

Student Code of Conduct

Students assume an obligation to conduct themselves in a manner compatible with the university's function as an educational institution and suitable to members of the university community. The university may at any time exclude a student or impose disciplinary sanctions on a student for violations of the Student Code of Conduct. Actions/behaviors for which students are subject to disciplinary action include, but are not limited to the following:

1 – Violation of the rights of any person

Including but not limited to actions which are considered physical abuse, verbal abuse, threats, intimidation, coercion, and/or other conduct which threatens or endangers the health or safety of any person(s) including but not limited to: harassment, hazing, bullying, cyberbullying, threats of violence, retaliation, emotional, mental, or psychological abuse; and/or the use of technology or social media to target groups or individuals, and any unauthorized use of electronics or other devices to make an audio or video record of any member of the University community 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 of another person where there is a reasonable expectation of privacy, i.e. restroom, locker room, residence hall room, etc.

2 – Violation of the Sexual Misconduct Policy

Including but not limited to sexual assault, sexual harassment, and sexual exploitation. Note: If a student is charged with this violation, the adjudication process will follow the procedure listed in the Sexual Misconduct Policy which begins on page 37 of the Student Handbook.

3 – Stalking

Any behavior or activities occurring typically on more than on occasion that collectively instill fear and/or threaten a person's safety, mental health or physical health. Stalking may occur in a range of formats including, but not limited to, in-person conduct, writings, texting, voicemail, email, social media, following someone with a global position system (GPS), and video/audio recording.

Examples of stalking behaviors include, but are not limited to:

- repeated unwanted or unsolicited contact or leaving unwanted gifts or items;
- posting disturbing messages or threats online;
- creating, attempting to create, or disseminating unauthorized recordings of another;
- gathering information about an individual from family, friends, co-workers, and/or classmates, or by electronic means by installing spy-ware on a computer or using GPS;
- threats in any form about an individual or their loved ones or threats to harm oneself;
- damaging, stealing, borrowing, or relocating property, trespassing and vandalism;

- pursuing, waiting, or showing up uninvited at a workplace, residence, classroom, or other locations frequented by an individual; and
- directing a third party to take any of the above acts.

Note: If a student is charged with this violation, the adjudication process will follow the procedure listed in the Sexual Misconduct Policy which begins on page 37 of the Student Handbook.

4 - Dating Violence

Is a type of intimate partner violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim is dating violence. The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. The nature of dating violence can be physical, emotional, or sexual. It is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner.

Note: If a student is charged with this violation, the adjudication process will follow the procedure listed in the Sexual Misconduct Policy which begins on page 37 of the Student Handbook.

5 - Domestic Violence

This can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person who is a household or family member. This includes any behaviors that intimidate, manipulate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. See broader definition on page 55 of the Student Handbook.

Note: If a student is charged with this violation, the adjudication process will follow the procedure listed in the Sexual Misconduct Policy which begins on page 37 of the Student Handbook.

6 - Misuse and/or Unauthorized use of Property, Services, Grounds and University Facilities

Vandalism of, attempted or actual theft of, and/or damage to property of the University or property of a member of the University community or other personal or public property, on or off campus, including identity theft; the sale, receipt, or possession of stolen goods; theft of services; unauthorized possession, duplication or use of keys or Salve Regina Identification Cards promoting access to any University premises or unauthorized entry to, or use of, University facilities and grounds – door lock combinations may only be provided to authorized members of the University community; arson; tampering with fire equipment; failure to follow fire drill or other emergency procedures; unauthorized or uninvited entry/access to a room and/or building.

7 – Failure to comply with requests from University Officials

Students are required to comply with the directives of University officials or their representatives at all times. Abusive language or other behavior that is threatening and directed toward University staff is prohibited. Other examples of failure to comply with requests from University officials, include, but are not limited to: failure to comply with disciplinary sanctions, refusal to show or surrender a university identification card, or failure to respond to mail, email, and telephone messages regarding allegations of misconduct.

