Student Code of Conduct and Conduct Process

The Board of Trustees at the May 12, 2015, meeting approved these policies. Policies were effective immediately following this Board meeting. Policies are reviewed annually by the Board and therefore are subject to future revision.

Table of Contents

I. General Provision ........................................................................................................................ 3
   Section A: Student Conduct Process Authority ................................................................. 3
   Section B: Violations of Law ......................................................................................... 4
   Section C: Student Rights ............................................................................................. 4
   Section D: Record Maintenance ................................................................................. 4
   Section E: Definitions .................................................................................................... 5

II. Student Code of Conduct ............................................................................................................. 7
   Section A ............................................................................................................................. 7
   Section B: Student Code of Conduct ............................................................................ 7

III. Initiation of Student Conduct Process ..................................................................................... 14
   Section A: Commencing the Process by Filing an Incident Report ................................ 14
   Section B: Interim Actions .............................................................................................. 14
   Section C: Violations of Criminal Statutes, Laws, Regulations ...................................... 15
   Section D: Organizations .................................................................................................. 15

IV. Behavioral Hearings .................................................................................................................. 16
   Section A: Behavioral Hearing ........................................................................................ 16
   Section B: Failure to Attend Behavioral Hearing ........................................................ 16
   Section C: Behavioral Hearing Outcomes ......................................................................... 16
   Section D: Appeals of Behavioral Hearing Outcomes .................................................. 17

V. University and Student Conduct Board Hearings ...................................................................... 18
   Section A: Jurisdiction ...................................................................................................... 18
   Section B: Composition ..................................................................................................... 18
   Section C: Hearing Panels ............................................................................................... 18
   Section D: University Advisor Panel ............................................................................. 19
   Section E: Witnesses ......................................................................................................... 20
   Section F: General Provisions for Hearings of Both University Conduct Board
             and Student Conduct Board .................................................................................... 20
   Section G: Procedure ....................................................................................................... 20
   Section H: Deliberation ..................................................................................................... 21
   Section I: Notification ..................................................................................................... 21
   Section J: Hearing Records .............................................................................................. 22
VI. Appeals of University and Student Conduct Hearings ........................................................ 23
Section A: Right of Appeal....................................................................................................... 23
Section B: Status Pending Appeal............................................................................................ 23
Section C: Standard for Appeals .............................................................................................. 23
Section D: Timing of Appeal .................................................................................................... 23
Section E: Composition ............................................................................................................. 24
Section F: General Provisions ................................................................................................... 24
Section G: Matters Involving Expulsion ................................................................................... 24
VII. University Sanctions.............................................................................................................. 25
Section A: General Provisions................................................................................................... 25
Section B: Sanctions .................................................................................................................. 25
I. General Provision

We strive to instill the University’s Core Values—Truth, Love, Respect, Opportunity, Excellence, and Service—and to encourage the development of character and fortitude to live by these values. In such an environment, it is essential that students learn to look critically at their behavior and to accept responsibility when their behavior violates the policies and precepts of conduct at the University. The system for determining alleged violations must be fair and should involve students. Ultimately the system of discipline at St. John’s University is designed to promote a healthy learning environment and to promote human dignity and potential.

The Student Conduct Process is designed to resolve instances of alleged violations of University policies and regulations, and to investigate matters of student conduct in a manner that reflects the Vincentian tradition and the educational mission of St. John’s University. This process is applicable to all students and student organizations, as defined below. Students and student organizations are responsible for their actions as well as the actions of their guests while on the St. John’s campus, and sanctions may be imposed on the host when the guest violates the Student Code of Conduct.

This Student Conduct Process pertains to University discipline for non-academic infractions. It is not exclusive and does not preempt or preclude independent disciplinary action that may be taken by any member of the University community, including (but not limited to) the Title IX Coordinator, Deans of academic units, organization advisors and other University entities. This student conduct process uses a “preponderance of the evidence” standard to determine responsibility for alleged violations of the Student Code of Conduct.

Section A: Student Conduct Process Authority

The Student Conduct Administrator administers the Student Conduct Process. The Dean of Students or designee will designate and maintain oversight of the Student Conduct Administrators on each of the University’s campuses, both domestic and international. The Student Conduct Administrator is responsible to ensure that all student conduct proceedings are carried out in accordance with University policy and procedures.

The Senior Student Affairs Officer, in collaboration with the Dean of Students or designee, shall determine the composition of the University Conduct Board, the Student Conduct Board, and the University Appeal Board. The Dean of Students or designee will determine if a University Conduct Board, a Student Conduct Board or a Student Conduct Administrator shall be authorized to hear a student conduct matter. The composition of the University Conduct Board, the Student Conduct Board, and the University Appeal Board shall be selected as set forth herein. Decisions made by a University Conduct Board, a Student Conduct Board or a Student Conduct Administrator shall be final, pending the normal appeal process.
This Student Conduct Process does apply to all locations of the University including all domestic and international campuses. The University reserves the right to address student behavior that occurs off campus, if that behavior may be considered a violation of any University policy. An individual is still subject to the Student Conduct Process even if the individual withdraws from the university, is no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending.

Ultimate authority over student discipline is vested in the President of the University, who may exercise it at his/her discretion whenever it is determined that the interests of the University warrant it. The President may impose any penalty, including expulsion. In exercising such plenary authority, the President will afford the student an opportunity to know the charges against him or her, and to offer his or her version of the events. Action taken by the President is final and closes the matter. The President may designate an appropriate senior administrator to exercise this authority whenever it is deemed it necessary or convenient.

