

# USJ STUDENT CODE OF CONDUCT



*The purpose of the Student Code of Conduct process at the University of Saint Joseph is to review potential violations of our community standards.*

*At USJ, the Student Code of Conduct represents the concept that a conduct process should be an educational experience that fosters responsibility for individual actions and how those actions impact the community. Primary supervision of the Student Code of Conduct process rests with the Interim Vice President of Student and Campus Life. The Director of Residential Life is responsible for advising the Dean on administration of the Student Code of Conduct process. All other conduct cases are reviewed by a conduct officer under the direction of the Director of Residential Life. An Officer of Public Safety working in conjunction with a designee of the Interim Vice President of Student and Campus Life and acting on behalf of the University of Saint Joseph may take immediate action toward a person(s), if that person(s) is perceived to be a threat to the life, safety and/ or wellbeing of others. The Interim Vice President of Student and Campus Life or their designee has the authority to hear and resolve final appeals in any matter.*

### **Authority**

Authority over student conduct is vested in the Division of Student and Campus Life, specifically the Interim Vice President of Student and Campus Life, who may take immediate action at their discretion for any violation of the Student Code of Conduct. The Interim Vice President of Student and Campus Life delegates the oversight of student conduct to the Director of Residential Life or their designee. The Interim Vice President of Student and Campus Life or their designee has the authority to take appropriate, interim actions to protect the safety and well-being of the USJ community. The Division of Student and Campus Life reserves the right to amend the Student Code of Conduct, as deemed necessary, in which case the Division of Student and Campus Life will notify the University community. Action taken by the Division of Student and Campus Life is final and closes the matter.

Any University administrator or official who this policy empowers to act may delegate their authority to any other appropriate University official. Delegation of authority may be necessary to avoid conflicts of interest or where time constraints or other obligations prevent a University official named in this policy from fulfilling their designated role.

### **Process**

Every community has standards and traditions governing the behavior of its members to ensure the basic rights of individuals, as well as to reflect the practical necessities of the community. The University community is no exception and, perhaps more than others, depends upon the maturity and sense of responsibility of its members. These basic policies and principles and accompanying conduct procedures are designed to ensure that the rights of community members are protected, and that the educational process may proceed without impairment.

### **Advisors**

All parties are entitled to an advisor of their choosing to guide and accompany them throughout the campus resolution process. Advisors serve as a moral and emotional support for students during investigations and conduct meetings and can assist with meeting preparation. The advisor may be any supporter a party chooses to advise them, with exception of a University of Saint Joseph employee who is related to the participant, or any party who may serve as a witness or is otherwise directly involved in the current case. A party may elect to change advisors during the process and is not locked into using the same advisor throughout but is only allowed to have one advisor at any interview or meeting. The University may move forward with its investigation without regard to the availability of advisors.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including interviews, meetings, and appeals. Advisors may help their advisees prepare for each meeting, and are expected to advise ethically, with integrity, and in good faith. The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide one.

All advisors must adhere to University policies. Advisors may not speak on behalf of their advisee in a meeting or interview and should request or wait for a break in the proceeding to confer with their advisee or interact with University employees. Furthermore, University employees are under no obligation to respond to inquiries or requests from advisors.

Advisors are expected to refrain from interference with the University investigation and resolution. Any advisor who steps out of their role in any meeting under the University resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the appropriate University employee will determine whether the advisor may be reinstated or may be replaced by a different advisor. The University is under no obligation to provide an advisor in replacement of one who is removed.

### **Amendments**

The University of Saint Joseph reserves the right to amend the Student Code of Conduct or related processes at any time.

### **Bias-Related Incidents**

The University of Saint Joseph fosters respect for each individual by honoring the differences inherent among people and will promote this by asking members of its community to follow the values of the Sisters of Mercy. As a community of learners and scholars, we recognize and appreciate our common humanity. As such, bias-related violations of the Student Code of Conduct directed toward a person or group because of factors such as race, religion, ethnicity, ability, national origin, age, sex, or veteran status may be assessed enhanced sanctions.

### **Fines and Restitution for Damages**

Students responsible for damage and vandalism to University property may be required to pay restitution. In cases where damage or vandalism is done to common areas, and the student(s) who are responsible cannot be determined, students sharing that common area share in the cost of the restitution. Residents are responsible for reporting individual damages to Residential Life staff or the Office of Residential Life (Ground Floor McAuley Hall) as soon as they occur. Residents are not permitted to make their own repairs. While intentionally damaging the property of another person or entity is a violation of the Student Code of Conduct, the University will not assign, oversee, manage or assure restitution when the University is not a party. The Division of Student and Campus Life (1st Floor, McGovern Hall) reserves the right to assign monetary fines for violations of the Student Code of Conduct as appropriate.

### **Identification**

All University of Saint Joseph students must carry their University ID (JayCard) and provide it to University personnel (i.e., residential life staff, public safety officer, etc.) upon request. Visitors must carry government-issued photo identification at all times, and be able to provide proof of registration if they are residence hall visitors.

### **Jurisdiction**

The University defines students as any individual enrolled in undergraduate, graduate, or non-degree programs who have completed university registration and financial requirements.

- A student who violates University policies or fails to uphold accepted standards is subject to conduct action.
- The Student Code of Conduct applies to all properties owned, leased, or used by the University.
- The Office of Admissions has the right to rescind an offer of admission when deemed appropriate.
- Students are expected to abide by local, state, and federal laws. The institution will not provide sanctuary for those who violate such laws, and the University reserves the right to refer a student through the conduct process when a student has been charged with criminal violations.
- The University reserves the right to take conduct action for incidents that occur off campus that violate the Student Code of Conduct and/or potentially could jeopardize the University's image, and/or the health and safety of the University's community.
- The University reserves the right to confiscate and dispose of any items which are deemed to violate the Student Code of Conduct.
- The University reserves the right to search a student's living space if deemed necessary

A particular situation may potentially invoke one or more University policies or processes. The University reserves the right to determine the most applicable policy or process and to utilize that policy or process. This policy does not apply to decisions relating to requests for reasonable accommodation due to a disability. In cases where there are multiple

complainants and/or multiple respondents, the University reserves the right to handle the cases individually or jointly.

