

## Code of Student Conduct

### Preamble

#### Student Membership in the Academic Community

Gwynedd Mercy University operates as a learning community under specific and explicit norms of behavior. These standards have as their purpose the desire to maintain respect for the rights of individuals, respect for freedom of thought and expression and fair and equitable treatment of all. The following Code of Student Conduct (the Code) was established to support these goals. These standards are to be followed at all University functions on or off campus.

In general, each standard is intended to bring benefit to others and to confront those behaviors that may cause physical or psychological harm to another. The standards assume that individual members of the Gwynedd Mercy University community value loyalty, truthfulness and contractual fidelity.

The student conduct process at Gwynedd Mercy University is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with University policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with community expectations.

When a student is unable to conform to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in the community.

Authority for the enforcement of University regulations and policy rests with the Vice President for Student Services and Dean of Students, who may designate as Administrative Hearing Officers other members of the University community.

Gwynedd Mercy University students are responsible for knowing the information, policies and procedures outlined in this document. The University reserves the right to make changes to this code as necessary, and once those changes are posted online they are in effect. Students are encouraged to check the Student Handbook for the updated versions of all policies and procedures.

### ARTICLE I: DEFINITIONS

When used in this Code of Student Conduct:

1. The term **Complainant** means a person who files the initial report leading to the charge(s).
2. The term **Respondent** means any student alleged to have violated the Code.
3. The term **Administrative Hearing Officer** means an individual designated to hear both sides of a dispute or alleged violation and make a decision concerning the necessary and binding outcome.
4. The term **Campus Hearing Board** (Board) means any person or persons authorized by the Vice President for Student Services and Dean of Students to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a violation has been committed.
5. The term **University** means Gwynedd Mercy University.
6. The term **University Official** means any person employed by the University, performing assigned administrative, academic or professional responsibilities.
7. The term **University Premises** means all land, buildings, facilities, and other property in the possession of, or owned, used, or controlled by the University (including adjacent streets and sidewalks) at all campus locations.
8. The term **University Sponsored Event** means any activity on or off campus, which is initiated, approved, funded, or supervised by the University.
9. The **Vice President for Student Services and Dean of Students** is designated by the Gwynedd Mercy University President to be responsible for the administration of the Code.
10. The term **Faculty Member** means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
11. The term **Member of the University Community** means any person who is a student, faculty member, University official or any other person employed by or volunteering services to the University.
12. The term **Personal Advisor** means any person asked by or assigned to the Respondent or Complainant to assist the student in the conduct process. The Personal Advisor is an inactive participant during Campus Hearing Board proceedings and may not directly address the Campus Hearing Board. The Personal Advisor may guide the student through the conduct process, help the student formulate questions, and help the student understand the Code. Students are not limited to faculty or university staff, for Personal Advisors and may choose an attorney as their Personal Advisor. Members of the complainant's or respondent's family will not be allowed to serve as the Personal Advisor.

13. The term **Policy** means the written regulations that pertain to student conduct as found in, but not limited to, the Code, the Student Handbook, the Guide to Residence Life, Graduate/Undergraduate Catalogs, and the Institution-Wide Policy Manual.
14. The term **Student** means all persons who are enrolled at the University, either full-time or part-time, including but not limited to:
  - a. Persons who withdraw after allegedly violating the Code of Student Conduct;
  - b. Persons who are not officially enrolled for a particular semester or accelerated non-term but who have a continuing relationship with the University;
  - c. Persons who have been notified of their acceptance to the University;
  - d. Persons participating in study abroad programs; or
  - e. Persons who are enrolled online and at all locations of the University, including the Bensalem and Center City campuses
15. The term **Student Organization** means any club or group that has complied with the formal requirements for University recognition/registration as determined by the Office for Student Engagement.
16. The term **Witness** means a person who may have personal knowledge of the incident in question.
17. The term **will** is used in the imperative sense, not imparting a choice.
18. The term **may** is used in a permissive sense, imparting a choice.
19. The term **Preponderance of Evidence** means the standard of proof employed in the conduct process to determine if a student is responsible for violating the Code. This standard is satisfied if there is sufficient information to conclude that it is more likely than not that the alleged Code violation occurred.

## **ARTICLE II: STUDENT CODE OVERSIGHT**

The Vice President for Student Services and Dean of Students or designee has the responsibility for maintaining and implementing the Code of Student Conduct, and shall be responsible for the administration of the conduct system and procedural rules for the management/administration of the Campus Hearing Board processes that are consistent with provisions in the Code.

Decisions made by the Campus Hearing Board and/or the Administrative Hearing Officer shall be final, pending the normal appeal process.