As an ordinary matter, the President has delegated authority over student discipline to the Senior Student Affairs Officer at the University, who may exercise it consistent with these procedures. Currently, the Senior Student Affairs Officer is the Vice President for Student Affairs.

Section B: Violations of Law

All members of the University community are subject to federal, state, and local laws. Students are subject to such reasonable disciplinary action as deemed appropriate, including suspension and expulsion, for breach of federal, state or local laws when such conduct is likely to have an adverse effect on the University or on the educational process at the University or affects the student's suitability as a member of the University community.

Section C: Student Rights

The Family Educational Rights and Privacy Act (FERPA) articulates the privacy rights regarding a student’s education record. This includes information regarding any violations of University policy, including the Student Code of Conduct.

However, FERPA permits disclosure without a student’s consent when disclosure is determined to be necessary to protect the health or safety of the student or others. FERPA also gives the University discretion to disclose to any parent or legal guardian of a student under the age of 21 information about a Student Code of Conduct violation regarding Alcohol or Drugs.

Section D: Record Maintenance

The Office of Student Conduct maintains both paper and electronic files as part of a student’s education record. These files will be retained by the Division of Student Affairs for seven (7) years after a student leaves the University, at which time all records may be destroyed except records that support a suspension or expulsion.
Section E: Definitions

The term “University” means St. John’s University.

The term “student” includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled in a particular term but who have a continuing relationship with the University, or have been notified of their acceptance for admission, are considered students.

The term “student organization” means any group comprised of St. John’s University students with a common purpose, including (but not limited to) all Student Government Inc.-recognized student groups, Greek letter organizations, and athletic teams.

The term “member of the University community” includes any person who is a student, faculty member, University official, employee of a University vendor or any other person employed by the University.

The term “University premises” includes all land, buildings, facilities, and other properties in the possession of or owned, used, leased or controlled by the University (including adjacent streets and sidewalks). The term includes property the University leases from third parties or contracts with third parties for the use of, including shuttle buses.

The term “organization” means any number of person or persons who have complied with the formal requirements for University recognition.

The term “University Conduct Board” means any person or persons authorized by the Senior Student Affairs Officer or designee to determine whether a student has committed a violation of the Student Code of Conduct.

The term “Student Conduct Board” means any person or persons authorized by the Senior Student Affairs Officer or designee to determine whether a student has violated the Student Code of Conduct.

The term “University Appeal Board” means any person or persons authorized by the Senior Student Affairs Officer or designee to address appeals of decisions made by the University Conduct Board.

The term “University Advisor Panel” means a group of persons at the University who are selected to appear to act as advisor to either the accused student or complainant (where applicable) at a hearing before a Student Conduct Board or University Conduct Board.

The term “Conduct Board Panel” means the group of persons at the University from which the hearing panel is selected in each matter.

The term “Appeal Board Panel” means the group of persons at the University from which the appeal panel is selected in each matter.

The term “Student Conduct Administrator” means a member of the University community authorized on a case-by-case basis by the Senior Student Affairs Officer or designee to impose sanctions on any student(s) found to have violated the Student Code of Conduct.

The term “policy” means the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Residence Life Handbook, the University web page, sexual misconduct policy, Title IX, and computer use policies and graduate/undergraduate catalogs.
The term “complainant” means any person who submits a charge alleging that a student violated this Student Code of Conduct. When a student believes that she or he has been the victim of another student’s misconduct, the student who believes that she or he has been a victim will have the same rights under the Student Code of Conduct as are provided to the complainant, even if another member of the University community submitted the charge itself. The University may also bring an incident forward and serve as the complainant.

The term “accused student” means any student accused of violating this Student Code of Conduct.

The term “shall” is used in the imperative sense.

The term “may” is used in the permissive sense.
II. Student Code of Conduct

The Student Code of Conduct shall apply to conduct that occurs on University premises, at University-sponsored activities and off-campus conduct.

The Code applies to any setting wherein the student is present as a representative of St. John’s University. Each student shall be responsible for his or her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Student Code of Conduct shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending.

Section A

Student health and safety are of primary concern to the University. As such, St. John’s encourages all members of the community to come forward with information when they are concerned about the health and safety of others.

The University takes context into consideration when determining if a student should be charged with a Code of Conduct violation. For example, the Office of Student Conduct retains the discretion not to charge a student with a conduct violation if that student discloses alcohol or drug use when reporting a student concern or while participating in an unrelated investigation.

Section B: Student Code of Conduct

The following behaviors do not meet the expectations of a student or student organization at St. John’s University and are therefore considered violations of the Student Code of Conduct and are subject to disciplinary action.

Alcohol

The sale, use, distribution, consumption, or procurement of alcoholic beverages on University premises is prohibited, except when student attendance is permitted at a University-sponsored event. The sale, use, distribution, consumption or procurement of alcoholic beverages for anyone who is under the age of twenty-one (21); being in the presence of alcohol on University premises; suspicion of alcohol intoxication; the use of false identification to procure alcohol. Students are expected to abide by all federal and state laws regarding alcohol.

Assault

Intentionally inflicting bodily harm upon any person; taking reckless action that results in harm to any person; or threatening by any means of transmission the use of force to harm or injure any person.
**Civil/Criminal Law**

Any student who is found responsible for any state, federal or municipal law may be subject to disciplinary action for said offenses.

**Compliance**

Failure to comply with the directions or requests of a member of the University community acting in the performance of his or her duties.

**COMPLIANCE WITH EMERGENCY REGULATIONS**

Failure to comply with specific emergency regulations and evacuation procedures for buildings on University premises.