Further, in cases where there are allegations of a violation of this Policy and collateral allegations of other policy violations (e.g., an allegation of a sexual assault and minor property damage), the University reserves the right to have allegation(s) of violations of this Policy and the collateral allegation(s) investigated and adjudicated pursuant to this Procedure.

In cases where the individual has more than one status with the University (such as a student who is also employed with the University, or any employee who takes courses at the University), the University will determine in its discretion which status is primary; in such a situation, sanctions imposed may include both sanctions related to each status.

There are circumstances where there could be the potential of both criminal and Student Code of Conduct violations occur. The criminal process and the University conduct processes are not mutually exclusive or dependent on each other, meaning that a person may pursue either a criminal complaint or University complaint or both. Any University investigation and/or hearing process conducted by USJ will be conducted concurrently with any criminal investigation and proceeding. However, in some cases the University will temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation. Such delays will not last more than seven (7) business days except when law enforcement authorities specifically request and justify a longer delay.

### **Parental Notification**

The University of Saint Joseph reserves the right to communicate with parents/ guardians on any student conduct action taken by University officials, within the framework established by the Family Educational Rights and Privacy Act (FERPA).

### **Facilities Access and Other Contraband Searches**

The University reserves the right at any time with or without notice to search all University-owned or leased property and all vehicles, packages, containers, briefcases, backpacks, purses, lockers, desks, enclosures and persons entering or leaving its property for the purpose of determining whether any weapons or other contraband has been brought onto its property, for the purpose of inspection or repair, to preserve the health and safety of the University community, or for suspected violations of University policy. Any person who refuses to promptly permit a search under this policy may be denied immediate and future access to University property and/or subjected to the Student Code of Conduct process. Public Safety staff members will use their discretion to contact local law enforcement if weapons or other contraband are located during a search that constitutes a violation of Connecticut law.

### **Standard of Proof**

All student conduct cases will be decided on the burden of proof standard of a “preponderance of the evidence” -which means the determination will be made on the basis of whether it is “more likely than not” that a student violated the Student Code of Conduct. This is often equated as “50.01%” or “50 + a feather”. The preponderance of evidence standard is also utilized to adjudicate incidents or situations that occur off-campus that fall under the jurisdiction outlined herein.

### **Student Conduct Holds**

Students who fail to complete student conduct sanctions by the assigned deadline will have a hold placed on their student account. Conduct holds may impact a student’s ability to register for housing, move into university housing following break periods, or register for classes.

### **Refunds**

Students who are suspended, dismissed or expelled for Conduct reasons from the University are not entitled to a refund. A student who is suspended, dismissed or expelled will be charged all administrative fees as prescribed. Students who are suspended from University housing for Conduct reasons are not entitled to a refund.

### **Termination of Residency in University Housing**

Students suspended from University housing forfeit all housing fees paid to the University. Students placed on an interim suspension from the University or University housing who are later reinstated to the University or University housing are not entitled to a refund for the period of their separation.

## Victim Information

Community members who are victims of a reported crime against their person or property may be entitled to information, upon written request, about University Conduct proceedings related to that crime pursuant to the Federal Educational Rights and Privacy Act (FERPA) and the Higher Education Opportunity Act of 2008, section 493. Students who are alleged victims of a sexual offense or one of the following crimes of violence, as defined by the U.S. Department of Education, may be entitled to information:

- Arson
- Assault offenses
- Burglary
- Criminal homicide
- Destruction, damage and vandalism of property
- Kidnapping/abduction
- Robbery

Information will be provided when the case is resolved.

## Electronic Communications

The University encourages its students to become involved and connected to the community in as many ways as possible. The Internet has provided additional ways for communication to occur. However, with these additional means of networking and communicating, community members must exercise extra care and diligence. Students must be aware of the added responsibility associated with these opportunities for networking and communicating. Communications on sites such as Facebook, YouTube, Snapchat, Instagram, TikTok, Twitter/X, personal blogs, etc., though logins are often required, represent public and open communication. Communications on such sites are not specifically monitored by University officials but may be brought to the attention of officials when seen as possible violations of the Student Code of Conduct. As with other public arenas, information found on Internet sites is acceptable as information in conduct meetings and other proceedings. Information that is acceptable may include but is not limited to: wall postings, journal entries, blog postings, pictures, media, online comments, “tweets,” and other openly accessible communications. Messages between individuals— instant messages, text messages, email, Facebook messages, or other electronic forms of communication—may also be used in the conduct process. Students should be aware that the Internet is considered a public forum and information posted there can be viewed by anyone. Students are encouraged to use caution with information made available to others online and through social media.

## Student Code of Conduct

All University of Saint Joseph students are responsible for abiding by the standards of the USJ community, and those who violate them are subject to Conduct action. Any attempt to violate the policies and regulations of the University is considered sufficient information for having committed the violation itself. Moreover, the University of Saint Joseph recognizes and respects local, state and federal laws and does not provide safe haven or sanctuary for students who violate such laws. The University may pursue enforcement of its own policies, whether or not legal proceedings are underway or forthcoming, and may use information from third-party sources, including but not limited to law enforcement agencies, the courts and outside media to determine whether University policies have been violated. Conversely, USJ makes no attempt to shield members of the University community from the law, nor does it intervene in legal proceedings against a member of the community. The Student Code of Conduct process may review and impose sanctions on an individual or group involved in any criminal or civil offense.

Violations of specifically stated policies as written in this document, or otherwise distributed or published rules of the University of Saint Joseph, are prohibited.