## **ARTICLE III: PROSCRIBED CONDUCT**

### **A. Jurisdiction of the University Code of Student Conduct**

The University Code of Student Conduct shall apply to conduct that occurs on University premises at all Gwynedd Mercy University campuses, at University sponsored activities, and to off-campus conduct that adversely affects the University Community and/or the pursuit of its mission or objectives. Each student shall be responsible for their conduct from the time of acceptance to the University 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 (and even if their conduct is not discovered until after a degree is awarded). The Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Vice President for Student Services and Dean of Students or designee shall decide whether the Code shall be applied to conduct occurring off campus, on a case-by-case basis. The University Code of Student Conduct applies to guests of community members. Student hosts will be held accountable for the misconduct of their guests.

There is no time limit on reporting violations of the Code of Student Conduct; however, the longer someone waits to report an offense, the harder it becomes for University officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit the University's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Vice President for Student Services and Dean of Students, the Office of Residence Life or to the Office of Public Safety.

### **Off-Campus Behavior and Responsibility**

Students at Gwynedd Mercy University are members of both the University community and the communities surrounding the University. All members of the University community have the obligation to adhere to the policies of the University and laws of the federal, state and local jurisdictions.

The University's practice is to hold students responsible for behavior off campus. Student behavior, both positive and negative, reflects upon the University. The University reserves the right to investigate, and if deemed appropriate, take disciplinary action on complaints received concerning off-campus student behavior from the police, neighbors, property owners, other students, faculty, staff, and the public at large. Students whose behavior off campus is contrary to public law and/or the Code will be subject to disciplinary sanctions.

All students must be aware of the following:

- The University may discipline students for incidents that occur off campus.

- The decisions of the University and Magistrate/Courts are independent and mutually exclusive.
- The University may discipline students in all cases where a citation or arrest takes place.
- The University will not delay issuing a decision in a case because of a pending case before the Magistrate or Courts.

### **Complaints Against Student Groups**

Members of recognized and unrecognized student organizations, groups and teams may be charged as an organization and/or individually with violations of the Code. The organization/group/team will be represented by the organization's president, captain or identified student spokesperson at any disciplinary hearing.

### **Complaints Against Non-Students**

Persons who are not students, but who violate Federal, State or local laws, or University policies while on campus or at campus sponsored events, may be subject to arrest or may have their campus visitation privileges immediately and permanently revoked. University officials may file criminal charges against guests or other visitors who violate laws while on campus. Campus hosts will be held responsible for their guests' behavior.

## **B. Standards of Student Conduct**

To support the mission of the University and the academic goals of all students, the University community upholds the following standards of conduct:

1. Respect and equitable treatment for all individuals
2. Social responsibility and moral behavior
3. Respect for lawful authority

Conduct systems and procedures are substantially secondary to the use of example, guidance, counseling and admonition in the development of responsible student conduct. When these preferred means fail to resolve problems of student conduct, procedural safeguards allow for the imposition of appropriate sanctions while protecting the student from unfair imposition of serious penalties. Separable violations may result in either expulsion or suspension from the University, but lesser sanctions will be considered whenever appropriate. Non-separable violations cannot, standing alone, result in expulsion or suspension from the University, unless the student has a history of previous violations of the Code of Student Conduct.

The Code of Student Conduct permits any member of the University community (student, faculty, administrator or staff) to register a written complaint against a student/student organization with the office of the Vice President for Student Services and Dean of Students.

If the complaint warrants adjudication, the options will be discussed with the referred student/student organization mentioned in the complaint.

Any student found to have committed or to have attempted to commit the following violations is subject to the disciplinary sanctions outlined in Article IV:

### **Separable Violations**

(Below referenced policies are located in the Student Handbook or the Institution Wide Policy Manual. To access the Manual, make sure you are logged into the portal, navigate to the "GMercyU Communities" tab, and select "Institution Wide Policy Manual" from the drop-down menu. You can then click on the "Quick View of Student-Specific Policies" folder to view specific policies).

1. Violation of any local, State or Federal law on or off University property, classified as felonies, misdemeanors or citations.
2. Academic Integrity
  - a. Separable violations of academic integrity are those that affect a significant portion of the course work and are often characterized by substantial premeditation or planning and clearly dishonest intent on the part of the student committing the violation. All Academic Integrity violations are adjudicated via the Office of the Provost and Vice President for Academic Affairs (VPAA). For the full policy, please see the section on Academic Integrity in the University Catalog.
3. Acts of Dishonesty
  - a. Providing false or misleading information, verbally or in writing, to the University or University personnel. This includes, but is not limited to:
    - i. Forgery, fraud (including payroll fraud), bribery, alteration, or misuse of University documents or records;
    - ii. Providing false or misleading information during a disciplinary proceeding or investigation related to potential policy violations;
    - iii. Representing oneself as another member of the University community;
    - iv. Failure to identify oneself when requested by a member of the University faculty, administration or staff;
    - v. Use of another person's identity, password, identification number, University identification card or any other form of identification.
  - b. Unauthorized possession, duplication or use of keys or ID cards to any University premises or unauthorized entry to or use of University facilities or premises.
  - c. Theft of public or private property including receipt of stolen property.

