages, email, written letters, unwanted gifts, or threatening or obscene gestures), surveillance, following, trespassing, or vandalism. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or to make unwelcome contact with another person in an unsolicited fashion.
24. **Theft:** Attempted or actual theft of, or unauthorized possession of university, personal, or public property, including taking, attempting to take or assist in the 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.
25. **Unauthorized Access or Entry:** Unauthorized access or entry to, into, or onto any property owned or operated by the College or any private or restricted property is prohibited. The College prohibits access to windows, roofs, balconies, railings, ledges, and fire escapes of all College -owned or -operated buildings and unauthorized possession, duplication, or use of a university key, ID, or access card.
26. **Weapons Possession:** Possession of, or implied possession of, a weapon anywhere on College 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 student conduct system described in this handbook is based on the following premises: student conduct is intended to promote the welfare of students who participate in the process in an effort to uphold community standards. The designated student conduct officers and, when applicable, faculty and staff, may be participating members of hearing boards. Hearings conform to the guidelines for hearings described below.

The designated student conduct officer, and campus safety, when applicable, has the authority to investigate and take action on violations of the Nazareth College Student Conduct Code in accordance with the procedures described below. Investigations will be conducted by Campus Safety or a designated College Official. 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 are:

1. Dismiss or take no further action as the allegation lacks grounds to pursue charges. The student conduct office reserves the right to maintain an office file in the event continued, similar behavior occurs, and if subsequently discovered information leads a reasonable person to believe that misconduct occurred. Charges will be considered and initiated if appropriate.
2. Determine that the alleged conduct can be resolved through informal student conduct hearings.
3. Determine that the alleged conduct contains grounds to believe the College's policies, rules, or regulations have been violated and charge the Respondent student(s) or organization on behalf of the College. These complaints will be resolved through informal or formal student conduct hearings.
4. Direct the complaint to mediation, provided that all parties are in agreement.

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

#### **STUDENT CONDUCT PROCESS REFERRAL**

1. Any member of the Nazareth College community may report a student for student conduct review when it is believed that the student has violated one or more of the College's conduct code regulations stated in Section 4 of the code, or has participated in other conduct that may be subject to disciplinary procedures.
2. Student conduct reports and complaint statements are directed to the student conduct office through the department of residential life, campus safety, or the Vice President of Enrollment and Student Experience. Complaints originating from the offices of campus safety and residential life may be made on departmental incident report forms.
3. The student accused of violating the Student Conduct Code is referred to as the "Respondent."
4. In all cases, charges for allegedly violating College policies are brought by the College against the Respondent; in many circumstances, the College is the only identifiable victim of an alleged offense. When there is an identifiable victim other than the College, that person is referred to as the "Complainant."

#### **PARTIES RIGHTS**

- To be treated with dignity, respect, and compassion by all persons involved in the disciplinary process.
- Information regarding the College student conduct process.
- Information about accessing services through the College's health and counseling services, campus safety department, etc.
- Freedom from intimidation and harassment throughout the student conduct process.
- Privacy throughout the student conduct process in relation to campus and other media, and in relation to all other involved parties.

- In the case of a formal hearing, separate hearing rooms (connected by electronic means) in order to allow full participation of both parties.
- The right not to answer any questions that may be asked during the hearing.
- The right to be accompanied at the hearing by an advisor from the Nazareth College community. The advisor may be any member of the College faculty, staff (exception: professional staff of the College's counseling center), or student who is not an attorney, relative, or significant other. The advisor may confer with and assist the Respondent, but may not speak for them as an advocate. Legal counsel may not be present at the hearing. Requests for an advisor must be submitted in writing to the chair at least twenty-four (24) hours prior to the time of the hearing. Exceptions to this may be made when extenuating circumstances prevent the timely submission of the name of the advisor.
- Any person not affiliated with the hearing is not allowed in the vicinity of the hearing room (or remote locations).
- In the event a party, with notice, does not appear at the appointed hearing, the hearing will be conducted in their absence. In the event a party does not remain for the entire hearing, the remainder of the hearing will be conducted in their absence.