**COMPLIANCE WITH STUDENT CONDUCT PROCESS**

Failure to complete the sanctions imposed on a student who previously participated in the student conduct process.

**Complicity**

Attempts to commit acts prohibited by the Student Code of Conduct or encouraging others to commit acts prohibited by the Student Code of Conduct may be addressed to the same extent as completed violations. A student may be found complicit if he or she is aware of a violation of the Student Code of Conduct and has the ability to report the violation, but fails to do so or fails to remove oneself from reasonable proximity of the violation.

**Computing and Cyber Harassment**

Using information and communication technologies as means of intimidation, harassment, or unwarranted interruption. This includes, but is not limited to, email, social networking sites, the Internet, cellular phones and video recorders. The procurement and/or transmission of videos or photographs of another individual without his or her expressed permission are prohibited.

**Damage to Property**

Damaging property of the University or that of a member of the University community, a campus visitor while on University premises, or the property of a local resident.

**Disorderly Conduct**

Engaging in behavior that is destructive, dangerous, harmful, obstructive, or disorderly. Conduct that is unreasonable in the time, place, or manner in which it occurs.
Drugs
The use (or being in the presence of the use), possession, distribution or manufacturing of narcotic or dangerous drugs or any illegal or controlled substances, except as expressly permitted by law or those prescribed by a physician and kept in their labeled containers. Being in the presence of narcotic or dangerous drugs and/or illegal or controlled substances on University premises or off-campus is prohibited. Use, possession, distribution, or the manufacturing of plants or chemicals to induce an altered state of consciousness is prohibited. Students are expected to abide by all federal and state laws regarding illegal or controlled substances.

False Information
Knowingly furnishing false information in any form to a member of the University community.

False Reporting of an Emergency
Intentionally making a false report of a bomb, fire, attack, or other emergency.

Fire Safety
Tampering with or misusing fire alarms or obstructing the functioning of fire alarms, fire exits, fire-fighting equipment, smoke/heat detectors and sprinkler systems on University premises. Additionally, causing or creating a fire; the use of all open flame devices such as (but not limited to): incense, candles, kerosene lamps, hibachis, and barbecue grills; the use of natural trees or wreaths; and the use of any and all fireworks.

 Forgery/Fraud
Forgery, alteration, or misuse of University documents, records or identification.

Gambling
Gambling in any form is prohibited on all University premises.

Harassment
Any behavior (verbal, written, or physical) that abuses, assails, intimidates, demeans, victimizes, or has the effect of creating a hostile environment for any person.
**Hazing**

Hazing means an act that as an explicit or implicit condition for initiation to, admission to, affiliation with, or continued membership in a group or organization, (1) could be seen by a reasonable person as endangering the physical health of an individual or as causing mental distress to an individual through, for example, humiliating, intimidating or demeaning treatment; (2) destroys or removes public or private property; (3) involves the consumption of alcohol or drugs or the consumption of other substances to excess; or (4) violates any University policy. Individuals who witness hazing while not actively participating may be held accountable for their actions or inactions.

For information and resources on risk management practices or policies, please visit [www.fipg.org](http://www.fipg.org). For information on hazing prevention initiatives, please visit [www.hazingprevention.org](http://www.hazingprevention.org).

**Keys**

Unauthorized possession, duplication, or use of keys or StormCards to University facilities.

**Misconduct**

Misconduct means any conduct that reflects a failure to live up to the expectations of all St. John’s students. This includes, but is not limited to:

- the possession on University premises of any type of paraphernalia analogous to the consumption of alcohol (e.g., beer bongs, keg taps);
- possessing alcohol containers on University premises;
- suspicion of or admission to previous drug use;
- the possession of any type of paraphernalia analogous with the use, distribution or sale of illegal substances/narcotic drugs (e.g., scales, bongs, gutted cigars, rolling papers, pipes, glassine baggies);
- taking, removal or retaining property from any campus location which is not immediately brought to the Public Safety Command Center.

**Mission Statement and Core Values**

Any conduct which is inconsistent with the [Mission Statement](#) and/or [Core Values](#) of St. John’s University

**Pets**

All pets are prohibited on University premises with the exception of service animals previously approved through the standard accommodations process.

**Retaliation**

Retaliation for reporting any allegations of student misconduct is in itself a violation of the Student Code of Conduct. This also protects retaliation against any participant in the student conduct process. The University will take strong action if retaliation occurs against an individual who files a complaint or third-party report, or any individual who participates in the investigative and/or disciplinary process (e.g., as a witness). Incidents of retaliation should be reported to the Office of Student Conduct immediately.
Residence Hall Policies and Procedures

Resident students must also refer to the Residence Life Handbook from their campus for a specific list of policies and procedures with which they are to comply.

Sexual Misconduct

St. John’s University does not tolerate and prohibits sexual misconduct and sex discrimination. The University is committed to address these behaviors, as they are antithetical to our mission, values and standards. Sexual misconduct involves a range of behaviors including sexual assault, sexual harassment, intimate partner violence, sexual exploitation, sexually inappropriate behavior and any other conduct of a sexual nature that is nonconsensual, or has the effect of threatening, intimidating, or coercing a person. Sexual misconduct can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships. The consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation regarding sexual misconduct. For more information, please review the Sexual Assault Guide and Resource Manual (PDF).

Consent is granted when a person freely, actively, and knowingly agrees at the time to participate in a particular sexual act with another person. Consent exists when mutually understandable words and/or actions demonstrate a willingness to participate in a mutually-agreed-upon activity at every stage of that sexual activity. Consent can be revoked by either party at any stage. Consent cannot be assumed from partner silence, manner of dress, or based on a previous or ongoing sexual relationship.