- d. Assisting another student, individual or group through act or omission, in committing or attempting to commit a violation of this Code or any other written University policy.
- 4. Failure to comply with directions of University officials acting in performance of their duties.
- 5. Safety Violations
  - a. Violation of campus safety regulations, including fire safety policies.
  - b. Violation of the Gwynedd Mercy University Firearms, Fireworks, Explosives and Other Dangerous Instruments Policy (see Institution Wide Policy Manual).
- 6. Violation of the Gwynedd Mercy University Child Abuse Policy (see Institution Wide Policy Manual).
- 7. Physical Misconduct
  - a. Deliberate destruction of, or damage to, misuse of, or abuse of public, private or University property, on or off campus.
  - b. Violation of the Gwynedd Mercy University Violence Policy (see Institution Wide Policy Manual).
  - c. Violation of the Gwynedd Mercy University Hazing Policy (see page 54).
- 8. Violations of the Gwynedd Mercy University Sexual Misconduct policy, including sexual harassment, hostile environment caused by sexual harassment, sexual assault, domestic violence, dating violence, sexual exploitation, and stalking. Further information about the Gwynedd Mercy University Sexual Misconduct Policy is [here](#).
- 9. Harassment/Threatening Behavior/Bullying Violations
  - a. Violation of the Gwynedd Mercy University Stalking/Harassment policy.
  - b. Violation of the Gwynedd Mercy University Discrimination and Harassment Policy. These acts include any gesture, written, verbal or physical act, or any electronic communication that is perceived as being motivated by the actual or perceived characteristics of individuals or groups. Also included is any unauthorized use of electronic or other devices to make an audio or video recording of any person while on University premises without their prior knowledge, or without their effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures or videos of another person in a gym, locker room, residence hall room, classroom, or restroom.
- 10. Retaliation
  - a. Retaliation is defined as taking adverse action against an individual making a complaint under the Code or against any person cooperating in the investigation of a complaint under the Code. Retaliation includes intimidation, threats, harassment, and other adverse action including adverse job action and adverse academic action against any such complainant or third party.
  - b. It is a violation of the Code for any student to retaliate or allow retaliation in any manner against a member of the University community who, in good faith, reports a suspected violation of the Code to University officials or participates in any aspect of the conduct process relating to a suspected violation. This includes, but is not limited to, efforts to retaliate either directly or indirectly against an individual as well as direct or indirect retaliation against that individual's family and friends. Retaliation based on the outcome of the conduct process is also prohibited.
- 11. Abuse of the Student Conduct System, including but not limited to:
  - a. Failure to obey the notice from an Administrative Hearing Officer or Campus Hearing Board, or failure to appear for a meeting or hearing as part of the student conduct system.
  - b. Falsification, distortion, or misrepresentation of information before an Administrative Hearing Officer or Campus Hearing Board.
  - c. Disruption or interference with the orderly proceedings of a conduct hearing or Campus Hearing Board proceeding.
  - d. Attempting to discourage an individual's proper participation in, or use of the student conduct system.
  - e. Attempting to influence the impartiality of a member of the Campus Hearing Board prior to, and/or during the course of the Campus Hearing Board proceeding.
  - f. Harassment (verbal or physical) and/or intimidation of a member of a Campus Hearing Board prior to, during, and/or after a student conduct proceeding.
  - g. Failure to comply with the sanction(s) imposed under the Code.
  - h. Influencing or attempting to influence another person to commit an abuse of the student conduct system.

### **Non-Separable Offenses**

(Below referenced policies are located in the Student Handbook or the Institution Wide Policy Manual. To access the Manual, make sure you are logged into the portal, navigate to the "GMercyU Communities" tab, and select "Institution Wide Policy Manual" from the drop-down menu. You can then click on the "Quick View of Student-Specific Policies" folder to view specific policies).