#### **COMPLAINANT RIGHTS**

- The Complainant may be present to hear all testimony only to the extent that the Complainant's presence is not prohibited by the Family Educational Rights and Privacy Act of 1974 (FERPA). The Complainant may be prohibited from attending limited portions of the hearing because of the Respondent's rights under FERPA.
- The Complainant is entitled to learn the decision of the hearing board to the extent allowed by FERPA.
- In instances where the Respondent is found responsible, the Complainant will be given an opportunity to provide an impact statement to the designated student conduct officer. Such statement (either written by the Complainant or an oral synopsis by the student conduct officer) will become part of the case record/file and shared with the individual(s) responsible for determining sanctions, as well as an individual reviewing the case upon appeal.

#### **RESPONDENT RIGHTS**

- The Respondent shall have the right to be present and hear all testimony of any witnesses via an electronic live broadcast of the testimony, including the Complainant. If, however, the Respondent fails to conduct him/herself in a civil and respectful manner, s/he may be removed and the proceeding will continue in his/her absence.
- The Respondent shall have the right to be advised in writing of appropriate procedures for requesting an appeal as contained in the Student Handbook policies. Such notice may be included with the written decision sent to the Respondent.
- If the Respondent wishes to appeal the hearing outcome, s/he may request an opportunity to listen to the recording by submitting a written request to the student conduct office. The Respondent should make this request within the timeframes identified for appeals. The recording will be made available for review. The recording will be accessible to any person determining the outcome of the appeal. The recording will be maintained with the conduct file in accordance with Section 8 if this document, Disciplinary Records.

- In the event the Respondent, with notice, does not appear at the appointed hearing, the hearing will be conducted in the Respondent's absence. In the event the Respondent does not remain for the entire hearing, the remainder of the hearing will be conducted in the Respondent's absence.

### **DISCIPLINARY HEARINGS: FORMAL AND INFORMAL STUDENT CONDUCT HEARINGS**

The College Student Conduct Office has the responsibility to administer all non-academic discipline involving all students. When a complaint of alleged misconduct is presented to the Student Conduct Office, and it's determined that there may be sufficient cause to believe the alleged misconduct occurred, the Respondent will be contacted to participate in a formal or informal student conduct hearing, as described below.

1. **Formal Student Conduct Hearings:** Generally, student conduct cases are resolved through hearings held by the designated student conduct officer. This person is appointed by the Vice President of Enrollment and Student Experience and directs the activities of the student conduct office, which is responsible for the administration of the College's student conduct process. While most formal cases are managed in this manner, instances may arise that the student conduct officer may refer to a full student conduct hearing board. Cases heard by a student conduct hearing board are directed by the chair, student conduct hearing board, who manages all related activities and is a non-voting member in this specific instance. Boards will be composed of faculty and/or staff. Sanctions, other than oral admonitions and written administrative warnings, may be appealed using the appeal procedures provided in this process.
2. **Informal Student Conduct Hearings:** The student conduct coordinator, residential life administrators and other College officials may also hold informal hearings regarding less serious policy violations and impose appropriate sanctions. Sanctions, other than oral admonitions and written administrative warnings, may be appealed using the appeal procedures provided in this process.

### **NOTICE OF CHARGES**

1. At least five (5) calendar days before the scheduled hearing date, a written or electronic notice of the nature of the charges shall be sent to the Respondent, or the written notice may be personally given to the Respondent at least two (2) calendar days before the hearing date in lieu of the mailing. Students may be accountable for additional violations discovered through the hearing process and not part of the initial notice of charges.
2. The notice of charges shall advise the Respondent of the time and place of the hearing.
3. A web link (or copy) of the policies containing the "Student Conduct Code, Disciplinary Sanctions and Conduct Hearing Procedures" shall be provided to the Respondent together with the written notice of charges.

### **THE FORMAL STUDENT CONDUCT HEARING SHALL INCLUDE THE FOLLOWING:**

1. Reports filed by the campus safety department or residential life staff describing the violations will be reviewed with the Respondent prior to the hearing. The designated student conduct officer, chair, or board member, the Respondent, or the Complainant may request that any person filing incident reports be called to be questioned as a witness. 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 (referred to as "chair") shall read the charges brought against the Respondent by the College. The Respondent shall be informed the hearing is being recorded. The recording is the sole official verbatim record of the student conduct hearing and

is the property of the College. No other recordings of the hearing are allowed.

