

Sacred Heart University

Code of Student Conduct & Community Standards
2019-2020

Code of Student Conduct & Community Standards

Preface

Core Values of Student Conduct at Sacred Heart University:

- Integrity: Sacred Heart University students exemplify honesty, honor and a respect for the truth in all of their dealings.
- Community: Sacred Heart University students build and enhance their community.
- Social Justice: Sacred Heart University students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors.
- Respect: Sacred Heart University students show positive regard for each other, for property and for the community.
- Responsibility: Sacred Heart University students are given and accept a high level of responsibility to self, to others and to the community.

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

Section 1: Introduction

Student Conduct Philosophy Statement

Sacred Heart University (here after referred to as the University) strives and aspires to foster an academic community that promotes the intellectual, personal, social and ethical development of its students. To achieve this, the University expects all members of the educational community to create safe environments conducive for the learning, growth and success of everyone. The University community is committed to a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The student conduct program within the Office of Student Conduct is committed to an educational and developmental process that balances the interests of individual students with the interests of the University community in order to educate students through their decision-making.

A community exists on the basis of shared values and principles. At Sacred Heart University, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the Code of Student Conduct & Community Standards (here after referred to as the Code). These standards are embodied within a set of core values that include integrity, social justice, respect, community, and responsibility.

Each member of the University community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others. When members of the community fail to exemplify these five values by engaging in violation of the rules below, campus conduct proceedings are used to assert and uphold the Code in order to educate students regarding the misconduct.

The student conduct process at the University exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies and mission. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in the University community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures (1) written notice and (2) an opportunity for a hearing before an objective decision-maker. No student will be found in violation of university policy without information showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

Student Rights and Responsibilities

The following student rights and responsibilities are granted to all student who have been charged with an alleged violation of the Code in the student conduct process:

1. The right to be treated with respect, dignity and compassion by University officials and by all persons involved in disciplinary procedures;
2. The right to be informed by written notice/electronically mailed of the alleged violation(s) and also the date, time and place of his/her student conduct hearing;
3. The right to a hearing;
4. The right to be informed orally and/or in writing/electronically of the student conduct procedures;
5. The right to know the nature of the information, hear and respond to all information presented at the time of the conduct meeting and object to information being heard that is unrelated to the incident cited in the report;
6. The right to present witness statements in a conduct hearing by giving prior notice to the student conduct officer and such statements one (1) business day in advance of the hearing;
7. The right to be assisted in a student conduct hearing /appeal hearing by one, SHU administrator, faculty member or student of their choice provided that individual is not legal counsel/attorneys, parents/family members. This individual may not address the conduct officer, but may consult freely with the student. (If at any time the adviser's participation interferes with the stated hearing procedures, s/he will be dismissed from the hearing.)
8. The right to participate in the conduct hearing or remain silent;
9. The right to have his/her level of responsibility determined based on a "preponderance of information" standard;
10. The right to request an appeal on the finding(s) and/or sanction(s) issued.

Section 2: Jurisdiction

Students at the University are provided a copy of the Code annually in the form of a link on the University website at www.sacredheart.edu/conduct. Students are responsible for having read and abiding by the provisions of the Code.

The Code and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, including all University-affiliated student organizations. For the purposes of student conduct, Sacred Heart considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University. Any violation of the Code that occurs between the time of acceptance and enrollment at the University may be subject to review by the Dean of Students or his/her designee.

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. A withdrawal will not prevent the University from resolving a pending student conduct matter. If sanctioned, a hold may be placed on the student's ability to re-enroll [and/or obtain official transcripts and/or graduate] and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the University may invoke these procedures and should the former student be found responsible, the University may revoke that student's degree.

Although the University is not responsible or liable for student off-campus events or behavior, it does reserve the right to take action in response to behaviors off campus that violate university expectations and policies and when the University's interests as an academic community are clearly involved. In such cases, the Code applies to behaviors that take place on the campus, at University-sponsored events and may also apply off-campus when the Dean of Students or designee determines that the action is of a substantial interests of the University. A substantial interest of the University is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the University.