- 1. Academic Integrity
  - a. Non-separable violations of academic integrity are those that involve a relatively small fraction of the course work and may occur because of lack of experience or lack of understanding of the principles of academic integrity. Non-separable violations are often characterized by a relatively low degree of premeditation or planning and the absence of malicious intent. All Academic Integrity violations are adjudicated via the Office of the Vice President for Academic Affairs (VPAA). For the full policy, please see the section on Academic Integrity in the University Catalog.
- 2. Violation of Gwynedd Mercy University Motor Vehicle and Parking Policies
- 3. Residence Hall Violations

- a. Violation of Residence Life policies including the Room and Board contract
- 4. Unlawful obstruction or occupation of passageways, public areas, buildings or offices
- 5. Violation of the Gwynedd Mercy University Posting Policy
- 6. Violation of the Gwynedd Mercy University Gambling Policy
- 7. Alcohol and Other Drug Violations
  - a. Violation of the Gwynedd Mercy University Alcohol and Other Drugs Policy
  - b. Causing another person to become impaired without their knowledge by administering or employing drugs or other intoxicants
- 8. Conduct that is disorderly, lewd, or indecent, which infringes upon the rights of others; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University or members of the academic community
- 9. Violation of the Gwynedd Mercy University Smoking and Tobacco Use Policy
- 10. Violation of any Gwynedd Mercy University Information Technology or Computer Use Policy
- 11. Violation of the Gwynedd Mercy University Freedom of Expression Policy
- 12. Violation of the Gwynedd Mercy University Skateboards/Roller Skates/Blades Bicycles Policy
- 13. Violation of the Gwynedd Mercy University Off-Campus Behavior Policy

## **ARTICLE IV: CODE OF STUDENT CONDUCT PROCEDURES**

### **A. Implementing the Sexual Misconduct Policy**

All matters involving allegations covered by the University's Sexual Misconduct Policy will be handled by the Gwynedd Mercy University Title IX Office in a manner consistent with the requirements, accommodations, procedures, and processes outlined in the Gwynedd Mercy University Sexual Misconduct Policy. The Sexual Misconduct Policy is available [here](#).

### **B. Implementing the Code of Conduct**

Charges of misconduct or an investigation of misconduct must be filed in writing within a reasonable period following the alleged offense and forwarded to the office of the Vice President for Student Services and Dean of Students, or in the case of violations within the Residence Halls, to the Director of Housing and Residence Life or designee, who shall then serve as the Administrative Hearing Officer for the complaint. Forms on which complaints may be filed are available online at the Vice President for Student Services and Dean of Students webpage. Individuals may also go directly to the Student Services Office, the Office of Public Safety, or the Office of Residence Life to file a complaint. The complaint should include as much detail concerning the alleged violation as possible and include the specific reference to the part of the Code the complainant feels has been violated. Perceived criminal activity should be reported immediately to Public Safety, which will submit its report of a student violation to the Office of the Vice President for Student Services and Dean of Students.

The Vice President for Student Services and Dean of Students or Director of Housing and Residence Life, or designee, acting as the Administrative Hearing Officer, will notify the respondent in writing that a complaint has been filed against them. Following the notification to the respondent within a reasonable time, not to exceed ten (10) business days, the case will be officially heard by the Administrative Hearing Officer. The Administrative Hearing Officer will advise the respondent of the violation of the Code of Conduct, students' rights and offer to hear the respondent's statement. The Administrative Hearing Officer will investigate the charges and in absolute discretion, will then decide whether the alleged offense is substantial and serious enough to convene the Campus Hearing Board to hear the charge. For cases involving separable violations, the matter may be referred to the Campus Hearing Board.

1. **Administrative Hearing:** An alleged offense that would not be cause for student suspension or expulsion from the University would most likely be heard by the appropriate Administrative Hearing Officer. For violations within the residence halls, the Director of Housing and Residence Life or designee will serve as the Administrative Hearing Officer. The Vice President for Student Services and Dean of Students or designee will serve as the Administrative Hearing Officer for all violations occurring outside of the residence halls. The Director of Housing and Residence Life may at their discretion, for repeated or serious violations, confer with and may defer the case to the Vice President for Student Services and Dean of Students or designee, who will then serve as the Administrative Hearing Officer for the case.
  - a. The Administrative Hearing Officer will review all materials, hear all information pertinent to the case from the respondent, the complainant and any witnesses brought forth, clarify issues raised, and render a confidential decision to the respondent in writing based upon information presented.
  - b. If a respondent fails to appear for a scheduled hearing, the information and support of the charges shall be presented and considered in their absence. In addition, a decision of either "responsible" or "not responsible" may be rendered along with appropriate sanction(s), and the student waives their right to appeal any sanction that may be applied.
2. **Campus Hearing Board Hearing:** For an alleged offense where a student may be suspended or expelled from the University or upon the specific request of the respondent, the convening of the Campus Hearing Board (Board) may be warranted. If the alleged offense does warrant convening the Board, the Administrative Hearing Officer shall prepare and send to the Vice President for