These include but are not limited to:

### 1. Alcohol

Students should review and are expected to abide by Connecticut state laws and the University alcohol policy as published in the Student Handbook, or otherwise distributed or published by USJ.

- a. Possession or consumption of alcohol by a person under the age of 21 is prohibited. Students 21 years of age or older may possess alcohol for their personal use in their own residence hall bedroom/living space.
- b. Students 21 years of age or older are not permitted to consume alcohol in the presence of someone under the age of 21.
- c. Persons under 21 years of age are not permitted to be in the presence of alcoholic beverages, or beverage containers.
- d. Students 21 years of age or older are not permitted to purchase or provide alcohol to someone under the age of 21.
- e. No open alcoholic container will be allowed on University premises except in residence hall rooms, suites, or apartments assigned to students who are at least 21 years old and do not reside with a student under the age of 21.
- f. Alcohol may not be consumed in any public area. (e.g. fields/quads, building lobbies, hallways, or lounges, etc.)
- g. Engaging in acts of public drunkenness, vandalism, disorderly conduct, harassment, or infringement of the rights or privacy of others.

**The following are prohibited:**

- Activities or paraphernalia that encourage the rapid or mass consumption of alcohol including drinking games.
- Overconsumption of alcohol.
- Consumption of alcohol that requires medical evaluation or transportation to a medical facility.
- Providing alcohol to an individual(s) under the age of 21.
- Driving under the influence of alcohol.
- Kegs, Mini-Kegs, or other large-quantity beverage dispensers intended for serving or storing alcohol

## **2. Controlled Substances**

The University of Saint Joseph prohibits:

- a. The possession and/or use of illegal or harmful drugs
- b. The manufacture, distribution, possession with intent to sell and/or sale of prescription medication, illegal or harmful drugs
- c. The possession and/or use of drug paraphernalia
- d. The improper possession and/or misuse of prescription medication

## **3. Civility and Respect**

The University expects students to be mature, honest and responsible members of the campus and the larger community. Behavior that infringes upon the rights, safety, and privileges of another person, or impedes the educational process of the University is unacceptable.

The University of Saint Joseph prohibits:

- a. Conduct that is disruptive to the University community, does not follow the Core Values, disturbs the peace, obstructs University objectives and/or operations, interferes with the rights and/or activities of others and/or interferes with the performance and duties of University faculty or staff.
- b. Failure to comply with the Good Samaritan Policy.
- c. Failure to comply with the Bias, Harassment and Discrimination Policy.

#### **4. Complicity**

USJ prohibits students, through act or omission, from assisting another student or group in committing a violation of the Student Code of Conduct. Students who are present when the Student Code of Conduct is violated may be held responsible, even if they are not directly involved in the violation itself, when they could reasonably remove themselves from the situation or report it to a University official.

#### **5. Harassment, Abuse, Health and Safety**

The University of Saint Joseph prohibits:

- a) Personal harassment, intimidation and/or verbal abuse.
- b) The threat to inflict physical harm, physical abuse, or injury to any person.
- c) Actions that inflict physical harm, physical abuse, or injury to any person.
- d) Non-physical or physical coercion.
- e) Slanderous, false or malicious statement(s) about a person or defamation of character.
- f) Endangerment of the health and safety of self and/or others.

#### **6. Gender-Based Discrimination and Harassment**

The University of Saint Joseph is committed to maintaining a safe and inclusive environment free from sex- and gender-based discrimination, harassment, sexual misconduct, and other conduct that threatens the safety, dignity, or well-being of members of the University community.

These policies and standards apply to all individuals, regardless of sex, gender, gender identity, gender expression, or the sex or gender of the person engaging in the conduct. Depending on the nature and circumstances of the reported conduct, an allegation may fall within the scope of the University's Title IX Policy and/or the University's Student Conduct policies and procedures. Conduct that does not meet the jurisdictional or definitional requirements of the University's Title IX Policy may nevertheless be addressed under applicable University policies, including the Student Conduct process, as appropriate.

For additional information regarding sexual harassment, sexual assault, domestic and intimate partner violence, dating violence, stalking, sexual exploitation, and other forms of prohibited conduct, please refer to the University of Saint Joseph's Title IX Policy.

- a) Sexual Misconduct: a broad range of behaviors, including sexual harassment, sexual assault, domestic and intimate partner violence, dating violence, stalking, sexual exploitation, voyeurism, and other conduct of a sexual nature that is nonconsensual or that has the purpose or effect of threatening, intimidating, coercing, or otherwise interfering with an individual's ability to participate fully in the University community. Sexual misconduct may involve nonconsensual sexual conduct, but nonconsensual conduct is not a necessary component of all prohibited sexual misconduct.
- b) Sexual harassment: unwelcome gender-based verbal or physical conduct that is: sufficiently severe or persistent, and pervasive that it has the effect of unreasonably interfering with, limiting or depriving someone of the ability to participate in or benefit from the University's educational program, activities and/or employment, or has the ability to cause a hostile environment, or retaliation. Acts of Sexual Harassment may be committed by any person upon any other person, regardless of the Sex, sexual orientation, and/or gender identity of those involved. It should be noted that Title IX Sexual Harassment, as an umbrella category, includes the offenses of Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. This definition applies to all Formal Complaints that fall within Title IX jurisdiction. Please refer to the University of Saint Joseph Title IX Policy for additional details.
- c) Sexual Assault:

- I. Rape is defined as penetration, no matter how slight, of the vagina or anus of a person with any body part or object, or oral penetration of a sex organ of the Complainant, by the Respondent's sex organ, or by a sex-related object, without the consent of the Complainant. This includes instances in which the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity.
  - II. Fondling is defined as the intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the Complainant by the Respondent, without the consent of the Complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. Fondling also includes instances in which the Respondent causes or directs the Complainant to intentionally touch the Respondent's clothed or unclothed genitals, buttocks, groin, breasts, or other body parts, without the consent of the Complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
  - III. Incest is defined as sexual intercourse between persons who are related to each other within the degrees of relationship in which marriage is prohibited by state law.
  - IV. Statutory rape is defined as sexual intercourse with a person who is under the statutory age of consent as defined under Connecticut law.
- d) Domestic Violence (including Intimate partner violence is defined as violence committed by a Respondent who is a current or former spouse or intimate partner of the Complainant; by a person with whom the Complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Connecticut; or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the State of Connecticut.