8 - Withholding Information or Giving False Information

Withholding information or giving false, fraudulent, misleading, or inaccurate information during a University process or proceeding or to any University department, committee, or official for any reason.

9 – Violation of University Rules, Policies, Procedures

Violation of any University policy, rule, or regulation, published in hard copy or available electronically on the University website, including, but not limited to, Residence Life policies, student housing contract, and policies on sexual misconduct, smoking, and parking.

10– Violation of Local, State or Federal Law

All actions occurring on or off campus that would constitute a violation of any local, state, or federal law.

11– Offenses Involving Alcohol, Substances, Products and/or Drugs

Including but not limited to use, possession, manufacturing, distribution, or being in the presence of intoxicants (e.g. alcohol), illegal drugs, drug-related paraphernalia (e.g., rolling papers, grinders, bong or pipe), including legal materials when used for drug-related purposes or other controlled substances, except as expressly permitted by law and as expressly permitted by University regulations; intoxication by any person. All chemicals, substances, prescriptions, or other products that have mood-altering capabilities are prohibited, except by their intended user and directed by their medical provider. Alcoholic beverages may not, in any circumstance, be used by, possessed by, be in the presence of, or distributed to any person under twenty-one (21) years of age. This includes empty alcohol containers and packaging, drinking games and/or possession of a drinking game or the use or possession of board games, game table, ice luge, beer funnel, beer tap or other device that promotes or encourages abusive drinking. For more information, see “Alcohol and Other Drug Policy”, in Policies and Procedures on page 36 of the Student Handbook, also “Residence Life Alcohol Policy” in Residence Life on page 33 of the Student Handbook.

12 – Offenses Involving Weapons

Possession, display, transportation, manufacture, use, sale, or distribution of fireworks, ammunition, explosives, flammable liquids, and all other hazardous materials, including but not limited to firearms, other weapons, dangerous chemicals, BB and pellet guns, paint ball guns, knives longer than 3 inches, martial art weapons, and other items including but not limited to replicas, or substances that may endanger the welfare of individuals or the

community on University premises, regardless of whether the possessor maintains a current concealed weapon permit or is otherwise legally possessed.

13 – Disruption of University Activities

Participating in an on-campus or off-campus demonstration, civil disturbance, or conduct that prevents, limits, creates hazards for or impairs the teaching, research, public service, community, professional, athletic, organizational, administrative, clinical, academic, and/or ordinary business of students, faculty, and staff. Disruptions include, but are not limited to: disruption of building services, noise disruptions, interference with or obstruction of university activities or proceedings, prevention of access to classes and university facilities, and all other university or university approved events, including conduct in residence halls, hospitals, clinics, practicum or any off campus activities, study or training programs; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions; and violation of University and campus regulations on protest/demonstration and posting.

14 – Actions That Adversely Affect the University’s Community Interests

Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or encouraging 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; and actions that violate laws for regulations contained in the Student Code of Conduct and/or which substantially affect the interest of the University community even if such actions do not occur on University premises or property or at University-sponsored events.

15- Misuse or Unauthorized use of University resources and Information

Theft or other abuse of computer facilities and resources, including but not limited to: Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose; unauthorized transfer of a file; use of another individual’s identification and/or password; use of computing facilities and resources to interfere with the work of another student, faculty member or University official; use of computing facilities and resources to send obscene or abusive messages; use of computing facilities and resources to interfere with normal operation of the University computing system; Use of computing facilities and resources in violation of copyright laws; Any violation of the University Computer and Network Use Policy. For more information see “University Computer and Network Use Policy” in Policies and Procedures on page 56 of the Student Handbook.