A person is considered incapable of giving consent if he or she is:

- Under the age of consent (which is 17 in New York State)
- Asleep, unconscious, and/or losing and regaining consciousness
- Mentally or physically incapacitated, for example by alcohol and/or other drugs
- Under threat of physical force or intimidation

Intimate Partner Violence: Intimate partner violence refers to any physical, sexual, or psychological harm against an individual by a current or former partner or spouse of the individual. In addition, this policy includes any willful intimidation, battery or sexual assault committed by a family member, household member, domestic partner, or intimate partner and is prohibited. This policy also includes harm against individuals in heterosexual and same-sex relationships but does not require sexual intimacy between the individual and such partner/spouse.

Sexually Inappropriate Conduct: Unwelcome sexual conduct that may not rise to the level of sexual harassment or sexual exploitation, but that is sexual in nature. Examples include, but are not limited to, posting or showing sexually explicit or offensive material; an isolated occurrence of obscene or sexually offensive gestures and comments; lewdness; exposure of one’s self to another person without that person’s consent.
Sexual Exploitation: Any act whereby one person violates the sexual privacy of another, takes sexual advantage of another who has not provided consent or exposure of one’s self to another person without that person’s consent. Sexual exploitation also includes recording, photographing, transmitting, viewing or distributing intimate or sexual images or sexual information without the knowledge and consent of all parties involved, or observing others who are engaged in intimate or sexual situations without permission.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors and other gender-based verbal or physical conduct that is severe, persistent or pervasive enough to unreasonably interfere with an individual’s educational experience or living conditions. Sexual harassment also occurs when submission to or rejection of such conduct denies or limits someone’s ability to participate in or benefit from any University educational program or activity; or by creating an intimidating, hostile or offensive environment for another person.

Nonconsensual Sexual Contact: Any intentional sexual contact with another person, however slight, that occurs without that person’s consent. This includes oral or genital contact not involving penetration; forceful use of an object not involving penetration; contact with the breasts, buttocks or genital area, (including over a person’s clothing); removing the clothing of another person without consent; or kissing without consent. Sexually touching another individual by the threat of force, or intentional contact of a sexual nature with a person who is incapacitated at the time, is also considered nonconsensual sexual contact. This also includes other intentional actions that may be construed as having a sexual nature.

Nonconsensual Sexual Penetration: Any act of vaginal or anal penetration by a person’s penis, finger, body part, or an object without consent; or oral penetration by a penis without consent. Any such act involving force or duress, or that occurs with an incapacitated individual, will be deemed especially egregious.

Smoking
Smoking is prohibited in all University buildings. Smoking is prohibited outdoors within 30 feet of building entrances and open windows. Students must follow smoking regulations for all University premises.

Solicitation
Soliciting for donations, soliciting for business, advertising, or selling items without receiving written authorization from an authorized member of the University community.

Stalking
Stalking refers to occasions where an individual willfully and repeatedly engages in a knowing course of conduct directed at another individual or group of people that a reasonable observer may consider to alarm, harass, torment, or terrorize the victim. Such behavior is prohibited regardless of the relationship between individuals. Any behavior or activity that places another individual in fear of personal harm and/or is intended to cause emotional distress to another individual may be considered stalking behavior.
**Theft**

Attempted or actual theft of personal, private or public property, either on-campus or off-campus. This includes, but is not limited to, property of the University; property of a member of the University community; property of a campus visitor while on University premises or at University-sponsored activities.

**University Facilities**

The unauthorized entry to or use of University facilities including opening windows or locked doors to allow the entry or exit of unauthorized students or guests.

**University Identification**

The misuse or transfer of University identification, the StormCard. This includes but is not limited to transfer of the StormCard to use the meal plan; to gain entry to University buildings; or to use any of the accounts on the StormCard in order to procure University services. StormCards must be carried at all times on University premises. Lending a StormCard to anyone or failure to present it when requested by a member of the University community are considered to be violations.

**University Name and Related Graphics**

Students of the University, whether individually or collectively, shall not use the name of St. John's University or the names of its units for any activity outside the regular work of the University without written consent of the appropriate member of the University community. The crest and seal of St. John's University are exclusive property of St. John's University. The use of the crest and/or the seal is prohibited except with the expressed permission of the Secretary of the University.

**Weapons and Explosives**

The University expressly prohibits on University-owned or controlled property or at University-sponsored functions the possession, display, use or distribution of any weapon to include any firearm (including air-or gas-powered firearms), pistol, revolver, shotgun, rifle, assault weapon, ammunition, explosive, firework, stun gun, switchblade and other automatic knife, and other deadly or dangerous weapons, such as are defined in New York Penal Law Article 265. This prohibition extends to imitation firearms and other objects that can be construed or used as weapons, and to items that pose a potential hazard to the safety or health of others; and unauthorized hazardous materials or chemicals. Exceptions to this policy, particularly for educational or performance purposes, must receive specific, written authorization from the Vice President of Public Safety.
III. Initiation of Student Conduct Process

Section A: Commencing the Process by Filing an Incident Report

An incident report is a written description of an alleged violation of the Student Code of Conduct. Any member of the University community may report an alleged violation of the Student Code of Conduct, in writing or in person, to the Dean of Students or a Student Conduct Administrator. Any complaint regarding sexual misconduct or gender discrimination shall be reported to the Department of Public Safety and the Title IX Coordinator.

Upon receipt of the incident report, a Student Conduct Administrator or designee may conduct a preliminary investigation to determine whether the charges listed in the incident report will be referred to the student conduct process. The preliminary investigation may consist of interviewing witnesses, the accused student, the complainant, or reviewing documentary evidence, if any.