Dating violence is defined as violence committed by a Respondent who is in, or has been in, a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

For purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that are covered under the definition of Domestic Violence.

- e) Stalking is defined as a Respondent engaging in a course of conduct, on the basis of sex, that is directed at the Complainant and would cause a reasonable person either to fear for their own safety or the safety of others, or to suffer substantial emotional distress. For purposes of this definition, a course of conduct means two or more acts, including, but not limited to, acts in which the Respondent, 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. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- f) Sexual Exploitation is defined as taking non-consensual or abusive sexual advantage of another person, where the conduct does not constitute Sexual Harassment as defined above, for the individual's own benefit or for the benefit of anyone other than the person being exploited.

- I. Examples of Sexual Exploitation include, but are not limited to, sexual voyeurism, such as observing or allowing others to observe a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person being observed. Sexual Exploitation also includes distributing authentic or synthetic Non-Consensual Intimate Imagery (NCII), including through methods such as AirDrop, Snapchat, or displaying such material on a device for others to view.
- II. invasion of sexual privacy, such as doxxing, as well as knowingly making an unwelcome disclosure of, or threatening to disclose, an individual's sexual orientation, gender identity, or gender expression.
- III. taking photographs, videos, or audio recordings of another person engaged in a sexual act or any other sexually related activity when there is a reasonable expectation of privacy, without the consent of all persons involved, or exceeding the boundaries of consent. Examples include allowing another person to hide in a closet to observe sexual activity or disseminating sexual photographs without the consent of the person depicted.
- IV. prostituting another person and engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD), or a sexually transmitted infection (STI), without informing the other person of the virus, disease, or infection.
- V. causing or attempting to cause the incapacitation of another person through alcohol, drugs, or any other means for the purpose of compromising that person's ability to give consent to sexual activity or making that person vulnerable to non-consensual sexual activity.
- VI. misappropriating another person's identity on applications, websites, or other venues designed for dating or sexual connections, such as through spoofing.
- VII. forcing a person to take an action against their will by threatening to show, post, or share information, video, audio, or an image depicting the person's nudity or sexual activity.
- VIII. knowingly soliciting a minor for sexual activity, engaging in sex trafficking, and knowingly creating, possessing, or disseminating child sexual abuse images or recordings.
- IX. creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually related things that never occurred, or placing identifiable real people in fictitious pornographic or nude situations without their consent, such as through the creation or dissemination of sexual deepfakes.

## 7. Hazing

Hazing is any act that, as an explicit or implicit condition of recruitment, admission, or initiation into, affiliation with, or new or continued membership status within a group, team, organization, living group, or academic group or cohort, does one or more of the following:

- a) Causes, encourages, or compels another person to engage in any activity that could reasonably be perceived as likely to create a risk of mental, physical, or emotional distress or harm; examples include but are not limited to:
  - Undertake acts of servitude or menial tasks;
  - Undergo undue financial expenditures;
  - Engage in acts relevant to those of the group (for example practice or training activities), but in a manner that a reasonable person would consider excessive or dangerous;
  - Abuse, humiliate, degrade, or taunt another person or persons.
- b) Involves any of the following:
  - Consumption of alcohol or drugs;
  - Consumption of unpalatable substances, or palatable substances to excess;
  - Damage to or theft of property, or any other illegal act;
  - Violation of any University policy.
- c) Subjects any other person (including an existing member or cohort of existing members of the group) to any of the above activities.

Hazing can occur on or off campus, and in person or in virtual settings. The individual subjected to hazing does not need to regard or identify the act as hazing. The fact that an individual does not object to and/or appears willing to participate in the activity, does not signify the conduct is not hazing.

## **8. Property**

The University of Saint Joseph prohibits:

- a) Unauthorized use, misuse or possession of another's property or University property
- b) The theft of another's property or University property or unauthorized possession of another's property or University property
- c) Damage and/or vandalism to another's property or University property
- d) Tampering with locks and duplication or unauthorized use of University of Saint Joseph keys or access cards
- e) Creating messes and littering on campus or University owned or leased property
- f) Throwing, launching or propelling objects
- g) Failure to report damage

## **9. Orders and Directions**

The University of Saint Joseph prohibits:

- a) Failure to comply with reasonable directions of University officials (or someone acting in the name of USJ)
- b) Harassment, intimidation and/or verbal abuse of University officials (or someone acting in the name of USJ) acting within the scope of their duties
- c) Unauthorized entry into or use of USJ property or attempting to gain entrance to unauthorized premises
- d) Fleeing the scene of an incident
- e) False 911 and/or campus emergency system calls both on and off campus

## **10. Misuse of Documents/Access**

The University of Saint Joseph prohibits:

- a) Knowingly using or furnishing false information or identification to a University official (or to someone acting in the name of USJ)
- b) Forgery, alteration or unauthorized possession of University documents, records or instruments of identification
- c) Forgery, alteration, possession or manufacturing or distribution of false identifications, documents or records
- d) Unauthorized use of USJ's name or logo or failure to use the University's name or logo in a manner consistent with its designated objectives
- e) Violation of the computer and information resources policy
- f) Knowingly using another student's ID to gain access to their dining plan/funds
- g) Copying, downloading, transmitting, or retaining confidential information
- h) Sharing confidential information with unauthorized individuals, whether inside or outside the University
- i) Failure to comply with all applicable federal and state laws, including the Family Educational Rights and Privacy Act (FERPA), as well as University policies governing confidentiality and data security