3. The chair may call any other witnesses deemed appropriate to ascertain the validity of the charges.
4. One at a time, a witness who is to testify will be asked to describe the incident. Other witnesses shall remain outside the hearing room.
5. Only members of the hearing board may ask questions of any person testifying. However, the Respondent shall be given the opportunity to ask the chair to ask additional questions of the complainant or witnesses.
6. The Respondent shall be given the opportunity to answer the charges, refute, explain, or offer any additional information that might be helpful in resolving the case.
7. The Respondent shall be given the opportunity to present witnesses on his/her behalf.
8. Students will be presumed not responsible unless proven otherwise by a clear and convincing evidence standard. The hearing board will apply a clear and convincing evidence standard during its deliberations, meaning the information provided supports a finding that an allegation is substantially more likely than not to be true. Clear and convincing evidence must be clear, unequivocal, satisfactory and convincing. Decisions of the student conduct hearing board (when applicable) are based on the vote of the majority.
9. 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.
10. The Nazareth College student conduct process is not a court of law, nor is it intended to be, and legal rules of evidence and procedure do not apply. The chair will determine in his/her sole discretion the range permitted by witnesses and items of information which will be considered based on principles of fundamental relevance and fairness.
11. All procedural questions will be decided at the sole discretion of the chair. S/he may decide to adjourn the hearing for a reasonable period of time.
12. 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.
13. Special Precautions: College 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 College 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.

A decision will be made as soon as possible, often within 14 calendar days following the hearing (informal or formal). A letter containing the decision and, if applicable, the disciplinary sanction(s), shall be prepared and will be emailed to the Respondent. In those instances where it is not possible to personally retrieve the decision letter, a copy of the decision will either be sent via email or mailed to the Respondent's Nazareth College home of record. Unless shown otherwise, mail 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 or chair, the alleged violation of the Student Conduct Code by the Respondent against the Complainant could be better resolved through alternate means such as counseling or mediation, the designated student conduct officer or chair may make a recommendation to that effect. In such a case, and provided both the Respondent and the Complainant agree, the designated student conduct officer or chair shall refer the matter to an appropriate counselor or mediator. The designated student conduct officer can serve as the mediator.

A student conduct hearing shall be scheduled, but may then be adjourned (postponed) for up to 30 calendar days pending counseling or mediation. If the Respondent and the Complainant receive counseling or participate in mediation prior to the adjourned hearing date, 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 designated student conduct hearing officer or the College student conduct hearing board has the authority to impose any combination of the sanctions or conditions listed below. When determining the appropriate sanction, the decision maker will consider previous action or sanctions taken for similar offenses, the severity of the offense, any prior offenses committed by the student (even if not sanctioned), and the presence, if any, of mitigating or aggravating factors. These actions are final, subject only to the student's right of appeal to the Vice President of Enrollment and Student Experience or President in cases where the outcome is suspension or expulsion. Sanctions of oral admonition or warning are not subject to appeal.

The process for imposing disciplinary actions shall be designed to provide students with substantive and procedural fairness as outlined in the Student Conduct Code. The College Student Conduct procedures are described in Section 5 of this code. Students will be presumed not responsible unless proven otherwise by a clear and convincing evidence standard.

A. Expulsion: The student's status in the College is terminated, and the student is declared ineligible to reapply for admission. In the event of an expulsion, no refund will be granted to the student. This includes tuition, room, board and fees. When a student is expelled, "W" grades will be given in the courses in which the student is enrolled.

B. Suspension: The student's status in the College is terminated, and the student is not permitted to register at Nazareth College for a designated period of time. At the end of the suspension period, the student must submit a written request for reinstatement to the Vice President of Enrollment and Student Experience. 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 refund will be granted to the student. This includes tuition, room, board and fees. When a student is suspended, "W" grades will be given in the courses in which the student is enrolled.