In the event that the Dean of Students deems it necessary in order to preserve the benefit and welfare of the University community and the individual student(s), he/she or a designee reserves the right to impose an immediate interim suspension from residency and/or partial or full academic suspension from the University until a student conduct hearing can be scheduled.

The Code may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information but may take action if and when such information is brought to the attention

of University officials. [Most online speech by students not involving University networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

- A true threat, defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals”;
- Speech posted online about the University or its community members that causes a significant on-campus disruption].

The Code applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. [The Code may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements]. Visitors to and guests of the University may seek resolution of violations of the Code committed against them by members of the University community.

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

Though anonymous complaints are permitted, doing so may limit the University’s ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Conduct and/or to the Department of Public Safety.

University email is Sacred Heart University’s primary means of communication with students. Students are responsible for all communication delivered to their University email address. Email notification will serve as the notices of charges in cases of alleged misconduct.

Section 3: Violations of state/local/federal Laws

Alleged violations of federal, state and local laws may be investigated and addressed under the Code. When an offense occurs over which the University has jurisdiction, the University conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

If a student is charged with a civil offense by a governmental entity, the University will not institute proceedings of its own relating to the charges unless its own interests as an academic community is directly involved as determined by the Dean of Students. If the University chooses to take action in these cases, the charges will act independently of outside community action. In such cases SHU reserves the right to sanction accordingly.

Students accused of crimes may request to take a leave from the University until the criminal charges are resolved. The decision to allow a student to take such action is at the discretion of the Dean of Students or designee. In such situations, the University procedure for voluntary leaves of absence is subject to the following conditions:

- The responding student must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding student must comply with all interim actions and/or restrictions imposed during the leave of absence; and

- The responding student must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed.

Section 4: Community Standards & Prohibited Conduct

Core Values and Behavioral Expectations

Sacred Heart University considers the behavior described in the following sub-sections as inappropriate for the University community and in opposition to the core values set forth in this document. These expectations and rules apply to all students, whether undergraduate, graduate, doctoral, or professional. The University encourages community members to report to University officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 7: Student Conduct Procedures.

Integrity

Sacred Heart University students exemplify honesty, honor and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:

1. Falsification. Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments, furnishing of false information to the University, false reporting of emergencies, knowingly making false accusations or giving false testimony during the student conduct process;
2. Academic Dishonesty. Acts of academic dishonesty as outlined in the Academic Policies, all violations of the Educational Mission will be referred to the Dean of the College in which the student is enrolled. The Dean, in consultation with faculty involved and with the Department/Program Chair, will decide upon appropriate action. These include, but are not limited to: plagiarism, inappropriate use of sources, cheating, and theft of exams or library resumes, and falsifying records;
3. Unauthorized Access. Unauthorized access to any University building (i.e. keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any University building or failing to timely report a lost University identification card or key;
4. Unauthorized Acquisition of Property. Intentional and unauthorized taking of Sacred Heart University property or the personal property of another, including goods, services and other valuables, knowingly taking or maintaining possession of stolen property;

Community

Sacred Heart University students build and enhance their community. Behavior that violates this value includes, but is not limited to:

5. Inappropriate/Disruptive Behavior. Substantial disruption of University operations including obstruction of teaching, research, administration, campus life, other University activities, and/or other authorized non-Sacred Heart University activities which occur on campus or surrounding communities;