If the Student Conduct Administrator or designee finds sufficient reason to make a formal charge against the accused student, the Student Conduct Administrator or designee shall inform the accused student in writing of the charges via the student’s St. John’s email account. Students are responsible to maintain and regularly check their email account. The meeting notification shall state: (1) the date and general location of the incident; (2); the clause(s) in the Student Code of Conduct that the student is accused of violating and (3) the date, time and location the accused student has been scheduled to meet with a Student Conduct Administrator. The Student Conduct Administrator may consider mitigating circumstances when deciding to make formal charges.

Section B: Interim Actions

At any time during the Student Conduct Process, and at the discretion of the Vice President of Student Affairs, the Dean of Students or designee, the accused student may be issued an interim action. This includes an interim suspension; a “no contact” order with the student who raised the concern or with other students involved or with knowledge of the matter; limitation of access to designated University facilities and/or residence halls by time and location; limitation of privileges to engage in specified University activities; and/or reassignment to alternate housing or removal from housing. An interim suspension may include a denial of access to University-managed living properties, or the campus (including classes) and to all other University activities or events that the student might otherwise be eligible to participate in or attend.

Interim actions may be issued in the following circumstances: (1) to ensure the physical or emotional safety and well-being of members of the University or its property; (2) to ensure the accused student’s own physical or emotional safety and well-being; or (3) if the accused student poses an ongoing threat or disruption of the normal operations of the University.
Interim actions, including interim suspension, may be utilized for any student accused of a violation, including (but not limited to) sexual misconduct, harassment, or violent behavior against another person. Students accused of such violations are not permitted to have any contact with the complainant regardless of the issuing of the interim action.

Once imposed, an interim suspension takes effect immediately. The decision to suspend in advance of a hearing is not subject to review. A suspension pending a hearing is not a University sanction, and no notation of it will be made in the student’s transcript or file.

Section C: Violations of Criminal Statutes, Laws, Regulations

If an accused student is charged with the violation of a state or federal criminal statute (or its equivalent in another jurisdiction), the determination to proceed with the Student Conduct Process concurrently with the legal system is in the discretion of the Dean of Students or designee. Any determinations regarding violations of the Student Code of Conduct are made independent of law enforcement disposition of the matter. The University does not offer legal advice or counsel to students facing criminal charges.

Section D: Organizations

Any group comprised of St. John’s University students, including (but not limited to) all Student Government Inc.-recognized student groups, Greek letter organizations and athletic teams, may be charged with violations of the Student Code of Conduct. The group’s executive board may be held both collectively and individually responsible when alleged violations of the Code of Conduct by one or more of its members take place with the direct or implied consent of its leadership. Individual members who knew or should have known that violations were being or would be committed may be subject to disciplinary action. The Office of Student Conduct reserves the right to address organizational behavior that takes place both on campus and off campus.

When student groups are accused of Code of Conduct violations, an informal investigation for student groups shall be conducted by a student conduct administrator. When student groups are accused of organizational violations, an informal investigation for student groups shall be conducted by a student conduct administrator a member of the University community, at the discretion of the Dean of Students or designee.

Student groups may be subjected to interim actions including, but not limited to, an interim suspension as described in Section B. If the investigation reveals that individual members are subject to disciplinary action, those individuals shall be referred to the Dean of Students or designee for participation in the student conduct process.
IV. Behavioral Hearings

Section A: Behavioral Hearing

The Behavioral Hearing is a meeting with the Student Conduct Administrator or designee where the accused student will review the incident, respond to the charges, and discuss the circumstances. The Student Conduct Administrator or designee may, at his or her discretion, provide the student with information concerning his or her rights, and shall make a determination concerning the accused student’s responsibility and the sanctions he or she must complete. The Student Conduct Administrator or designee may also provide verbal notice whether the case will be directly referred to the Student Conduct Board or the University Conduct Board.

Section B: Failure to Attend Behavioral Hearing

Accused students who fail to attend the Behavioral Hearing waive their right to review the incident and respond to the charges. In these cases, the Student Conduct Administrator or designee shall administer findings and sanctions in their absence or forward the case to the Student Conduct Board or University Conduct Board. A student’s failure to check his or her St. John’s email account is not considered an excuse for not attending a scheduled Behavioral Hearing.

Section C: Behavioral Hearing Outcomes

The following are possible outcomes of the Behavioral Hearing:

**Not in Violation:** If the Student Conduct Administrator or designee determines at the conclusion of the investigation process that the accused student has not violated the Student Code of Conduct, the accused student shall be found Not in Violation and the Student Conduct Administrator or designee shall confirm the decision in writing.

**In Violation:** If the student takes responsibility for a violation or violations of the Student Code of Conduct, or if it is determined that the student has violated the Student Code of Conduct, but the matter does not warrant a referral to a hearing panel, the Student Conduct Administrator or designee shall resolve the matter at his or her sole discretion. In this instance, the Student Conduct Administrator or designee shall issue sanctions as set forth herein in Article VII, Section B. This administrative determination shall be presented to the student in writing containing a description of the violation the student was found responsible for and a statement of the sanction(s) to be imposed.
Referral to Student Conduct Board or University Conduct Board: If after the Behavioral Hearing, the Student Conduct Administrator or designee decides that another hearing body should determine the matter, the Student Conduct Administrator or designee may refer the matter to either the Student Conduct Board or University Conduct Board. If the Student Conduct Administrator or designee refers a matter to another hearing body, the accused student may request to proceed with an administrative hearing before the Dean of Students. It is in the discretion of the Dean of Students to accept or reject the request.