Student Services and Dean of Students the written specification of the charges against the respondent. This written specification must include:

- (1) A description of the acts of the respondent.
  - (2) The particular section of the Code which has been violated.
- a. A closed hearing date will be chosen by the Vice President for Student Services and Dean of Students within a maximum of 10 business days. Maximum time limits for scheduling of a Board hearing may be extended at the discretion of the Vice President for Student Services and Dean of Students.
  - b. The Vice President for Student Services and Dean of Students shall notify the witnesses and members of the Board of the date and time of the hearing. In cases where more than one student is charged with an alleged violation, the Vice President for Student Services and Dean of Students will determine whether to hold one hearing for all respondents or a separate hearing for each respondent.
  - c. If a respondent fails to appear for a scheduled hearing, the information and support of the charges shall be presented and considered in their absence. In addition, a decision of either “responsible” or “not responsible” may be rendered along with appropriate sanction(s) and the student waives their right to appeal any sanction that may be applied.
3. Interim Suspension: In certain circumstances the Vice President for Student Services and Dean of Students or designee may impose a University or residence hall suspension prior to the scheduled student hearing.
- a. Interim suspension may be imposed: 1) to ensure the safety and well-being of members of the University community or preservation of University property; or 2) if the student poses an ongoing threat of disruption of or interference with the normal operations of the University.
  - b. During the interim suspension, a student shall be denied access to the residence halls, and/or to the campus and/or all other University activities or privileges for which the student might be otherwise eligible, as the Vice President for Student Services and Dean of Students determines to be appropriate.
4. Right to Impose No Contact Orders: In certain circumstances the Vice President for Student Services and Dean of Students or designee may impose No Contact Orders between involved parties. In this instance a No Contact Order is not considered a sanction, but a measure to ensure the safety and well-being of involved parties.

### **C. Campus Hearing Board Procedures**

The Vice President for Student Services and Dean of Students shall notify the witnesses and the members of the Board of the date and time of the hearing.

#### *Personal Advisor*

If the complainant or respondent wishes to be accompanied by a Personal Advisor, including but not limited to a faculty member, staff member or attorney, they shall notify the Vice President for Student Services and Dean of Students in writing at least three (3) days prior to the date of the hearing. The written notice shall contain the name, address and phone number of the Personal Advisor and their status. If the complainant or respondent fails to provide notification in the allotted amount of time, they forfeit the right to a Personal Advisor. The Personal Advisor may: 1) assist the student in the student conduct process; 2) help the student formulate questions; 3) help the student understand the Code; 4) attend the hearing as an inactive participant. During the hearing, the Personal Advisor may advise the complainant or respondent but may not question witnesses or address the Board. The University shall have the right at all times to have an attorney of its choice advise the Vice President for Student Services and Dean of Students at the hearing. The Personal Advisor cannot be a potential witness or party in the matter or in a related matter. If the complainant or respondent is unable to locate a personal advisor, one may be appointed by the Vice President for Student Services and Dean of Students.

#### *Makeup of the Board*

The Board is comprised of a pool of faculty, staff and students from the Gwynedd Mercy University community. The chair of the Board shall be chosen from the faculty/staff Board members every three (3) years.

The Board may be convened by the Vice President for Student Services and Dean of Students with a quorum of five (5) members, which must include at least three (3) faculty/staff members and at least two (2) students.

All members of the Board shall receive annual training at the beginning of the academic year prior to serving in their first hearing.

#### *Hearing*

1. The respondent shall have the following rights at the hearing:
  - a. To have a Personal Advisor present during the entire length of the proceedings
  - b. To question witnesses with the exception of the complainant
  - c. To testify
  - d. To present witnesses on their behalf
  - e. To make a summation at the end of the testimony