16- Abuse of the Student Conduct System

Including but not limited to: failure to comply with the notice from a University official to appear for a meeting or hearing as part of the Student Conduct System; falsification, distortion, or misrepresentation of information before a hearing officer/student conduct hearing board; disruption or interference with the orderly conduct of a Student Code of Conduct hearing proceeding; institution of a conduct complaint knowingly without cause; attempting to discourage an individual’s proper participating in, or use of, the Student Conduct System; harassment (verbal or physical) and/or intimidation of a hearing officer

or student conduct board member prior to, during, and/or after a student conduct proceeding; failure to comply with the sanction(s) imposed under the Student Code of Conduct; influencing or attempting to influence another person to violate the Student Code of Conduct; disclosure of information regarding any student obtained during the course of the proceeding including but not limited to names and materials; failure to disclose conflicts of interest or relationships between student conduct hearing board members and students appearing whether as the respondent, complainant or witness.

17-Hate Incident Violation

Defined as any offense against a person, property, group or society based upon their actual or perceived race, color, religion, national origin, beliefs, ethnicity, gender, sexual orientation, gender identity, and mental and/or physical disability or age. It may take the form of a threat, a verbal or physical assault, larceny-theft, vandalism or any form of intimidation. A Bias-Related Incident involves the same defined motivation with respect to an act not constituting a criminal offense but nonetheless unacceptable. For information and Reporting Procedures, see "Hate/Bias-Related Incidents", in Policies and Procedures on page 60 of the Student Handbook.

Overview of the Conduct Process

This overview gives a general idea of how the University's campus conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The University's conduct process and all applicable timelines commence with notice to an administrator of a potential violation of the University's code of conduct or policies.

Once notice is received from any source (via complainant, office of safety and security, residence life or dean of students' incident report, 3rd party, online, etc.) the University may proceed with a preliminary investigation and/or schedule a procedural interview with the responding student to explain the conduct process to the respondent and gather information.

Notification (charge letter)

Any student charged with violating the Student Code of Conduct will first be scheduled for a Procedural Interview with a hearing officer to review the allegation. The respondent will be notified in writing via email of the alleged violation and the date and time of the Procedural Interview. The written notification will include:

- 1 – Alleged code of conduct violations or incidents
- 2 – Date of incident
- 3 – Date/time/place of the procedural interview

Procedural Interview

The purpose of the procedural interview is to provide the respondent with the opportunity to discuss the allegation that led to the procedural interview. The hearing officer will clarify the rights and options available, as well as describe a range of potential sanctions for the violation(s) in question. The respondent will have the opportunity to accept responsibility

or deny the charge(s) during the procedural interview and to provide information establishing that the student was not involved in or responsible for the incident. There may be cases, especially in group procedural interviews, in which a second meeting may be necessary to determine appropriate outcomes and sanctions.

If the respondent accepts responsibility for the charge(s), then sanctions will be imposed. The outcome of a procedural interview cannot be appealed.

The respondent must attend the procedural interview. If a student willfully misses the procedural interview, the case may proceed and a determination may be made in the student's absence.

If the respondent denies the charges, the student will either have an administrative hearing or have the case referred to the student conduct hearing board. Based on the severity of the potential outcome or circumstances of alleged violation, the hearing officer will determine whether a student will have an administrative hearing or a student conduct board hearing. NOTE: If it appears the outcome could result in a respondent being suspended and/or expelled, the student will be referred to an administrative hearing. All procedural interviews are closed to the public. The recording of any procedural interview is not permitted.

Group procedural interviews and hearing process participation

At times students who are charged with conduct violations based on the same incident will be asked to participate in a group procedural interview and/or student conduct hearing. If more than one student is involved in the same incident then one procedural interview/hearing body may be convened for the purpose of hearing all common information together. This will be at the discretion of the Associate Vice President and Dean of Students or a designee. All students will be asked to sign a FERPA waiver at the beginning of the meeting understanding that all of their statements will be made in the presence of others. This happens when a group of students have alleged violations stemming from the same incident or a similar set of evidence and circumstances. In those cases, all responding students will be present for the reading of the charges, opening remarks of the responding students and otherwise as the hearing officer/board may determine. When it is time for individual students to present their case, the other student(s) and advisors and witnesses may be excluded from the proceedings unless otherwise agreed upon by the responding students and hearing body. Students may request to opt out of the group procedural interview/conduct hearing and meet individually with the hearing officer/conduct board.