6. Rioting. Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property;
7. Trespass or Unauthorized Presence. The unauthorized entry, attempt into to gain entrance, or usage of University facility and/or property or unauthorized premises is prohibited. This includes unauthorized solicitation and/or distribution of marketing materials.
8. Trademark. Unauthorized use (including misuse) of Sacred Heart University or organizational names and images;
9. Damage and Destruction. Intentional, reckless and/or unauthorized damage to or destruction of Sacred Heart University property or the personal property of another, tampering with emergency buttons, elevators, fire protective devices, locks, and doors is prohibited, throwing, launching or propelling objects is prohibited;
10. Violations of Information Technology Department Policies (refer to Student Handbook). Unauthorized access to or abuse of University network and computing systems, or any other violations of the University computer use policy, unauthorized entry into a file, to use, read or change the contents, or for any other purpose, unauthorized transfer of a file or file sharing, Use of computing facilities and resources in violation of copyright laws;
11. Gambling. Gambling as prohibited by the laws of the State of Connecticut. (Gambling may include raffles, lotteries, sports pools and online betting activities);
12. Weapons. Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, knives other than eating or cooking utensils capable of being used as weapons, including the storage of any item that falls within the category of a weapon in a vehicle parked on Sacred Heart University property;
13. Fire Safety. Violation of local, state, federal or campus fire policies including, but not limited to:
 - a. Intentionally or recklessly causing a fire which damages Sacred Heart University or personal property or which causes injury.
 - b. Failure to evacuate a Sacred Heart University-controlled building during a fire alarm;
 - c. Improper use of Sacred Heart University fire safety equipment (e.g., fire extinguishers, smoke/heat sensors, etc.), signage, or emergency warning equipment is prohibited.; or
 - d. Tampering with or improperly engaging a fire alarm or fire detection/protective equipment while on Sacred Heart University property. Such action may result in a local fine in addition to Sacred Heart University sanctions;
14. Ineligible Pledging or Association. Pledging or associating with a student organization without having met eligibility requirements established by the University. (Please refer to the Greek Life Policies for further clarification.)
15. Motor Vehicle Guidelines. Motor vehicle guidelines and University parking regulations and are intended to foster the safe and orderly movement of vehicular and pedestrian traffic, reduce the potential for accidents, injuries and property damage and to enforce Traffic Regulations and University policies. (Please refer to the Department of Public Safety section in this handbook for further clarification.)

Social Justice

Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing university community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:

16. Discrimination. Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the University's educational program or activities.
17. Harassment. Any unwelcome conduct based on actual or perceived status including: [sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status]. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the complainant and community.
18. Hostile Environment. Sanctions can and will be imposed for the creation of a hostile environment only when [unwelcome] harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the University's educational or employment program or activities.
19. Retaliatory Discrimination or Harassment. Any intentional, adverse action taken by an responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant or supporter of a participant in a civil rights grievance proceeding or other protected activity under this Code.
20. Bystanding.
 - a. Complicity with or failure of any student to appropriately address known or obvious violations of the Code or law;
 - b. Complicity with or failure of any organized group to appropriately address known or obvious violations of the Code or law by its members.
21. Abuse of Conduct Process. Abuse or interference with, or failure to comply in, the University's processes including conduct and academic integrity hearings including, but not limited to:
 - a. Falsification, distortion, or misrepresentation of information;
 - b. Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
 - c. Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
 - d. Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
 - e. Failure to comply with the sanction(s) imposed by the campus conduct system;
 - f. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

Respect

Sacred Heart University students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

22. Harm to Persons. Intentionally or recklessly causing physical harm or endangering the health or safety of any person, any attempt or threat to physically strike another, or any other conduct which threatens or endangers the health or safety of any person or group, any act which unreasonably interferes with impedes or harasses other students in the pursuit of their education or way of life or that of actions that inflict physical harm or physical abuse, assault of any University community member or visitor;
23. Threatening Behaviors:
 - a. Threat. Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
 - b. Intimidation. Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.
24. Bullying and Cyberbullying. Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression, slanderous, false or malicious statement(s) about a person or defamation of character;
25. Hazing. Defined by Connecticut State Law as “any action which recklessly or intentionally endangers the health or safety of a person for the purpose of initiation, admission into or affiliation with, or as a condition for the membership in a student organization.” Participation or cooperation by the person(s) being hazed does not excuse the violation. Knowledge of, apathy toward or acquiescence in the presence of hazing are not neutral acts and will be construed as violations of the Code;
26. Intimate Partner/Relationship Violence. Violence or abuse by a person in an intimate relationship with another (See the Title IX Policy on Sexual Misconduct contained in the Student Handbook for the complete and detailed policy and procedures);
27. Stalking. Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear (See the Title IX Policy on Sexual Misconduct contained in the Student Handbook for the complete and detailed policy and procedures);
28. Sexual Misconduct. Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation (See the Title IX Policy on Sexual Misconduct contained in the Student Handbook for the complete and detailed policy and procedures);
29. Public Exposure. Includes deliberately and publicly exposing one’s intimate body parts, public urination, defecation, and public sex acts.