A matter may be referred to the University Conduct Board when it: (1) involves behavior the University determines to be of an egregious nature; or (2) could result in a suspension or expulsion. A matter may be referred to the Student Conduct Board when they are of a less serious nature and when there is no possibility of suspension or expulsion. For matters being referred to the University Conduct Board or the Student Conduct Board, the Student Conduct Administrator or designee may provide the accused student with information on the appropriate conduct board’s processes and procedures.

Section D: Appeals of Behavioral Hearing Outcomes

Any sanction imposed shall be immediately effective and shall remain in effect for the duration of the student conduct process through the conclusion of the appeal process.

A decision by a Student Conduct Administrator may be appealed in writing to the Dean of Students or designee within seven (7) days of delivery of the decision letter. An appeal may be granted only when it is demonstrated that: (1) the student has presented information that indicates an omission in the Student Conduct Process that may have affected the final outcome of the decision; (2) the decision cannot be supported by a preponderance of the evidence; or (3) there is new evidence which did not exist at the time of the hearing that would have a bearing on the original finding. If an appeal is upheld, the Dean of Students or designee will have the option of referring the matter back to the original hearing body for the re-opening of the Student Conduct Process; or to make a determination on the appropriateness of the decision and/or the imposed sanctions. If an appeal is not upheld, the matter shall be considered final and binding upon all involved.
V. University and Student Conduct Board Hearings

When an alleged violation is not resolved through the Behavioral Hearing process, there shall be the following hearing panels:

- Student Conduct Board, Queens Campus
- Student Conduct Board, Staten Island Campus
- University Conduct Board

Section A: Jurisdiction

The Queens Campus Student Conduct Board shall have jurisdiction over violations alleged to have been committed by undergraduate and graduate students registered at the Queens, Manhattan, or Oakdale Campuses. The Staten Island Student Conduct Board shall have jurisdiction over violations alleged to have been committed by undergraduate and graduate students registered at the Staten Island Campus.

Section B: Composition

Members of the Conduct Board Panel may hear matters on any campus. The Conduct Board Panel shall consist of at least fourteen (14) members as follows:

- Six (6) students from the Queens or Staten Island campuses
- Eight (8) faculty members or administrators from the Queens or Staten Island campuses

At the commencement of the academic year, the Vice President for Student Affairs or designee will select student candidates for service. The candidates will include undergraduate and graduate students. Upon their acceptance, they shall receive a formal letter of appointment.

Faculty members are appointed in the Spring semester, serving a term of service for two years. Administrators shall indicate their interest to serve on the panel to the Vice President of Student Affairs or designee, who shall select candidates serving a term of service for two years.

Section C: Hearing Panels

University Conduct Board: Each University Conduct Board hearing shall be conducted before a hearing panel consisting of five (5) members of the Conduct Board Panel. A quorum of the panel shall consist of three (3) members. Each University Conduct Board Hearing Panel shall consist of faculty members, administrators or students. Where possible, the students chosen may be: (1) from the campus where the accused student is registered; (2) undergraduate students where the accused student is an undergraduate student; and (3) graduate students where the accused student is a graduate student. The Dean of Students or designee shall select the hearing panel from those available for service.
In cases involving sexual misconduct, students may not serve as panel members on the University Conduct Board, nor may students serve on the University Student Conduct Appeal Board. All panel members receive annual and ongoing in-service training on issues related to domestic violence, intimate partner violence (dating violence), sexual assault, stalking, sexual harassment and how to conduct inquiries and a hearing process that protects student safety and promotes accountability.

The Dean of Students or designee shall select an appropriate individual to serve as the non-voting Chair of the panel. The Chair shall be responsible for conducting the hearing in an orderly and efficient manner and, for that purpose, may make decisions related to admission of evidence and witness testimony. The purpose of the hearing is to make findings of fact with respect to the matter before the panel and for that reason witness testimony about the accused student’s character shall not be permitted.

**Student Conduct Board:** Each Student Conduct Board hearing shall be conducted before a hearing panel consisting of a minimum of three (3) student members of the Conduct Board Panel. Where possible, the students chosen may be: (1) from the campus where the accused student is registered; (2) undergraduate students where the accused student is an undergraduate student; and (3) graduate students where the accused student is a graduate student. The Dean of Students or designee shall select the hearing panel from those available for service.

A voting Chair shall be selected from among the student panelists. The Chair shall be responsible for conducting the hearing in an orderly and efficient manner, and for that purpose, may make decisions related to admission of evidence and witness testimony. The purpose of the hearing is to make findings of fact with respect to the matter before the panel and for that reason witness testimony about the accused student’s character will not be permitted.

**Section D: University Advisor Panel**

Accused students may be accompanied in the hearing by an advisor who is a member of the University Advisor Panel. In cases of alleged sexual misconduct, the complainant and the accused student are both permitted to have an advisor present during the hearing. No person can be compelled to be an advisor, and if the student is unable to secure a willing advisor she or he must nonetheless participate in the hearing without an advisor. There is a University Advisor Panel trained to assist students before and during a hearing.

The advisor may advise the accused student, but may not participate in the hearing in any other capacity and may not be a witness. An advisor may consult only, and may not participate or be heard at the hearing. There is no right to have an attorney present to represent any party or witness.