2. The complainant shall have the following rights at the hearing:
  - a. To have a Personal Advisor present during the entire length of the proceedings
  - b. To question witnesses with the exception of the respondent
  - c. To testify
  - d. To present witnesses on their behalf
  - e. To make a summation at the end of the testimony
3. Hearings shall be closed. The Board, the Vice President for Student Services and Dean of Students, the respondent, the complainant, and their Personal Advisors shall be permitted in the hearing room during the hearing. All witnesses shall remain outside the hearing room in a waiting area until called to testify.
4. Names of witnesses, as well as any documentary evidence, must be submitted to the Vice President and Dean of Students at least four (4) business days in advance of the hearing. Copies of witness lists and materials shall be made available to all relevant parties for viewing three (3) days prior to the hearing.
5. An audio recording of the proceedings shall be made at the hearing. This recording and any related hearing documents will be maintained in the electronic conduct system database at least seven (7) years from the time the respondent graduates or is terminated from the University. No other method of recording proceedings shall be permitted.
6. In cases where the respondent fails to attend a scheduled hearing, the Board may proceed with the hearing in their absence, make a final decision in the case, and recommend an appropriate sanction(s). Students who fail to attend a scheduled hearing waive their right to appeal any sanction that may be assigned.
7. All parties, including the respondent and complainant, will have equal opportunity to review preliminary information and to present evidence during the hearing.
8. If witnesses are unable to appear for a hearing, a written statement may be read into the record. Alternatively, the Board may choose to convene again when the witness is able to appear.
9. Witnesses will be granted anonymity when there is reason to believe that their physical or emotional health may be placed in jeopardy if their identity were revealed.
10. Respondents and complainants will not be allowed to interview or “cross-examine” each other personally. Both parties may ask the Campus Hearing Board to pose additional questions or inquire further into specific matters by submitting these requests in writing. All additional questions or inquiries must be submitted through the Vice President for Student Services and Dean of Students for review as to appropriateness and direct relevance to the case. If necessary, a brief recess may be granted to allow both parties an opportunity to prepare and submit such requests.
11. The procedure at the hearing shall be as follows:
  - a. The Chair of the Board calls the hearing to order and explains the procedures to be used during the hearing.
  - b. The written specifications of the charges are read to the respondent by the Chair of Board.
  - c. The Chair of the Board will first present evidence and call the witnesses for the complainant. The witness will be questioned by members of the Board.
  - d. After each witness testifies, the respondent will be permitted to ask the witnesses questions (The respondent may not question the complainant directly.)
  - e. After the witnesses for the complainant are heard, the respondent and their witnesses will testify. They also may be questioned by the Board as well as the complainant. (The complainant may not question the respondent directly.)
  - f. When the testimony is completed, the complainant and respondent may present summations.
  - g. After testimony and summation, all parties are dismissed.
  - h. The Board goes into private session to determine whether the respondent is responsible or not responsible for the alleged violation(s), based upon a preponderance of the evidence. Majority vote determines the Board’s final decision.
  - i. The Vice President for Student Services and Dean of Students advises the Board as to possible sanctions in the cases where the respondent is found responsible for the alleged violation(s).
  - j. If the respondent is found responsible, the Board decides a recommended sanction(s) by majority vote.
  - k. The decision and recommendation of sanction(s) are forwarded via letter to the Vice President for Student Services and Dean of Students. The Vice President for Student Services and Dean of Students then provides written notice to the respondent regarding the decision of the Board, along with required sanctions and information regarding the process of appeal.
12. With the assistance of the Vice President for Student Services and Dean of Students, the Chair of the Board shall make rulings concerning procedure and the admissibility of evidence. Evidence shall be admitted liberally, but the Board shall make its decision only considering relevant and substantial evidence.
13. Majority rule prevails in the determination of finding a respondent responsible as well as the recommendation of appropriate sanction(s).

14. The case against the respondent must be proven by a preponderance of the evidence (more likely than not that a violation occurred). The legal phrase “beyond a reasonable doubt” does not apply in the University adjudication system.

15. All testimony and records of hearings are maintained by the Vice President for Student Services and Dean of Students and may be released only to the President of the University. The Campus Hearing Board will have access to all records of Board cases for review only during proscribed times related to a specific case.

#### *Post-Hearing*

1. Within five (5) business days of the hearing, the Chair of the Board will present a report to the Vice President for Student Services and Dean of Students. This report will contain:

- a. a summation of charges against the respondent
- b. a summation of evidence presented
- c. the result of the vote taken by the Board
- d. the decision of either “responsible” or “not responsible” for each charge
- e. any sanction(s) recommended by the Board

2. All members of the Board, the complainant, the respondent and any witnesses, are bound to confidentiality regarding the discussion and voting of the Board in all cases. Only the Vice President for Student Services and Dean of Students is permitted to disclose information concerning cases handled by the Board.

3. The Vice President for Student Services and Dean of Students will confidentially notify the respondent of the decision in writing within three (3) business days of receiving the Chair’s report, and will administer the decisions and determine the sanctions based upon recommendations of the Board. The case will be officially closed when the respondent has been notified of the decision and the sanction(s) imposed following the requisite three (3) business days for appeal.