Responsibility

Sacred Heart University students are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:

30. Alcohol Guidelines. Use, possession, being in the presence of, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and Sacred Heart University's Alcohol and Other Drug Policy Statement, Any student behavior that is the direct result of alcohol consumption and found to be visibly overcome by alcohol consumption and requires staff assistance will be found in violation of the alcohol policy. The possession of any items that provide for the common distribution of alcoholic beverages, drinking paraphernalia, devices and/or games (i.e., beer/water pong, beer-pong tables, funnels, etc.) are prohibited. These items will be confiscated and not returned. Furthermore, empty containers of alcohol (beer cans, beer bottles, wine bottles, distilled spirits, etc.) or packaging of beverages are a violation of the alcohol policy. (Students should refer to the Alcohol and Other Drug Policy Statement found in this handbook for specific guidelines and further clarification and expectations);
31. Controlled Substances. Use, possession, being in the presence of, sale and/or distribution of illegal drugs and other controlled substances except as expressly permitted by law and Sacred Heart University's Alcohol and Other Drug Policy Statement, the possession and/or use of drug paraphernalia including, but not limited to, hookahs, pipes, bong, bowls, vaping devices, abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
32. Failure to Comply. Failure to comply with the reasonable directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so, failure to provide SHU card and other forms of identification;
33. Financial Responsibilities. Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.
34. Arrest. Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any crime (including non-custodial or field arrests) to the Office of Student Conduct & Community Standards within seventy-two (72) hours of release.
35. Other Policies. Violating other published Sacred Heart University policies or rules;
36. Health and Safety. Creation of health and/or safety hazards including dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc. (Refer to Residential Life section of the Student Handbook);
37. Residential Life Policies. Violation(s) of policies and procedures outlined by the Office of Residential Life and Housing as stated in the Student Handbook and/or in the Residence Hall Contract.
38. Violations of Law. Evidence of violation of local, state or federal laws, when substantiated through Sacred Heart University's conduct process.
39. Nuisance. The University prohibits conduct of a student who uses, owns, occupies or leases any building or residence where the behavior or misconduct at that location either disturbs the public peace or violates University policies so that the building, business or residence may be viewed by the community or the University as a nuisance.

Section 5: Overview of the Conduct Process

This overview gives a general idea of how Sacred Heart University's student 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 campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of the University's Code. (In Title IX related issues, the "administrator" is any "responsible employee" as defined under Title IX and/or campus policy.)

NOTICE. Once notice is received from any source (complainant, staff, third party, online, etc.), the University may proceed with a preliminary investigation and/or may schedule an initial meeting with the responding student to explain the conduct process to the responding student and gather information as needed.

A. Authority

The Dean of Students is vested with the authority over student conduct by the Senior Vice President for Enrollment Planning, Student Affairs & Athletics. The Dean of Students appoints a Director of Student Conduct & Community Standards to oversee and manage the student conduct process. The Dean of Students and Director of Student Conduct may appoint administrative hearing and appeals officers as deemed necessary to efficiently and effectively supervise the student conduct process.

The Director of Student Conduct (or designee) will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

B. Gatekeeping

No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a complainant's statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing. Anonymous complaints may alert an administrator to an existing problem, but cannot serve to initiate disciplinary action.