Hearing types

Conduct hearings are non-adversarial, fact finding proceedings. A hearing is an opportunity for the respondent and complainant to further explore the circumstances regarding the alleged violation. It is the responsibility of the hearing officer/conduct board to ask relevant questions, to determine the admissibility, weight, and relevance of all materials, to determine order and presence of participants, to provide for confidentiality of information, to address possible conflicts, to render a decision based on the materials, and

to impose sanctions where appropriate. The respondent must attend the hearing. If a student willfully misses the hearing, the case may proceed and a determination may be made in the student's absence.

There are two types of hearings:

1 - Administrative hearing

When a case is referred to an administrative hearing, the case is heard before a single staff member, who is a member of the residence life staff, dean of students' staff or designee. If a student's sanction appears that it could result in suspension or expulsion, the respondent will be referred to an administrative hearing. The hearing officer will determine who may be present at any time during or throughout the hearing and the order in which the student and/or witnesses, complainant, administrator, and/or investigator will appear. All applicable materials and information may be considered.

2 - Student conduct hearing board hearing

If a student has allegedly committed a low level code of conduct violation (alcohol, theft, drug use, etc.), the case may be referred to the student conduct hearing board. The hearing board is composed of 5 students, plus the hearing chair. A quorum necessary to convene is 3 students, plus the hearing chair. The hearing board will determine who may be present at any time during or throughout the hearing and the order in which the student and/or witness, complainant, administrator, and/or investigator will appear. All applicable materials and information may be considered. All such materials will be turned in at the conclusion of the hearing and will be maintained in the strictest confidence throughout the hearing and after the hearing.

If a student believes there is a bias or conflict with a member of the student conduct hearing board, they will have the opportunity to express their concern at the beginning of the hearing. The hearing board member may or may not be replaced depending on the type of alleged bias/conflict. A rescheduling of the hearing may take place if necessary.

The student conduct hearing board will be advised of the University's policies and procedures during the hearing by the dean of students or designee.

The role of the hearing officer and student conduct hearing board in each instance is to consider information provided from the investigation, from the respondent and to the extent necessary, from any complainants or witnesses, in order to make a finding of "responsible" or "not responsible." There is no requirement in any particular proceeding that the complainant be present during all or a portion of the proceeding (while recognizing that such presence is likely beneficial) or to be confronted or questioned by the respondent, the hearing board, or other witnesses. The respondent and complainant will be afforded the opportunity to make statements and provide materials and witnesses.

Hearing guidelines

Hearing shall follow these guidelines -

- Review the charge(s) with the student

- Give the responding student an opportunity to respond to the charges and answer questions
- Hear or review the statements or written testimony of witnesses the student or others may have brought who have relevant and personal knowledge of the incident
- Hear or review statements or testimony of any complainants, administrator, and/or investigators and other information from the investigation. Information may be provided in summary form with all pertinent information.
- Either defer the decision or render a decision that the student is responsible or not responsible and define the appropriate sanctions.

All hearings are closed except for the following individuals: members of the hearing committee, the complainant, the responding student(s), advisors, and witnesses, none of whom who is entitled to be present throughout the entire hearing.

It is the responsibility of the responding student and the complainant to arrange for the attendance of their respective witnesses at the hearing. Witnesses are excluded from the hearing until called and will only be present for their statements.

Hearings will follow the sequence below. The hearing is not conducted as a civil or criminal proceeding and consequently rules of evidence do not apply. At the sole discretion of the hearing body, changes may be made to the hearing format to accommodate special circumstances.