At least two school days prior to the scheduled hearing date, the student must inform the Office of Student Conduct if he or she intends to utilize an advisor. Advisors may not appear in place of the complainant or the accused student.
Section E: Witnesses

No later than two school days prior to the hearing, the accused student may submit lists identifying the witnesses they expect to present at the hearing to the Office of Student Conduct. A witness may appear at the hearing in person, or may submit a written statement for the panel’s consideration. The Chair has the discretion to exclude any witness not previously identified. In the discretion of the University, accommodations for witnesses may be made. The hearing panel may request the appearance of any additional witness it deems appropriate.

Section F: General Provisions for Hearings of both University Conduct Board and Student Conduct Board

The following general provisions are common elements for hearing panels:

- At the hearing, a Student Conduct Administrator or designee may present charges on behalf of the complainant.
- The Chair is responsible for the orderly and proper functioning of all hearings and for ensuring that both parties receive the opportunity to present relevant facts.
- Hearings are to be private and not open to members of the University community or to the public. The hearing panel’s decisions and reasons may be made public if in the sole judgment of the University, and as allowed by law, it is deemed necessary to do so. Hearing panel members are duty-bound to maintain confidentiality. The University anticipates that hearings may be conducted within sixty (60) days of when the incident was documented. Unique circumstances of individual matters may require extension of time frames set forth herein within the discretion of the University.
- All persons attending the proceedings shall conduct themselves in an orderly and respectful manner. Any person who engages in an obstructive, disruptive, or disorderly manner in the presence of the hearing panel shall be removed from the hearing room in the sole discretion of the Chair.
- No audio or video recordings of the hearings may be made.
- The University reserves the right to have an attorney as a part of the Conduct Board hearing process.
- If the accused student does not appear for the hearing at its scheduled time, the hearing shall proceed at the discretion of the Chair.
- Strict conformity to the legal rules of evidence shall not be required at hearings. A finding of culpability in all matters shall be based on a preponderance of the evidence.

Section G: Procedure

The Chair shall explain the function of the hearing, verify that the accused student and the complainant are aware of the rights of a student before the hearing panel and inform the accused student and the complainant that all participants shall be asked to affirm the truthfulness of their testimony and that providing false information to the hearing panel is a violation in itself.
The Chair shall ask whether there will be any witnesses testifying on behalf of the accused student and the complainant, advise the accused student and the complainant of the right to be present at all stages of the hearing process except deliberation, read the charges, and inform the accused student and the complainant that the hearing is being tape-recorded (in the case of a University Conduct Board).

A Student Conduct Administrator may present the incident report, charges and, as necessary, any statement submitted on the case. Hearing panel members may question the Student Conduct Administrator and any witnesses called by the Student Conduct Administrator.

The Chair shall offer the accused student the opportunity to testify or remain silent. If the accused student elects to testify, he/she is obligated to answer relevant questions by any member of the Hearing Panel. If the accused student refuses to answer any question that question and/or answer may not later be presented as grounds for any appeal.

The accused student and the complainant may call witnesses on his or her behalf even if he or she does not testify.

The accused student and the complainant have the right to question all witnesses who testify at the hearing. Questions shall be submitted to the Hearing Panel who will direct them to the witness. Hearing Panel members may question witnesses called by the accused student and the complainant. Any party to the hearing may submit questions to the Hearing Panel to be asked of the witness.

All witnesses shall be excused from the hearing room upon completion of their testimony. The Chair shall advise these witnesses that they are not to discuss their testimony outside the hearing room, including during any breaks in the hearing. Witnesses shall not be allowed in the hearing room prior to their testimony. The members of the Hearing Panel may recall any witnesses if needed.

**Section H: Deliberation**

Upon conclusion of all testimony the Hearing Panel shall meet in private to deliberate the matter. No deliberation shall be tape-recorded. The determination of responsibility for violations is decided by a majority vote of the Hearing Panel. The Hearing Panel shall relate its findings to the Dean of Students for imposition of appropriate sanctions.

**Section I: Notification**

After the hearing and deliberations have been completed, the Chair shall send written notification of the results of the hearing to the Dean of Students. The Dean of Students or designee shall notify the accused student of the outcome. If the alleged violation involves an allegation of sexual misconduct, both parties shall be notified in writing of the outcome of both the complaint and any appeal.
Section J: Hearing Records

All written records of proceedings are confidential and are property of the University. A copy of material associated with the hearing will be retained by the Division of Student Affairs for seven (7) years after a student leaves the University at which time all records will be destroyed except records that support a suspension or expulsion.

The University will not audio or video record the student conduct proceedings or deliberations, nor is any other individual permitted to record the proceedings.
VI. Appeals of University and Student Conduct Hearings

Section A: Right of Appeal

Once the hearing has been completed and a determination has been made, each party may appeal as follows:

The accused student may appeal the finding of responsibility.

In matters involving sexual misconduct, the complainant may appeal the finding of responsibility.

Section B: Status Pending Appeal

Any sanction imposed shall be immediately effective and shall remain in effect for the duration of the student conduct process through the conclusion of the appeal process.

Section C: Standard for Appeals

A decision set forth by the Student Conduct Board or University Conduct Board may be revised or overturned only when it is demonstrated that:

- the student has submitted or presented information that indicates an omission in the Student Conduct Process that may have affected the final outcome of the board’s decision; or
- the determination of responsibility cannot be supported by a preponderance of the evidence; or
- there is new evidence which did not exist at the time of the hearing that would have a bearing on the Board’s original findings.

Section D: Timing of Appeal

A student wishing to appeal must provide notice to the Dean of Students or designee in writing within seven (7) days of delivery of the decision letter. A student preparing an appeal is entitled to review all materials submitted to the Hearing Panel, provided the student agrees to keep the information confidential. Review of materials shall be done by appointment with the Dean of Students or designee.