C. Conflict Resolution Options

The Director of Student Conduct has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution can be forwarded for formal processing and hearing; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Director of Student Conduct may also suggest that complaints that do not involve a violation of the Code be referred for mediation or other appropriate conflict resolution.

D. Composition of the Student Conduct Board

The Director of Student Conduct will be responsible for assembling the Student Conduct Board according to the following guidelines:

1. The membership of the panel is selected from a pool of at least 6 students, 6 faculty, and 6 staff/administrative members appointed and trained at least 8 hours annually by the Director of Student Conduct.
2. For each complaint, a panel will be chosen from the available pool, and is usually comprised of one student, one faculty member, and one staff member or administrator. The Director of Student Conduct appoints the non-voting chair of the Hearing Panel, who assures that Sacred Heart University procedures are followed throughout the hearing. The Chair of the Board only votes in case of a tie.
3. Availability may determine a different composition for the Board, and in complaints involving discrimination, sexual misconduct, or other sensitive issues, the Director of Student Conduct will refer the case to the Title IX Coordinator for review. The Title IX Coordinator reserves the right to convene a hearing panel as described in the University's Title IX grievance procedures to investigate instances of misconduct qualifying as Title IX cases.

E. Student Conduct Officers

Student conduct officers are chosen from a pool of annually trained administrators or staff members selected by the Director of Student Conduct.

F. Interpretation and Revision

The Director of Student Conduct will develop procedural rules for the administration of hearings that are consistent with provisions of the Code. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by posting online and/or in the form of written communication. The Director of Student Conduct may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Code. The Director of Student Conduct may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the Code will be referred to the Dean of Students, whose interpretation is final. The Code will be updated annually under the direction of the Director of Student Conduct.

Section 6: Student Conduct Procedures

Sacred Heart University as Convener

Sacred Heart University is the convener of every action under this Code. Within that action, there are several roles. The responding student is the person who is alleged to have violated the Code. The party bringing the complaint, who may be a student, employee, visitor, member of the community, or guest, may choose to be present and participate in the process as fully as the responding student. There are witnesses, who may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the evidence that the University has obtained regarding the allegations.

Group Violations

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s):

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- Were known or should have been known to the membership or its officers.

Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

Amnesty:

A. For Complainants

Sacred Heart University provides amnesty to complainants who may be hesitant to report to Sacred Heart University officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result. (Records regarding the provision of amnesty, however, should be maintained.)

B. For Those Who Offer Assistance

To encourage students to offer help and assistance to others, Sacred Heart University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Director of Student Conduct, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result. (Refer to the Good Samaritan Policy in the handbook for further clarification.)

C. For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.

Abuse of amnesty requests can result in a decision by the Director of Student Conduct not to extend amnesty to the same person repeatedly.

D. Safe Harbor

Sacred Heart University has a Safe Harbor rule for students. The University believes that students who have a drug and/or addiction problem deserve help. If any University student

brings their own use, addiction, or dependency to the attention of University officials (i.e. counselors, RHDs, RSAs, coaches, professors, administration, etc.) prior to documentation, and seeks assistance to remove and/or dispose of prohibited substances or paraphernalia, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

Notice of Alleged Violation

Any member of the Sacred Heart University community, visitor or guest, may allege a policy violation(s) by any student for misconduct under this Code by notifying the Dean of Students, Director of Student Conduct (or designee), Department of Public Safety, or [reporting it online](#).

Notice may also be given to the Title IX Coordinator, when appropriate. Additionally, administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a complainant or a third party, and should be submitted as soon as possible after the offending event occurs. The University has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

The Director of Student Conduct (or designee) will assume responsibility for the investigation of the alleged violation as described in the sub-section below.