1. Reading of charges: Charge(s) will be read and all persons present state their identity.
2. Presentation of materials:
 - Sequence of presentation – The complainant will first present relevant materials, followed by the respondent.
 - Materials – Materials may include, but are not limited to: witness statements, documents, photos, written reports or other object related to the incident(s).
 - Questioning - After each participant/witness has presented their statement, members of the hearing body will be given the opportunity to ask questions of each participant. The complainant and respondent may suggest questions to be asked in advance of or at the hearing but any such questions are in the sole discretion of the hearing officer/body.
3. Closing statements: The complainant and the respondent may each make a closing statement. The closing statement should be a short summary of the materials and statement provided.
4. Executive Session: The hearing body will then excuse all participants and enter into executive session. The executive session will begin with the hearing body reviewing the materials and statements presented in the hearing. The hearing board will render a decision regarding the alleged conduct based on the preponderance of the evidence and determine sanctions. For a board hearing, a majority vote will be used to find the respondent responsible or not responsible for violating the Student

Code of Conduct. If the respondent has a prior conduct history, this information will be only be shared with the hearing body once they have found a student responsible and are in the process of determining a sanction.

5. After the executive session, the hearing body will deliver the outcome and sanction(s), if any, to the respondent. This may happen immediately after the hearing or be deferred to another time based on circumstances.
6. The hearing chair will submit a recommended outcome in writing to the dean of students or designee.

The recording of any student conduct hearing is not permitted.

Preponderance of the evidence

This standard of proof refers to the criteria or measure of proof that is used to assess when finding a student responsible for violating the Student Code of Conduct. The Preponderance of evidence standard is defined as the greater weight of the evidence/information or 'more likely than not' that the violation has occurred. Salve Regina University strives to assure fairness to all parties in the adjudication of all student conduct cases. However, University conduct procedures are not identical to a civil or criminal proceeding; therefore a lower standard of proof is required to reach a conclusion than in a criminal proceeding. Conduct procedures will be adhered to as faithfully as possible, but variation dictated by circumstances may occur and will not invalidate the process. Upon determining that a student has violated the Student Code of Conduct, the hearing officer/body may review the responding student's history and impose one or more of the sanctions as defined under "Disciplinary Actions." Hearings are conducted according to the guidelines listed under the conduct process. Information and evidence which is redundant or immaterial may be excluded from student conduct proceedings. The decision shall be based upon information and testimony presented at the hearing as set forth above, including any material received during the investigation.

Parental Notification

The University believes that clear, effective lines of communication between the University, parents, and students will assist in resolving issues of inappropriate activity. In compliance with the Family Educational Rights and Privacy Act (FERPA), the University may choose to inform parents or guardians of violations or incidents that may be life threatening, harmful to the student's (or other's) health and/or if a student's residency or student status is in jeopardy. The University also reserves the right to notify parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations, as well as crimes of violence. The University may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student. Parental notification will take the form of a written letter and/or phone call, predicated on the seriousness of the violation and/or the urgency of the situation. Parents and students are encouraged to openly discuss these issues with one another to ensure a better understanding of expectations and behavioral boundaries.

Records

Centralized records about formal actions undertaken by the Dean of Students' Office and the Office of Residence Life will be kept by those offices. Confidentiality of the records will be maintained to the extent required by law, including the federal Family Educational Rights and Privacy Act (FERPA) and subject to judicial process or subpoena. The dean/director will periodically compile and release statistical data on the administration and enforcement of rules and regulations. However, data released will not reveal the identity of individuals involved. Records will also be maintained by offices that assist in the maintenance of individual major qualifications (i.e. education, administration of justice and nursing), forms for graduate and professional school, and employment-background checks. Infractions by students in certain majors may affect future employment opportunities. Students are able to review their record at any time. This review will take place in the Dean of Students' Office.

Records retention policy

All conduct records are maintained by Dean of Students' Office/Office of Residence Life for at least 5 years from the time of creation (or time of final decision or resolution) and then are generally destroyed in accordance with University policy, except for those that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, which are maintained indefinitely. These records include but are not limited to notices, reports, communications, decisions, investigative report, and/or notes, paper files and electronic records that are related to the discipline process.