## **11. Fire and Fire Protection Systems**

The University of Saint Joseph prohibits:

- a) The willful, intentional setting of a fire to a structure, property, or vehicle.
- b) Tampering, damaging, covering or removing fire safety equipment
- c) Causing or attempting to cause a fire or false fire alarm
- d) Failure to evacuate during fire alarm or emergency
- e) The setting of fires, arson or adding to unauthorized fires

## **12. Firearms, Weapons and Explosives**

The University of Saint Joseph prohibits:

- a) Possession, storage or use of firecrackers, fireworks, fire bombs, smoke bombs or any other explosive device
- b) Possession, transportation, storage or use of firearms, air guns, paint ball guns, BB guns, any other dangerous weapon or weapon facsimile
- c) Possession, storage or use of weapons such as knives (aside from kitchen/cooking or pocket knives), swords, machetes, nun chucks, brass knuckles etc.
- d) Bomb scares or threats

### **13. Misuse of University Funds**

The University of Saint Joseph prohibits:

- a) Embezzlement or misuse of the funds of the University and/or its student organizations
- b) Forgery, falsification or alteration of student employee timesheets or misuse of the ADP payroll system

### **14. Abuse of the Student Conduct Process**

The University of Saint Joseph prohibits:

- a) Providing false statements during conduct proceedings
- b) Harassment and/or intimidation of a conduct officer, witness or victim prior to, during and/or after a conduct proceeding
- c) Failure to appear at an investigation meeting and/or failure to fulfill the terms and conditions of sanctions imposed

### **15. Gambling**

- a) Gambling or being part of a gambling ring, bookmaking or illegal transactions are prohibited.

### **16. Smoking**

Smoking of tobacco or other products is prohibited across all University campuses, including in personal vehicles. This includes electronic smoking devices and chewing tobacco.

### **17. Solicitation and Promotion Solicitation**

Solicitation and Promotional Solicitation are prohibited at the University and in the residence halls.

- a) The direct sale of merchandise or services, and the solicitation of donations (with or without products or services rendered) without University approval is prohibited.
- b) Posting or distributing solicitation materials in unauthorized areas is prohibited.

### **18. Violation of Residential Life Policies**

Any violation of Residential Life Policies, including those not explicitly mentioned in this Handbook is prohibited. Please review [The Living Factor](#) for more information on residence hall specific policies.

### **19. Visitor and Guest Policy**

Violation of the Policy Statement on Overnight Visitors and Guests. Information regarding residence hall guest and visitor policies can be found in [The Living Factor](#).

### **20. Federal, State and Local Laws**

Students who are sanctioned, criminally or civilly, or formally charged and/or convicted of a violation of federal, state or local law, which adversely affects the community and/or the University and the pursuit of its objectives, may be subject

## **Student Code of Conduct Process**

The University of Saint Joseph's Student Code of Conduct process consists of conduct meetings and appeal hearings unless a student elects to waive their right to a conduct hearing. All proceedings are conducted according to the procedures set forth in this document. Students accused of an alleged violation of policy are notified and given their procedural rights in writing, electronically by a conduct officer via their USJ email.

At the time of the conduct meeting, procedural rights are reviewed, and students are asked to declare whether they are

or are not responsible for the alleged violation. Students and parents are encouraged to contact the Division of Student and Campus Life (1st Floor, McGovern Hall) with questions about the Student Code of Conduct process and procedural rights.

### **Interim Suspensions**

The University of Saint Joseph recognizes that its philosophy is linked with the protection of its students, faculty, staff and property. The Interim Vice President of Student and Campus Life or designee has the authority to immediately suspend from the University or residential housing any student who is a threat to self or others or who, due to the severity of the underlying incident, may be subject to a separation from residential housing or the University. An interim suspension remains in effect until a student's Student Code of Conduct process is concluded. A student can appeal an interim suspension to the Interim Vice President of Student and Campus Life. Students placed on an interim suspension from the University are not permitted on University- owned, operated or leased property.

### **Examination and Vacation Periods**

During examination, vacation and other periods, conduct meetings may occur as necessary. A conduct meeting may be called during these times if deemed necessary by the Director of Residential Life or designee. All decisions rendered during this interim period must conform to the spirit of the Student Code of Conduct process as expressed in this document. Proximity to Graduation Exceptions may be granted only if a serious incident occurs within three weeks of the final semester of any graduating senior. Under such circumstances, the Provost and Interim Vice President of Student and Campus Life may or may not allow a student to complete their course work for credit if such arrangement can be practicably accomplished without the student returning to campus and if such an accommodation is merited in their view based on circumstances on a case-by-case basis. An expelled student may not participate in graduation exercises or return to campus or the University for additional course work and, except for the possibility of a senior in their last three weeks of school. An expelled student will not receive a University of Saint Joseph diploma.

### **Conduct Procedures**

The initial incident report describes the behavior and appropriate facts and details relating to the incident at issue and identifies witnesses where appropriate. Initial information about an incident is submitted or released to Residential Life staff, the Public Safety Department or the Division of Student and Campus Life (2nd Floor, McGovern Hall) for appropriate action. The information typically describes alleged behavior and facts detailing the incident.

Upon receipt of the information and, if necessary, a completed investigation by a University investigator, the assigned conduct officer schedules a conduct meeting, which is usually held within ten business days following the receipt of the information or investigation report. A notice of the time, date and place of the meeting is sent to the student via their University of Saint Joseph email address at least 48 hours prior to the meeting. A request for postponement of up to five additional business days for a conduct meeting can be made to the conduct officer. The request must be for good cause and is subject to the availability of the conduct officer. The parties involved are responsible for checking their USJ email account even during examination and vacation periods. Excuses related to not checking the student's email account are not acceptable reasons for postponement. Conduct cases are heard as scheduled with or without the student present.