Notice of Hearing

Once a determination is made that reasonable cause exists for the Director of Student Conduct (or designee) to schedule a complaint for a hearing, notice will be given to the responding student. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Director of Student Conduct (or designee); mailed to the local or permanent address of the student as indicated in official Sacred Heart University records; or emailed to the student's Sacred Heart University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

1. Include the alleged violation, date/time/location of the hearing, and notification of where to locate the Code of Student Conduct and University procedures for resolution of the complaint; and
2. Direct the responding student to contact the Director of Student Conduct (or designee) listed in the notice within a specified period of time to respond to the complaint if unable to attend the scheduled hearing date and time.

A meeting with the Director of Student Conduct (or designee) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the responding student may indicate, either verbally or in writing, to the Director of Student Conduct (or designee), whether they admit to or deny the allegations of the complaint.

Interim Action

Under the Code of Student Conduct, the Dean of Students or designee may impose restrictions and/or separate a student from the community pending the scheduling of a campus hearing on alleged violation(s) of the Code when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. In such instances, this hearing should be scheduled in a timely fashion that is fair to all parties involved. If a student is charged with a civil offense by a governmental entity, the University will not institute proceedings of its own relating to the charges unless its own interests as an academic community is directly involved as determined by the Dean of Students. If the University chooses to take action in these cases, the charges will act independently of outside community action. In such cases SHU reserves the right to sanction accordingly.

During an interim suspension, a student may be denied access to University housing and/or University campus/facilities/events. As determined appropriate by the Dean of Students or designee, this restriction may include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Director of Student Conduct and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

Student Conduct Hearing

A student who is formally charged with an alleged violation of the Code will be notified in writing via e-mail by the student conduct officer regarding:

1. The alleged violation(s) and date of the incident(s) as well as the hearing date, time and location;
2. The student(s) has the responsibility to review the Code found in the Student Handbook so that the student(s) is aware of her/his rights and overall procedures;
3. The student will be asked to indicate whether he or she is “responsible” or “not responsible” for each violation with which they have been charged at the student conduct hearing. If a student neglects to attend a scheduled student conduct hearing, cases may be heard as scheduled in the student’s absence. Students who fail to attend their hearings will forfeit the ability to appeal the finding(s) and sanction(s) in the case.

At the time of the student conduct hearing, the student conduct officer will:

1. Review the incident report;
2. Review with the student the alleged violations for which they have been charged;
3. The conduct officer engages in a conversation with the student and further reviews the incident and allows the student to ask questions, and present their version of what occurred;
4. The student may enter a plea of responsible or not-responsible regarding the listed violation(s);
5. Once all information has been gathered, the student conduct officer will then determine the student’s level of responsibility for any/all violations and then either decides on appropriate sanction(s) or dismisses the violations(s) accordingly;

6. The student will be notified in writing at the time of the hearing, by the student conduct officer regarding the sanctions and expectations for completion. If necessary, the student conduct officer may delay sanctions if further discussions and considerations are needed.
7. The student conduct officer will also notify the necessary University offices/staff, and when applicable and appropriate, any complainant of the hearing results and the sanctions. [Complainants will be notified of outcomes in Title IX cases and their ability to appeal the original decision if applicable.]
8. If a decision on the allegation is made and the finding is that the responding student is not responsible for violating the Code, the process will end. [The party bringing the complaint may request that the Dean of Students and the Title IX Coordinator reopen the investigation and/or grant a hearing. This decision shall be in the sole discretion of the Dean of Students and the Title IX Coordinator and will only be granted for extraordinary cause].
9. The standard used to determine responsibility for a violation of the Code is a “preponderance of the information,” in other words, it is more likely than not that the violation did/did not occur.
10. Any student with questions regarding the student conduct process prior to the start of the student conduct hearing, or feels there is a conflict of interest, should request to speak with the Director of Student Conduct & Community Standards.