C. Deferred suspension from Nazareth College: The student is expected to refrain from all further campus violations for a designated period of time. Further violations of College policy or the student code of conduct may result in the student being suspended. The College may impose conditions during the deferral period.

D. Disciplinary probation: The student is expected to refrain from all further campus violations for a designated period of time. Further violations may result in suspension or expulsion from Nazareth College.

- E. Disciplinary probation with deferred removal from the residence halls: The student is expected to refrain from all further campus violations for a designated period of time. Further violations of College policy or the code of conduct may result in immediate removal from on-campus housing.
- F. Removal from Residence Halls/Cancellation of housing contract: The housing contract, which provides resident student room and board privileges, is revoked for a specified period of time. Renewal is at the discretion of the office of residential life.
- G. Restitution: The student is required to reimburse the College and/or identified parties for replacement or repair of damaged property. Notification of the amount due and the expected date of payment will be provided in writing. Failure to make timely restitution may result in further disciplinary action, including a hold on the student's account.
- I. Fine: The student is sanctioned by the imposition of a fine, payable within a specified period of time. Failure to comply may result in further disciplinary action including a hold on the student's account.
- J. Community restoration: The student is required to perform a certain service to the College or community. The nature and amount of such service will be described in the notice of disciplinary action. Failure to complete the service assignment satisfactorily may result in further disciplinary action.
- K. Loss of campus privileges: The student (or student organization) is required to forfeit certain privileges, or participation in College sponsored activities (including membership in student government or on athletic teams) for a specific period of time.
- L. Withholding degree: The College 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: Admission to, or a degree awarded from, the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for serious violations committed by a student prior to graduation.
- N. Registration Hold: This sanction may apply to a student who fails to pay a debt owed to the College, fails to comply with or submit to disciplinary procedures, or in other appropriate circumstances. It may be applied in situations where there is a need to resolve a pending disciplinary charge, even in the case of an individual who is not currently a student.
- O. Withholding records: Students who fail to pay a debt owed to the College may have transcripts, degrees, and other records withheld until the debt is paid. Grade reports will not be withheld.
- P. Warning: Written notice to a student that continued or further violations of any College policy, rule, or regulation within a specified period of time may result in more severe disciplinary action.
- Q. Admonition: An oral statement to a student informing the student that s/he has violated or is violating College policies, rules, or regulations.

### **Learning and Engagement**

Educational sanctions provide a Student or Student Organization the opportunity to review conduct expectations, understand how behavior can contribute to a positive and beneficial College experience, and learn of campus resources which support academic and non-academic success. In addition to the above sanction, students and/or student organizations may be subject to the following disciplinary conditions:

- 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

## **VIOLATIONS TARGETING PROTECTED STATUSES**

If a student is found responsible for violations of any College policy targeting an individual or group due to race, color, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, disability, age, religion, physical and/or mental disability, medical condition, veteran status, marital status, or any other characteristic protected by institutional policy or state, local or federal law, the designated student conduct officer or student conduct hearing board may enhance the sanction, up to and including expulsion.

### **STUDENT CONDUCT SANCTIONS FOR ALCOHOL AND DRUG POLICY OFFENSES**

Students who violate the alcohol or drug policies will be referred for review by a designated student conduct hearing officer. Sanctions may vary depending on the severity and number of infractions of the Student Conduct Code and the student's prior conduct history.

### **STUDENT CONDUCT SANCTIONS FOR TAMPERING WITH FIRE CONTROL OR ALARM EQUIPMENT**

Tampering with, covering, taping, or hanging objects from smoke detectors is prohibited by New York State law and will result in a \$100 fine for the first offense and additional disciplinary action for any additional offenses. Additional offenses may result in removal from the residence halls.

## **Section 7: INTERIM SUSPENSIONS OR CONDITIONS**

The College, through the designated College official in the Enrollment and Student Experience division, reserves the right to impose interim suspensions or conditions pending student conduct hearings for serious cases that affect the safety, welfare and orderly processes of the Nazareth community until such time as allegations are decided through the student conduct process. A student or organization receiving an interim suspension or condition will receive written notice of the suspension and/or conditions, as well as notice this action is pending a hearing on potential charges. The interim sanctions will remain in effect through the hearing process and appeal, if appropriate. The student will be notified of these conditions either directly, via electronic communication, or by mail.