### **Conduct Hearing Waiver**

At the discretion of the Director of Residential Life, a first-time or lower level violation may be deemed eligible for a conduct hearing waiver. If this is the case, the student will be issued a letter in which the allegations, charges, finding of responsibility and, if applicable, assigned sanctions would be based upon the existing information presented in the incident report.

The student will then have the option to respond to this letter within two business days. Students may respond by completing a form to either:

1. Accept responsibility for the charges, findings and assigned sanctions outlined in said letter and waive their right to a conduct hearing
2. Request a formal hearing

If a student fails to respond to the form, it will be assumed that they wish to have a formal hearing scheduled. A letter with information regarding the scheduled hearing will be sent via USJ email within three business days.

If a student accepts a conduct hearing waiver, they are accepting the charges, findings and sanctions outlined in the letter and are not able to submit an appeal. If a student does not agree with the recommended charges, findings, or sanctions or has additional information they want noted in the case file, then they should request a hearing.

### **Student Procedural Rights in the Student Code of Conduct Process**

A student who has been charged with a violation of the Student Code of Conduct is granted fundamental fairness in the form of the following rights as part of this process:

- a. Notice—the right to be informed, in writing and/or electronically, of the specific alleged violation(s) of the Student Code of Conduct in which the student is suspected of involvement.
- b. Procedures—the right to be informed orally and/or in writing/electronically of the conduct procedures.
- c. Information—the right to know the nature of the information at the time of the meeting and object to information being heard that is unrelated to the incident cited in the report.
- d. Witness Statements—the right to present witness statements in a conduct meeting.
- e. Advisor- the right to have an advisor present under the guidelines outlined in this document
- f. Meeting—the right to request a postponement, subject to the availability of the conduct officer, of up to five business days from the original conduct meeting.
- g. Privacy—the right to have all records, files and proceedings kept appropriately private.
- h. Written decision—the right to have a written decision letter documenting the results of the conduct meeting sent via their University of Saint Joseph email account.
- i. Appeal—the right to request an appeal of a conduct meeting, if found responsible.

### **Witness Statements**

Witnesses are those individuals who provide information based on personal knowledge or experience of the incident. The conduct officer has the option of communicating with witnesses as deemed appropriate. Character statements are not considered valid witness statements.

### **Suspension in Lieu of a Hearing**

The Interim Vice President of Student and Campus Life or the Director of Residential Life may suspend or expel a student without a hearing if there is reasonable cause to do so.

### **Withdrawal Prior to Conduct Case Adjudication**

A student who withdraws from the institution prior to an outcome of a pending conduct case should understand that the investigation will continue without their participation. A student can still be found responsible in their absence. Withdrawal from the institution will not protect a student from possible criminal or civil action(s).

### **Conduct Officer**

A Conduct Officer serves as a conduct agent of the University. The Director of Residential Life may appoint individual University administrators to serve in the capacity of Conduct Officers. Individuals serving in such a position may make conduct decisions and impose sanctions up to conduct probation (as hereinafter defined).

### **Conduct Meeting**

At a conduct meeting, a conduct officer, the student and their advisor (optional) are present (unless a student has waived their right to a hearing). The conduct officer reviews the procedural rights of the student. The incident report may be read, and the alleged violations based on the report are explained. The student is asked to declare if they are responsible for any of the alleged violations. The student has the option to waive their right of 48-hour notification. The student presents their information, which may include witness statements acquired by the student. After the presentation, the conduct officer engages in a conversation with the student. The conduct officer decides if the student is responsible or not responsible for the charged violations. The sanction may be announced and explained either at the meeting or within three business days via email as determined by the conduct officer. The student has the right to

request an appeal, if found responsible for any violation.

### **Recordings and Conduct Records**

Students are not permitted to record conduct meetings. Conduct records, excluding dismissals and expulsions, are retained electronically for seven years after the incident date. All dismissal (if the student does not return to USJ) and expulsion records remain permanently on file. All conduct meetings are closed. The conduct officer, the student and their advisor (optional), and a member of the Division of Student and Campus Life or appropriate University staff member are the only individuals permitted to participate in a conduct meeting. The University does not permit the release of any recordings or Conduct records to parties outside the University. The University does reserve the right to record the meeting and also reserves the right to have University counsel present at any conduct meeting.

### **Findings**

The student must receive the decision of the conduct officer in writing or electronically to their USJ email within three business days after the conduct meeting.

Violations of the Student Code of Conduct may bring one or more sanctions. Sanctions include, but are not limited to:

- a. Expulsion—permanent separation of the student from the University of Saint Joseph, University-related events/activities and USJ owned, operated, or leased property.
- b. Suspension from the University—immediate exclusion from classes; University-sponsored internships, externships, or clinical assignments; residence halls and University owned, operated, or leased property. Suspension occurs for a specific period of time at the end of which a student is reinstated to their former student status.
- c. Deferred suspension from the University—a suspended removal from the University for a period of time. Any violation of policy committed during this period causes the suspension to take effect immediately. The length of time is determined by the conduct officer.
- d. Suspension from the residence halls—a suspension and removal from the residence halls for a period of time. Students who are suspended from the residence halls may not reside in or visit any University-owned residential facility.
- e. Deferred suspension from the residence halls— a suspended removal from University residential living area. Any violation of policy committed during this period causes the suspension to take effect immediately. The length of time is determined by the conduct officer.
- f. Campus restriction—prohibition of a student from being present in a particular building or area of University property and/or taking part in a particular University sponsored activity or event.
- g. Probation—a period of time, not to exceed one calendar year, determined by the conduct officer, during which the student's actions are subject to close examination. Sanctions attached to disciplinary probation may include, but are not restricted to, the following:
  - Denial of the right to participate in certain USJ activities, or eligibility to represent USJ in any co-curricular activity or athletic event.
  - Prohibition from holding office in any student group or organization. Notification of any of the above is sent to appropriate USJ offices and parents/legal guardians.
- h. Loss of Privileges—a student is prohibited from participating in designated social events or activities, such as, but not limited to: attending athletic events, senior week, campus concerts, or participation in student organization activities or other University events/activities.
- i. Student Conduct Warning—a notice to the student informing them that further violations of the Student Code of Conduct may result in more severe sanctions, including placement on disciplinary probation.
- j. Restitution—the student is required to make payment to USJ for damages incurred as a result of violations of the Student Code of Conduct.
- k. Fines—a student may be fined for violations of specific policies or procedures as outlined in the Student Handbook and/or other published or distributed materials.
- l. Removal of property—a student may be requested to remove property that disturbs others, is inconsistent with