Reasonable Accommodation for Students with Disabilities – Any student with a disability involved in the student conduct process has the right to request reasonable accommodation in order to ensure their full and equal participation. Students wishing to request reasonable accommodations should make those requests directly to the Office of Special Learning Services. Students do not have to disclose information about the complaint or charge to OSLS to request reasonable accommodation, except to the extent that it may assist in the determination of reasonable accommodations. Accommodations are determined on an individual basis by OSLS staff and implemented in consultation with the Director of Student Conduct and Community Standards or designee. Examples of reasonable accommodation include but are not limited to sign language interpretation, real-time communication access during hearings, large print documents, extended time to review documents, or assistance with transcribing questions during interviews or hearings.

[Student Conduct Board Hearing](#)

In certain cases, the Director of Student Conduct reserves the right to have a case referred to the Student Conduct Board Hearing. The Director of Student Conduct will appoint one panelist as the Chair for the hearing. The involved parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student’s responsibility to notify the Director of Student Conduct no less than three (3) days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum three (3) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled in his/her absence. If the party bringing the complaint fails to appear, the complaint may be dropped unless the University chooses to pursue the allegation on its own behalf, as determined by the Director of Student Conduct.

The Director of Student Conduct (or designee), the Chair, and the Board will conduct hearings according to the following guidelines:

1. Hearings will be closed to the public.
2. Admission to the hearing of persons other than the parties involved will be at the discretion of the Chair and the Director of Student Conduct.
3. In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the Director of Student Conduct may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.
4. Students have the right to be assisted in a student conduct hearing / appeal hearing by one, SHU administrator, faculty member or student of their choice provided that individual is not legal counsel/attorneys, parents/family members. This individual may not address the Board, but may consult freely with the student. (If at any time the adviser's participation interferes with the stated hearing procedures, s/he will be dismissed from the hearing.)
5. The party bringing the complaint, the responding student, the Board, and the Director of Student Conduct (or designee) will have the privilege of questioning all present witnesses and questioning all present parties (directly or through the Chair, at the discretion of the Chair). Unduly repetitive witnesses can be limited at the discretion of the panel Chair and/or the Director of Student Conduct.
6. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Board and the Director of Student Conduct. Formal rules of evidence are not observed. The Chair and/or the Director of Student Conduct may limit the number of character witnesses presented or may accept written statements of character instead.
7. All procedural questions are subject to the final decision of the Director of Student Conduct or panel Chair.
8. After a hearing, the Board will deliberate and determine, by majority vote, whether it is more likely than not that the responding student has violated the Code. The Director of Student Conduct (or designee) will be present and available as a resource during all deliberations. Once a finding is determined, if the finding is that of a policy violation, the Board will determine an appropriate sanction(s). The Director of Student Conduct (or designee) is responsible for informing the Board of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student. The panel Chairperson will prepare a written deliberation report and deliver it to the Director of Student Conduct, detailing the recommended finding, how each member voted, the information cited by the panel in support of its recommendation, and any information the panel excluded from its consideration and why. This report should conclude any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Director of Student Conduct within two (2) days of the end of deliberations.
9. The Director of Student Conduct will consider the recommendations of the Board, may make appropriate modifications to the Board's report and will then render a decision and

- inform the responding student and party bringing the complaint (if applicable by law or Sacred Heart University policy) of the final determination within 72 business hours (three business days) of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person by the Director of Student Conduct (or designee); mailed to the local or permanent address of the student as indicated in official Sacred Heart University records; or emailed to the student's Sacred Heart University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each (unless otherwise stated by the Title IX Coordinator.)
10. There will be a single verbatim record, such as an audio recording, for all Board hearings. Deliberations will not be recorded. The record will be the property of Sacred Heart University and maintained according to the University's record retention policy.
 11. A student seeking to appeal the decision render by the panel hearing will need to contact the Director of Student Conduct and submit a Request for Appeal Form within 72 business hours (three business days). Request for appeals from the hearing will be reviewed by the Dean of Students unless otherwise designated at his/her discretion.