Disciplinary actions

Students who violate the university code of conduct may be subject to one or more of the following disciplinary actions. Action may range from warning to expulsion, depending on the magnitude and specifics of the infraction.

- **Warning** – a warning (either verbal or written), is an official notice to the student that their behavior has violated the Student Code of Conduct. A letter of warning serves as notification to the student that further misconduct/violations may result in additional disciplinary action.
- **Developmental sanction** - an assigned task or tasks intended to involve the student in a positive learning experience appropriate to the violation. Developmental sanctions of this type include, but are not limited to: alcohol education workshop, reflection paper, educational project, and/or involvement with an established university program or committee.
- **Community Restitution** – uncompensated work/service on campus or off campus at a non-profit community service agency. Students assigned community restitution may also be assigned a reflection paper about their experience.
- **Restitution** – compensation for loss, damage, repair, replacement or injury. This may take the form of appropriate service, monetary or material replacement.
- **Fine** – a monetary fee/financial sanction imposed for specific infractions and/or cost associated with participation in a required program.
- **Loss of Privileges** – denial of specific privileges for a designated period of time.

- **Parental Notification** - notification of parents/guardians when a student has violated the University's alcohol or drug policy, when there is a serious health or safety issue regarding a student, or if a student's residency or student status is in jeopardy.
- **Counseling/Health Services Referral** – a referral to the Counseling Center or Health Services or another appropriate office for consultation or assessment. The number of counseling sessions in which the student participates is at the discretion of the student's counselor.
- **No Contact Order** – imposed in instances where it is determined that a student may pose a threat to another student. This order, specific to a person and/or location, prohibits the subject from having direct or indirect contact with the person requesting the No Contact Order. The No Contact Order specifically includes communication through E-Mail, mail, phone, instant message, text, social media, face to face, or any contact through a third party. A No Contact Order may be imposed prior to a hearing, as a result of a hearing, or in lieu of a hearing. Violation of a No Contact Order may result in further adjudication.
- **Residence Hall Relocation** – required assignment to another residence area.
- **Residence Hall Probation** – a written reprimand for violation of the Student Code of Conduct. This sanction is for a defined period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for any additional violations during the probationary period.
- **Residence Hall Suspension** – separation of the student from their residence hall for a definite period of time, after which the student is eligible to return. Reapplication for housing does not guarantee immediate placement. Conditions for returning to the residence halls may be specified.
- **Residence Hall Dismissal** – permanent separation of the student from the residence halls.
- **Disciplinary Probation** – a sanction indicating that a student's behavior has placed themselves on a disciplinary status that is close to suspension. It is imposed for a specific period of time. Any further violations while on University Probation may result in suspension from the University.
- **Deferred Suspension** – a warning that a student may be immediately separated from the University if found responsible for any further violations of the Student Code of Conduct during a specific period of time.
- **Suspension** – separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- **University expulsion** - permanent separation of the student from the University.
- **Interim Action** - In certain situations, the Vice President for Student Affairs, Dean of Students or designee, may take interim action against a student. This interim action may include but is not limited to: removal or ban from a residence hall (s) or University suspension, pending a hearing. Such actions will only occur if, in the Vice President for Student Affairs, Dean of Students or designee's judgment, the student is a danger to themselves or other members or parts of the University community, or if the student is a disruptive/disorderly community member who is infringing on

the rights of others. In such instances, the hearing officer will meet with the student as soon as practical to hear the case. As soon as practical after the interim action, the hearing officer shall prepare and deliver to the removed student a notice of charges and other information in conformance with the student conduct hearing process.

A campus department, separate from the Dean of Students' or Residence Life offices, may place a restriction on a student found responsible for violating the Student Code of Conduct, such as restrictions for athletes or the denial of access to the Study Abroad Program, On-Campus Parking, or other privileges.

Students who are suspended or dismissed as a result of disciplinary action are not eligible for reimbursement of tuition or housing/board fees.