the values of the University and/or Sisters of Mercy, endangers an individual's health or safety, or is involved in a violation of the Student Code of Conduct.

- m. Educational sanctions—additional sanctions such as facilitating a program, writing a paper, attending a program/ class, or completing an online program may be a part of any Conduct sanction assessed for violations of the Student Code of Conduct.

## Appeals

A request for an appeal must be submitted using the electronic [conduct appeal form](#) within three business days of the outcome notification. The request for an appeal must clearly state the grounds on which an appeal is being requested and shall contain all appropriate supporting information to be considered as defined below. Sanction(s) imposed by the Conduct officer will remain in effect while the appeal is pending.

The accepted grounds for an appeal are:

- a. That the initial hearing body substantially failed to observe the procedural requirements of the Student Code of Conduct and such failure had an adverse effect on the outcome.
- b. New evidence that significantly alters the findings of fact, that was previously unknown to the respondent, has been discovered or verified and is now available during the appeal process.

A request for an appeal of decisions and sanctions imposed by a Conduct Officer are made to the Director of Residential Life. Requests for an appeal of decisions and sanctions imposed by the Director of Residential Life are made to the Assistant Director of Student Life and Title IX Coordinator, unless otherwise noted. The results of the request will be sent in writing electronically to the student within five business days of the date of the appeal. In instances when a decision to process an appeal request cannot be made within five business days, notification will be sent to the requestor. When a request for an appeal is submitted, the Director of Residential Life or the Interim Vice President of Student and Campus Life will determine if the request meets the threshold for an appeal. The default position is "No", thus the burden rests with the requestor to substantiate that the grounds for an appeal exist.

When the request for an appeal is made, the Conduct Officer or administrator who heard the case and imposed the sanction will be notified of the appeal and have the ability to respond to the claim that they failed to follow the procedural requirements, or that there is new evidence available that was previously unavailable. The Conduct Officer or Administrator will conclude whether or not the new information presented would have impacted their finding of the outcome. Based on this information, the decision to accept or deny the request for an appeal can be made. If accepted, the Director of Residential Life or Interim Vice President of Student and Campus Life may choose to uphold the decision of the previous hearing body; adjust the initial sanction, or remand the case back to the initial hearing body for a new investigation, a new hearing, or a new decision on the sanction. The Director of Residential Life, the Interim Vice President of Student and Campus Life, or designee, when acting as the appeal administrator, is authorized to reduce or increase the sanction(s), dismiss the appeal, overturn the action of the initial hearing body, or affirm the actions of the initial hearing body. All appellate decisions are final. Although a request to appeal a conduct sanction can be submitted as noted above, the sanction must be followed until such time as a response to the appeal is decided.

## Student Organization Conduct Process

In the event of an alleged violation of University policy (including but not limited to, the Student Code of Conduct, Student Organization Requirements, Student Organization Privileges, Student Organization Policies) by a student organization, the incident may be investigated by the Office of Student Activities or Public Safety.

Violations of University policy are considered organizational violations if factors including, but not limited to, the following are present:

- a. The organization adviser, executive officers or members of the organization are aware of an incident that is a potential violation before it takes place with sufficient advance knowledge to prevent its occurrence, but do not prohibit the incident from happening.
- b. The organization adviser or any of the executive officers of the organization are aware of the identity of organization members involved in the incident but refuse to divulge the identity to the appropriate University

authorities.

- c. The incident involves the expenditure of organization funds.
- d. The incident is actively or passively endorsed by members of the organization.
- e. The incident takes place during a scheduled organizational event or meeting.
- f. The incident involves adherence to organizational policies stated in this document or discussed during organizational training sessions conducted by the Office of Student Activities (McGovern Hall).

Completed investigations will be referred to the Director of Residential Life. Once the investigation is complete, the following process will begin:

1. The Director of Residential Life or their designee will serve as the conduct officer and will schedule a conduct meeting with the president of the student organization and other organization members connected to the incident. A notice of the time, date and location of the meeting will be sent to the president via electronic mail at least 48 hours prior to the meeting.
2. A request for postponement of up to five additional days for a conduct meeting may be made. The request must be for good cause. The parties involved are responsible for checking their University email account even during examination and vacation periods. Excuses related to not checking the student's or organizations email account are not acceptable reasons for postponement. Conduct cases are heard as scheduled with or without the student(s) or members of the organization present.
3. Prior to the conduct meeting, organization leaders are entitled to review the results of the completed investigation.
4. At the conduct meeting, the organizational representatives are present and may be joined by the organization's adviser if they choose. Advisers serve as a moral and emotional support during conduct meetings and can assist with meeting preparation. Advisers cannot advocate for an organization or speak on their behalf during a conduct meeting.
5. The procedural rights for student organizations will be reviewed (see below), followed by an explanation of the incident and alleged violations of University policy. The organizational representatives are then asked to declare if the student organization and/or the individual member(s) are responsible for any of the alleged violations.