Upon request, the party suspended will be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification. Such requests shall be directed to the Vice President for Enrollment and Student Experience, in writing within 24 hours of notice of the interim suspension. The request must include an explanation of the objection to the interim suspension, and may include evidence in support of the request. In most instances, the response will be provided within 24 hours. The party will be notified of the College's decision as soon as possible. While this review is pending, the interim suspension shall remain in place.

### **DANGEROUS OR LIFE-THREATENING BEHAVIOR**

Students may be subject to summary dismissal by the Vice President of Enrollment and Student Experience if they are not functioning well enough to appropriately meet their academic and/or communal living obligations (e.g., excessive alcohol consumption, using illegal drugs, or are deemed dangerous to themselves or others).

Nazareth College recognizes that certain behaviors require professional help, and the College provides services that

address these issues as well as others. However, if the student's behavior becomes disruptive to and unacceptable in the academic and social/living environment of the College community and/or is dangerous to themselves or others, the student may be asked to leave the College after undergoing appropriate assessment by the College's counseling services and/or off-campus professionals. In some cases, students may also be required to meet with a mental health professional as a condition of their remaining in attendance at the College. In addition, in connection with certain dangerous or life threatening behavior, disciplinary sanctions may be imposed if the conduct is found to be in violation of the Student Conduct Code.

#### **PARENTAL NOTIFICATION**

When a student is transported to a hospital for a medical or psychiatric reason, that is considered a dangerous or life-threatening situation and the student's parent or guardian will be notified of the situation. When the student's behavior poses a threat, a student's parent or guardian will be notified of such behavior.

### **Section 8: Appeals**

#### **GROUNDINGS FOR APPEAL**

The Respondent shall have the right to direct an appeal to the Vice President of Enrollment and Student Experience. Should the student desire an appeal, the request must be received on or before a date, specified in the disciplinary sanction(s), which shall be no later than five business days after the receipt of the written sanction(s). In the absence of the designated Vice President of Enrollment and Student Experience, a designated individual from the College's senior administrative staff will be appointed by the chair to hear the appeal. An appeal may be requested if the student believes one or more of the following conditions exist:

1. Hearing procedures were not followed.
2. Relevant information has become available since the hearing that was not available at the time of the hearing.
3. The sanctions imposed were substantially disproportionate to the violation committed or the cumulative conduct record of the student.

Sanctions or conditions are imposed during the time of an appeal. If the office of the Vice President of Enrollment and Student Experience receives a request for an appeal, the College official will initiate one of the following actions:

- a. Reject the request for appeal due to insufficient reason(s).
- b. Modify the decision of the designated student conduct officer or student conduct hearing board.
- c. Refer the matter to the designated student conduct officer or chair of the student conduct hearing board, if substantial reason for such action has been presented.

All decisions of Vice President of Enrollment and Student Experience are final, except when sanctions of suspension or expulsion are involved. These sanctions may be appealed to the president of the College. However, such an appeal shall be entertained solely at the discretion of the president. This appeal must be received within five (5) business days of the decision from the Vice President of Enrollment and Student Experience. The president's findings will be announced electronically. Decisions of the president are final.

### **Section 9: Disciplinary Records**

Disciplinary files, including any recordings of formal conduct hearing procedures, are retained by the student conduct office and are confidential in nature. Disciplinary files will be maintained for seven years after the most recent recorded



incident. Disciplinary files for students who withdraw from the College or are suspended or expelled for disciplinary reasons are maintained for an indefinite length of time depending upon the circumstances. The College reserves the right to notify parents of dependent students when student conduct action has resulted in serious disciplinary sanctions.

## **Section 10: Additional College Policies**

### **A. ALCOHOL POLICY**

Student health and safety is a primary concern for the campus community. Students are expected to contact Residential Life or Campus Safety when it is believed an individual needs medical attention due to the abuse of alcohol or other drugs including prescription, over the counter, or other. 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 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.