#### **D. Appeals Process**

1. If the respondent is not satisfied with the decision or the sanction(s) issued:

- a. They have three (3) business days to request their case be appealed.
- b. The respondent must make such a request in writing via Vice President for Student Services and Dean of Students.
- c. The respondent must state the specific grounds for appeal. These grounds shall be limited to: (1) the discovery of substantial new evidence which could not have been known at the time of the hearing, (2) a gross abuse of discretion by the Administrative Hearing Officer or the Board, and/or 3) failure to follow due process as outlined within the Code. The discovered evidence shall be set forth in detail in the appeal, including the names of additional witnesses, if any. If a gross abuse of discretion is claimed, the specific acts that the respondent alleges must be set forth in detail in writing.
- d. Appeals will be heard by the next highest Conduct level as follows:
  - i. Adjudicated by a Residence Director – Appeals will be heard by the Associate Director for Residence Life;
  - ii. Adjudicated by the Associate Director for Residence Life – Appeals will be heard by the Director of Housing and Residence Life;
  - iii. Adjudicated by the Director of Housing and Residence Life - Appeals will be heard by the Vice President for Student Services and Dean of Students;
  - iv. Adjudicated by the Vice President for Student Services and Dean of Students – Appeals will be heard by the Provost and Vice President for Academic Affairs;
  - v. Adjudicated by the Campus Hearing Board – Appeals will be heard by the Vice President for Student Services and Dean of Students.
- e. The Director of Housing and Residence Life, Vice President for Student Services and Dean of Students and the Provost and Vice President for Academic Affairs will determine whether or not the appeal has merit or the original decision will stand.
- f. The University reserves the right to enforce the original imposed sanctions pending the outcome of the appeals process.
- g. Appeal decisions made by the designated administrators listed above will be considered final.

#### **Confidentiality**

Incident reports and other forms can be found online, in the Student Services Office, the Office of Residence Life, and the Office of Public Safety. All files in these offices are personal and confidential.

#### **E. Sanctions**

The Administrative Hearing Officer and/or the Campus Hearing Board may impose a single or multiple sanctions for violations of the Student Code of Conduct. Factors to be considered when determining sanctions include: 1) present demeanor and past disciplinary record of the respondent; 2) penalties resulting from a corresponding court case; 3) the nature of the violation and, 4) the severity of any damage, injury or harm resulting from the violation as perceived by the complainant and/or appropriate University officials. There will be no refund of tuition/fees/housing deposit/escrow/meal plan funds if suspension or expulsion from the University and/or University Housing are determined as sanctions. The following is a list of sanctions that may be imposed upon any student/group/team found responsible for violating the Code:

1. Official Written Warning: A written notice to the student indicating a violation of the Student Code of Conduct has occurred and a warning that a subsequent violation may be treated more severely.
2. Service Hours: Completion of required service hours, either on or off campus as designated.
3. Educational Assignment: Completion of assignments that benefit the individual, the campus and/or the community, including but not limited to completion of a workshop, seminar, class, report, paper, project, AOD program, consultation, assessment and/or counseling.
4. Fine: The respondent is required to pay a fine within a specific period of time as designated.
5. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service or monetary or material replacement.
6. Suspension of Residence Hall Visitation Privileges for a defined period of time.
7. No Contact Order: An administrative directive between two or more parties to cease all forms of communication, including physical, verbal, written, electronic, through any third parties, as well as any other means. A violation of this order may result in suspension from the University.
8. Residence Hall Probation: A defined period of time indicating that the student is no longer in good standing within the residence halls. If necessary, a student on residence hall probation may face specific restrictions as they relate to Residence Life processes and policies. Any subsequent violation while in this status may result in removal from the residence halls.
9. Disciplinary Probation: A defined period of time (usually a minimum of one semester) indicating that the student is no longer in good social standing within the University. A student on disciplinary probation may face specific restrictions on their participation in University events, organizations or representation in an official University sponsored group or team. Any subsequent violation while in this status may result in suspension or expulsion from the University.
10. Loss of Privileges: Denial of specified privileges for a designated period of time.
11. Residence Hall Suspension/Expulsion: The student's privilege to live in University-owned housing and to visit the residential areas of campus is suspended for a defined period of time or permanently.
12. University Suspension: Separation of the student from the University for a defined period of time (minimum of one semester). During this period, the student may not be registered for classes, may not attend classes, may not receive grades from the institution, may not be present on campus nor at a University sponsored event for any reason.
13. University Expulsion: Permanent separation of the student from the University. The student may never again apply to, register for classes, attend classes, receive grades, or earn a degree from the institution. The student may never be present on campus or at a campus sponsored event for any reason.

## F. Disciplinary Records

Disciplinary sanctions, with the exception of University expulsion, shall not be made part of the student's permanent academic record (official transcript), but shall become part of the student's confidential disciplinary record, subject to the Family Educational Rights and Privacy Act (FERPA). Pending cases will be retained as long as is administratively necessary as determined by the Vice President for Student Services and Dean of Students. Cases involving expulsion or suspension will be retained indefinitely. Other student conduct files will be retained for seven (7) years from the date the student separates from the University. If a student under the age of twenty-one (21) is found responsible for a violation of University policy involving alcohol and/or other drugs, the University may notify the student's parent(s) or guardian(s).