Within fifteen (15) days of delivery of the decision letter, a detailed written appeal must be submitted to the Dean of Students or designee for review whether the appeal meets the Standard of Appeal as set forth in Section D. The appeal shall specify the objections to the decision made by the Hearing Panel. A student who fails to file a notice of appeal and a written submission within the times specified waives the right to appeal.
If the Dean of Students or designee determines, in his or her sole discretion, that the written appeal fails to meet the Standard of Appeal, the Dean of Students or designee shall inform the student in writing. If the written appeal submission fails to meet the Standard of Appeal, the matter is concluded. The student has no right to revise the written appeal submission.

Section E: Composition

The Student Conduct Appeal Board shall consist of the Dean of Students or designee.

The University Conduct Appeal Board shall consist of three members: the Vice President for Student Affairs or designee as Chair and with the power to vote and two additional panel members who may include either full-time faculty members, students or administrators. At the discretion of the Chair substitutes may be named when necessary. The faculty, administrator, and student member will be selected from members of the Conduct Board Panel who did not serve on the Hearing Panel from which the decision is being appealed.

In cases involving sexual misconduct, the University Conduct Appeal Board shall consist of three members: the Vice President for Student Affairs or designee as Chair and with the power to vote and two additional panel members who may include either full-time faculty members or administrators.

Section F: General Provisions

The following general provisions are common elements of appeals:

• Parties are responsible for strict adherence to all deadlines and procedures for the filing and processing of appeals.
• Failure to present information or witnesses that were known to the student at the time of the original hearing will not be considered new evidence.
• Minutes and/or recordings of the University Conduct Board hearings will be available to the Appeal Board.
• The burden of proof in an appeal rests on the appealing party to show why the previous decision should not be affirmed. It is not the responsibility of the Appeal Board to justify any decision imposed by the Hearing Panel.
• There is no right to appeal the sanctions or penalties issued by the Dean of Students or designee. Appeal submissions disputing sanctions will not be approved.
• The appealing student does not appear at the review; however, the University reserves the right to have the student meet with the Appeal Board before the Appeal Board makes a decision.

Section G: Matters Involving Expulsion

Should the University Conduct Appeal Board determine one or more of the Standards for Appeal may have been satisfied, the University Conduct Appeal Board may refer the matter to the University Conduct Board for further consideration.
**VII. University Sanctions**

**Section A: General Provisions**

The sanctions listed below are imposed by the Office of Student Conduct to hold students accountable for conduct violations. Ordinarily, previous offenses will be considered by student conduct administrators in determining sanctions. More than one of the sanctions listed below may be imposed for any single violation.

**Section B: Sanctions**

Other than expulsion or violations associated with violent behavior and other serious offenses resulting in suspension from the University, sanctions shall not be made part of a student’s permanent academic record, but shall become part of the student’s disciplinary record. The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct.

**Formal Warning:** A formal University warning for the decision to violate the Student Code of Conduct and/or Residence Hall Policies and Procedures.

**Fines:** Previously established fines for various conduct violations will be billed directly to a student’s account.

**Restitution:** Financial compensation for losses or damages.

**Discretionary Sanctions:** Community service work, reflection papers, behavioral contracts, and other discretionary and educational responses.

**Service or Educational Assignment:** The requirement that a student performs some service or engages in some activity having some relationship to the conduct violation that would benefit both the student and the community.

**Written Assignment:** The requirement that a student reflects upon his or behavior through a written assignment, that may include a reflection regarding how behavior relates to St. John’s University’s Core Values and Vincentian mission or research that helps the student understand why a policy or restriction has been adopted by the University.

**Housing Probation:** Housing Probation is for a designated period of time. Any violation of the Student Code of Conduct while on housing probation—no matter how minor—may result in additional sanctions. These sanctions may include (but are not limited to) temporary or permanent separation of the student from University-managed living properties, suspension, or expulsion.

**Disciplinary Probation:** Disciplinary Probation is for a designated period of time. Any violation of the Student Code of Conduct while on disciplinary probation—no matter how minor—may result in additional sanctions. These sanctions may include, but are not limited to, suspension or expulsion.
Loss of Privileges: Denial of specific privileges for a designated period of time.

University Premises Restrictions: Separation (temporary or permanent) of the student from University-managed living properties or other University premises. Students who are temporarily restricted will be allowed to return after a designated period of time. Conditions for return may be specified.

Suspension from the University: Separation of the student from the University for a definite period of time (no less than one semester), after which the student is eligible to return. Conditions for return may be specified. Suspension from the University means that the student is not allowed to attend class, participate in any University programs or events or be on University property, unless permission to do so is specifically authorized by the Dean of Students or designee. A record of suspension associated with sexual misconduct or violent behavior against another person, or any other offense at the discretion of the Dean of Students or designee, may be placed on the student’s official transcript. Tuition and fees are forfeited.

Dismissal from the University: Permanent separation of the student from the University. Dismissal from the University means that the student is not allowed to attend class, participate in any University programs or events, or be on University property. The individual shall not thereafter visit on the University grounds. Dismissed students forfeit any tuition and fees they may have paid and are not permitted to apply to St. John’s University for student admission or employment at any time in the future.

Expulsion from the University: Permanent separation of the student from the University. Expulsion from the University means that the student is not allowed to attend class, participate in any University programs or events, or be on University property. The individual shall not thereafter visit on the University grounds. A record of expulsion associated with a violation of the Code of Conduct is placed on the student’s official transcript. Expelled students forfeit any tuition and fees they may have paid and are not permitted to apply to St. John’s University for student admission or employment at any time in the future.