#### **AMNESTY FOR PERSONAL USE OF ALCOHOL OR OTHER DRUGS**

Nazareth strongly encourages students to report domestic violence, dating violence, stalking, sexual assault, and any other form of sexual misconduct to institution officials. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence (including but not limited to domestic violence, dating violence, stalking or sexual assault) occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

A reporting individual acting in good faith or a bystander acting in good faith that discloses any incident of domestic violence, dating violence, stalking, sexual assault or any other form of sexual misconduct to the College's officials or law enforcement will not be subject to action under Nazareth'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.

#### **ALCOHOL POLICIES**

1. Possession and consumption of alcoholic beverages is prohibited on campus grounds and in buildings, except in a residence hall room by persons 21 years and older under the conditions described below and where otherwise noted below. Consumption of alcohol may be inferred based upon the number, location, and condition of empty or partially empty cans and bottles.
2. The sale and/or distribution (including giving away) of alcoholic beverages to persons under age 21 on the Nazareth College campus is prohibited.
3. Procedures for obtaining College 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.
4. Alcoholic beverages in serving containers greater than 32 ounces (beer kegs, etc.) are prohibited, except at Sodexo catered events and at the discretion of College officials.
5. The College recognizes Sodexo as the sole possessor of a catering/liquor license. Therefore, the public selling and/or dispensing of alcoholic beverages anywhere on campus is restricted to Sodexo personnel only.

6. 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 College approval was previously received.
7. Student fees collected by the College and/or student organizations and distributed through the Undergraduate Association will not be used for the purchase of alcoholic beverages.
8. Non-alcoholic beverages and food items must be made equally available at any program or event where alcohol beverages are sold, distributed, or consumed.
9. During all College- or student-sponsored events on campus, alcoholic beverages, where permitted, will be served only in an environment designated for each occasion.
10. Campus events that involve only persons 21 and older are catered by Sodexo personnel and require prior approval from College officials.
11. 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.
12. Items/substances used to dispense alcohol in a rapid manner, (e.g., beer bong, funnels, etc.) or drinking games (e.g., "Quarters," "Beer Pong," etc.) or any other tools that promote binge drinking are prohibited
13. 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.
14. Nazareth College students who are 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 will be subject to possible parental notification, disciplinary action, and/or criminal prosecution.

The alcohol policy applies to residential and non-residential student conduct and to on- and off-campus behavior.

## **B. CONTROLLED SUBSTANCE POLICY**

### **I. POLICY**

The possession, use, sale, distribution (including giving away), manufacture, or being in the presence of illegal drugs, controlled substances, and/or paraphernalia that are prohibited by law, are violations of College 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.

The College is committed to maintaining a drug-free environment. In accordance with the Drug-Free Workplace Act of 1988, the College prohibits the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance (drugs) in and on Nazareth College owned or controlled property.

### **II. GUIDELINES**

A. Sanctions for Non-compliance: The College will impose action in accordance with its conduct policy and/or require satisfactory participation in a drug rehabilitation program by any faculty member, staff member, or student employee who has violated any provision of this policy.

B. Compliance as a Condition of Employment: Compliance with provisions of this policy shall be a condition of

employment at Nazareth College.

C. Employee Obligation for Notification of Conviction: In order to comply with federal law, any faculty member, staff member, or student employee convicted of any criminal drug statute violation occurring in or on the workplace premises is required to notify the employer within five(5) calendar days following such conviction.

D. Employer Obligation for Notification: The College is obligated to notify the appropriate federal granting agency within ten (10) calendar days of having received notice of an employee conviction as described in C above.

E. Maintenance of a Drug-Free Workplace: Good faith efforts on the part of the College to establish and maintain a drug-free workplace will include providing ongoing drug awareness educational programs and dissemination of drug awareness information for all members of the College community, as well as implementation and strict enforcement of this policy.

### **III. PROCEDURES**

A. The College will notify each faculty member, staff member, and student employee of this policy, as well as those newly hired, emphasizing the obligation for compliance as a condition of employment.