Gwynedd Mercy University considers certain violations of the Code as particularly egregious in nature and seriously detrimental to the health and safety of its community. The table below outlines the range of sanctions that may be imposed upon students who are found "responsible" for violating specific provisions of the Gwynedd Mercy University Student Code of Conduct, and may not be the only sanctions issued. Each student will be sanctioned individually according to the circumstances of their violation. These sanctions are aligned with the behavioral expectations of our community. Complacency surrounding alcohol, drugs, violence, or any form of injustice will not be tolerated on this campus. This is the overarching rationale for Gwynedd Mercy University's assurance to be a safe and healthy campus learning environment, one that both challenges and inspires students to be academically and personally successful.

Student Code of Conduct Violation	First Time Offender (Recommended Range of Sanctions – All may not be applied and others may be added)	Second Time Offender (Recommended Range of Sanctions – All may not be applied and others may be added)	Third Time Offender (Recommended Range of Sanctions – All may not be applied and others may be added)
	Educational task or service project	Fine: \$100.00	Fine: \$200.00

<p><b>Alcohol Policy Violation</b></p>	<p>Parental notification for students under 21 years of age</p> <p>Alcohol EDU for Sanctions course</p> <p>Possible restriction from residence halls (for commuter students)</p>	<p>Disciplinary probation for a minimum of one semester (residents)</p> <p>Disciplinary probation for a minimum of one semester (commuters)</p> <p>Referral to the Alcohol and Other Drug Counselor for assessment and completion of educational sessions</p> <p>Educational task or service project</p> <p>Parental notification for students under 21 years of age</p>	<p>Suspension/expulsion from residence halls (residents)</p> <p>Disciplinary probation for a minimum of one year (commuters)</p> <p>Referral to the Alcohol and Other Drug Counselor for assessment and completion of educational sessions</p> <p>Parental notification for students under 21 years of age</p>
<p><b>Drug Policy (Including Cannabis) Violation</b></p>	<p>Disciplinary probation for minimum one semester</p> <p>Parental notification for students under 21 years of age</p> <p>Suspension from residence halls (residents) or permanent suspension of residence hall visitation privileges (commuters)</p> <p>Referral to the Alcohol and Other Drug Counselor for assessment and completion of educational sessions</p>	<p>University suspension or expulsion</p> <p>Restriction from University property during the suspension period or, if expulsion, permanent restriction from University property</p>	
<p><b>Illicit Drugs, including Cannabis (Sale or Manufacture of)</b></p>	<p>University expulsion</p> <p>Permanent restriction from University property</p>		
<p><b>Discrimination and Harassment Policy Violation</b></p>	<p>Referral to Counseling Services for assessment and completion of educational sessions</p> <p>Disciplinary probation for a minimum of one semester</p> <p>Suspension from</p>	<p>University expulsion</p> <p>Permanent restriction from University property</p>	

	<p>residence halls (residents)</p> <p>Restriction from residence halls (commuters)</p> <p>No contact order</p> <p>Educational/service task</p>		
<b>Firearms, Fireworks, Explosives and Other Dangerous Instruments Policy Violation</b>	<p>University suspension for minimum one semester</p> <p>Restriction from University property during suspension period</p> <p>Restitution in cases where individual or University property is damaged</p> <p>Educational/Service Task</p> <p>Disciplinary Probation</p>	<p>University expulsion</p> <p>Permanent restriction from University property</p> <p>Restitution in cases where individual or University property is damaged</p>	
<b>Stalking/Harassment Policy Violations</b>	<p>Mandatory referral to Counseling Services for assessment and completion of educational sessions</p> <p>Disciplinary probation for a minimum of one year</p> <p>Suspension from residence halls (residents)</p> <p>Restriction from residence halls (commuters)</p> <p>No contact order</p> <p>Educational/service task</p>	<p>University expulsion</p> <p>Permanent restriction from University property</p>	
<b>Sexual Misconduct Policy Violation</b>	<p>University suspension for minimum one semester</p> <p>Restriction from University property during suspension period</p> <p>Disciplinary probation for a minimum of one year</p>	<p>University expulsion</p> <p>Permanent restriction from University property</p>	

	No contact order		
<b>Violence Policy Violation</b>	<p>University suspension for minimum one semester</p> <p>Restriction from University property during suspension period</p> <p>Restitution in cases where individual or University property is damaged</p> <p>Proof of completion of off-campus counseling prior to return to campus</p>	<p>University expulsion</p> <p>Permanent restriction from University property</p>	