### **Procedural Rights**

- a. Notice—the right to be informed in writing of the specific alleged violation(s) in which the organization is suspected of involvement.
- b. Procedures—the right to be informed verbally and/or in writing of the organizational conduct procedures.
- c. Information—the right to know the nature of the information prior to the meeting and object to information being heard that is unrelated to the incident.
- d. Witness Statements—the right to present witness statements in a conduct meeting.
- e. Adviser—the right to have the organization's adviser attend the meeting. This individual may not address the conduct officer but may consult freely with the organizational representatives.
- f. Meeting—The right to request a postponement, subject to the availability of the conduct officer, of up to five business days from the original conduct meeting date to prepare for the meeting.
- g. Written Decision—the right to have a written response reporting the results of the meeting.
- h. Appeal—the right to request an appeal of a conduct meeting, if the organization receives a sanction of deferred suspension or suspension.
- i. The organizational representatives then present their information, which may include witness statements acquired by the student(s).
  - After the presentation, the conduct officer questions the organizational representatives.
  - The conduct officer then decides if the student organization is responsible or not responsible for the violation(s).
  - The conduct officer will find an organization responsible if the violation is proven by a preponderance of the information presented; that is, based on the information the conduct officer finds credible and

convincing, it is more likely than not that the organization is responsible for the violation.

- The sanction(s) may be announced and explained at the conclusion of the meeting or within three business days.
  - At the time the decision is rendered, the organizations representatives will sign the conduct meeting agreement acknowledging the receipt of the finding and sanction(s).
  - Student organizations that are placed on a deferred suspension or suspension status have the right to request an appeal.
- j. A copy of the signed conduct meeting agreement and any formal sanction letters are kept on file. The Division of Student and Campus Life does not permit the release of any organizational Conduct records.
- k. At the discretion of the Interim Vice President of Student and Campus Life's office, individual students involved in organizational violations of University policy, may be investigated and referred to the Student Conduct Process.

## Sanctions

Student organizations found in violation of University policy will have one or more of the following sanctions imposed on them. The organization/involved student(s) must receive the decision of the conduct officer in writing within three business days after the conduct meeting.

Violations of the Student Code of Conduct may bring one or more sanctions. Sanctions include, but are not limited to:

- a. Official Reprimand—a student organization receives a written reprimand, which creates an organizational conduct file. Additional violations may result in more serious Conduct action. The reprimand becomes part of the student organization's permanent file.
- b. Probation—a serious encumbrance on the student organization's good standing in the University community. Probation will last at least one semester and any subsequent violations during the probationary will be viewed as both a violation of University policy and a violation of the probation.
- A student organization on probation may lose privileges associated with their recognition status (ability to reserve University facilities, ability to host events and/or fundraisers, etc.).
  - At the end of the disciplinary probation period, all lost privileges shall be restored.
  - A student organization that is placed on probation three times within a five-year period shall be suspended as an organization, as described below, for at least one semester.
- c. Deferred Suspension—a notice to a student organization that their actions are of such a serious nature that removal of University recognition for a period of time is recommended. The University will defer the suspension as long as the student organization meets all requirements set by Student Activities.
- Deferred suspension will last at least one semester. Any future violations during this time would result in immediate removal of University recognition for a period of time and the possibility of additional sanctions.
  - While on deferred suspension, the organization may lose privileges including but not limited to: events/trips/fundraisers budget (if they have one) access ability to reserve space use of University of Saint Joseph name other restrictions at the discretion of the conduct officer.
  - All organizational business must be approved by the Office of Student Activities while on deferred suspension. At the end of the deferred suspension period, all lost privileges and eligibility shall be restored.
- d. Suspension—a fixed or indefinite period of time (at least one semester) during which the student organization may not participate in any University activities and is not recognized by the University. At that time, the organization's events/trips/fundraisers are cancelled, budget (if they have one) is frozen, and they are restricted from functioning as a student organization. At the end of the suspension period, the student organization may regain recognition upon the recommendation of and the completion of any conditions assigned by the conduct

officer.

- e. Restitution—the student organization and/or member(s) are required to make payment to University of Saint Joseph and/or other persons, groups or organizations for damages incurred as a result of violations of University policy.
- f. Educational Sanctions—additional sanctions such as facilitating a program, writing a paper, attending a program/class, or completing an online program that are given for violations of University policy in conjunction with an official reprimand, disciplinary probation, deferred suspension or suspension
- g. Note—University of Saint Joseph recognizes all sanctions imposed by an international headquarters organization for a local chapter/organization.

## **Appeals**

Student organization conduct meetings may be appealed if the organization has been placed on deferred suspension or suspension status. Appeals are accepted for the following reasons:

- Additional and/or new relevant information not available at the time of the conduct meeting
- An error in the conduct process, as outlined in the Organization Procedural Rights (see previous page), which materially affected the outcome of the meeting.

A formal letter of appeal specifying the grounds upon which the appeal is based and supporting information must be submitted no later than one business day after receipt of conduct meeting decision.

Sanction(s) imposed by the conduct officer may be held in abeyance until the appeal is acted upon by the appeal officer at the discretion of the Interim Vice President of Student and Campus Life or designee.

The letter of appeal specifies the grounds upon which the appeal is based, and how those grounds materially affected the outcome of the original meeting. Once the appeal letter is submitted, the Director of Residential Life will determine the appeal officer.

The appeal officer determines whether or not there are grounds for an appeal meeting. If the appeal officer determines that it should be granted, they may conduct a formal appeal meeting. Similar to their conduct meeting, the student organization may bring the organizational adviser to their appeal meeting. Representative(s) from the initial conduct meeting may be called to attend the appeal meeting.

The appeal officer may decide:

- To concur with the conduct officer. In this case, the initial decision is final.
- To modify the finding(s) and/or sanction(s) decided by the conduct officer.  
The appeal decision is final.