B. Any faculty or staff member convicted of any criminal drug statute violation that has occurred in or on the workplace premises will provide the appropriate academic officer or supervisor with notification, preferably written, of such conviction indicating any resultant conditions, within five (5) calendar days of the conviction. Student employees shall notify the vice president for enrollment and student experience or designee.

C. An academic officer, supervisor, or student employment official having knowledge or receiving notification of a conviction, as described in B above, shall immediately provide, in writing, notice to the associate vice president of human resources or designee.

D. The Nazareth Substance Abuse Education Committee, in conjunction with the human resources department, will offer on-going drug education and awareness programs for the College community, as well as provide drug informational materials. Faculty, staff, and students are expected to avail themselves of these programs.

E. This policy will be maintained as a permanent part of the Staff Personnel Policy Manual, Faculty Policy Manual and Student Handbook.

F. Questions concerning this policy should be referred to the human resources department; Student employees should refer questions to the vice president for enrollment and student experience or designee.

### **C. POLITICAL AND LEGISLATIVE ACTIVITIES POLICY**

Nazareth's Division of Institutional Advancement has overall responsibility for coordination of the College's relationships and communications with elected and appointed officials at all levels of government. It is important that members of the Nazareth community contact this office as a clearinghouse for these communications, particularly when individuals wish to write, call or meet with legislators or other elected officials in their capacity as a representative of Nazareth College. Our role is to ensure that these communications are appropriately coordinated and consistent with official Nazareth policies and/or

positions on legislative issues. We can also serve as a resource for up to date information on legislative issues and related matters.

### **Political Activities**

As an educational institution, Nazareth College encourages opportunities for candidates running for political office to visit the campus. These visits often provide our students with information and a view of the political process which can be uniquely described by candidates. It is important, however, for all members of the campus to be aware of, and to abide by, the College's guidelines concerning political activities on campus. As a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code, Nazareth College cannot intervene in any political campaign on behalf of, or in opposition to, any candidate for public office. In accordance with IRS rules, violation of this prohibition could cause the College to lose its tax-exempt status or incur excise taxes imposed on political expenditures.

To insure the College does not jeopardize its tax-exempt status, Nazareth College, including any individual acting on behalf of Nazareth College, may not engage in any of the following on College property, during any College function, or otherwise using Nazareth College's resources or facilities:

- Endorsing any candidate for public office
- Donating or contributing money, goods or services to any candidate's campaign
- Participating or engaging in political fundraising events
- Publishing or distributing statements for or against any candidate
- Engaging in any other activity that favors or opposes any candidate.

Individual members of the faculty, staff, and student body of Nazareth College are entirely free to support candidates of their choice for elective office or to express their personal views on political issues as long as they are not acting in an official capacity as a representative of Nazareth College. These regulations preclude the use of Nazareth College letterhead, telephones, e-mail or use of any other property owned by Nazareth College on behalf of any political party or candidate for public office. With appropriate organization sponsorship and/or faculty supervision, the use of college facilities for political discussion or debates is encouraged. Student organizations, for example, may sponsor such an event on campus or conduct a voter registration drive. Classroom activity may also include discussion or debates on political issues as a legitimate part of the educational process.

### **Facilities**

College facilities may be used for public events such as legislative hearings and topics of general or educational interest. College facilities may not be used for partisan political functions such as fund raising events or similar activities that could be construed as an endorsement of a particular candidate or political party. Nazareth College reserves the right to restrict activities related to proposed or pending legislation. No outside groups may rent any Nazareth facilities for activities that are part of a campaign for public office.

### **Procedures for Inviting Government Officials to Campus**

The Associate Vice President for Development and Government Relations should be consulted before invitations to visit or participate in Nazareth events are extended to elected or appointed government

officials or to candidates for public office. This includes academic conferences, tours, and any type of meeting, as well as student-sponsored events. This will enable the Advancement Office to assist in determining that the College is following the federal and state guidelines. Details regarding the event, such as a copy of the invitation to the public, who is paying for the event, and the content of the program should be outlined briefly.

If you have any questions about restrictions that apply please contact the Associate Vice President for Institutional Advancement.