Conduct Sanctions

One or more of following sanctions may be imposed upon any student for any single violation of the Code of Student Conduct:

1. **Warning:** An official written notice that the student has violated Sacred Heart University policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the University.
2. **Restitution:** Compensation for damage caused to the University or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
3. **Fines:** A specific monetary fine that a student is required to pay which is deemed appropriate for the offense.
4. **Community/ University Service Requirements:** For a student or organization to complete a specific approved University service for the good of the community and relevant to the nature of the violation.
5. **Loss of Privileges:** The student will be denied specified privileges for a designated period of time.
6. **Confiscation of Prohibited Property:** Items whose presence is in violation of University policy will be confiscated. Prohibited items may not be returned to the owner at the discretion of the Director of Student Conduct or designee.
7. **Referral for Counseling:** Required scheduled appointments with the Wellness Center to discuss issues/concerns noted through the student conduct hearing process.

8. Alcohol & Other Drug Assessment Referral: Require scheduled appointments with the Alcohol and Other Drug Intervention and Prevention Specialist utilizing the BASICS intervention tool.
9. Educational Sanction: An assigned appropriate sanction that will promote growth, learning and understanding. This includes but is not limited to reflection paper, letter of apology, attend a program/meeting, plan a program, create a poster series, meeting with specific staff/administrators etc.
10. Disciplinary Probation/Restriction: A designated period of review and observation during which a student is under an official warning that his or her conduct, although not serious enough to warrant a form of suspension, violated the Student Conduct Code. Subsequent violations of University rules, regulations or policies could result in a more severe sanction(s). The student's actions are subject to close examination, and a loss of rights, privileges and/or additional responsibilities may also be levied to be given over a specific period.
11. Termination of Residency: Temporary or permanent loss of on campus housing (without refund) as well as a loss of residence hall visitation privileges.
12. Suspension: Separation from the Sacred Heart University (without refund) for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. During the suspension period, the student is banned from University property, functions, events and activities without prior written approval from the Dean of Students or designee. This sanction may be enforced with a trespass action as necessary. The Dean of Students or designee may issue a partial (non-academic) suspension and restrictions of deemed appropriate given the nature of the misconduct.
13. Expulsion: Permanent separation from Sacred Heart University. The student is banned from University property and the student's presence at any University-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary.
14. No Contact Order: A University directive that restricts contact between individuals in any way, including in person, via e-mail, telephone, text messaging, social networking or any other method of communication. Any direct or indirect contact would be considered a violation of harassment and/or failure to comply. Violation of such a directive can be grounds for suspension from the University or residence halls.
15. Other Sanctions: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Director of Student Conduct or designee.

The following sanctions may be imposed upon groups or organizations found to have violated the Code of Student Conduct:

1. One or more of the sanctions listed above,
2. Deactivation, de-recognition, loss of all privileges (including status as a Sacred Heart University registered group/organization), for a specified period of time.

Parental Notification

The University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. Students under the age of 23 are considered to be financially dependent upon parents/guardians unless the Dean of Students is otherwise notified.

Notification of Outcomes

The outcome of a campus hearing is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or forcible or non-forcible sex offense, Sacred Heart University will inform the alleged complainant/party bringing the complaint in writing of the final results of a hearing regardless of whether the University concludes that a violation was committed. Such release of information may only include the alleged student’s/responding student’s name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, only, the rationale for the outcome will also be shared with all parties to the complaint in addition to the finding and sanction(s).

In cases where the University determines through the student conduct process that a student violated a policy that would constitute a “crime of violence” or non-forcible sex offense, the University may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:

1. Arson
2. Assault offenses (includes stalking)
3. Burglary
4. Criminal Homicide—manslaughter by negligence
5. Criminal Homicide—murder and non-negligent manslaughter
6. Destruction/damage/vandalism of property
7. Kidnapping/abduction
8. Robbery
9. Forcible sex offences
10. Non-forcible sex offences

Failure to Complete Conduct Sanctions

All students, as members of the University community, are expected to comply with conduct sanctions within the timeframe specified by the Director of Student Conduct or designee. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the University and may be noted on, or with, the student’s official transcript at the end of the semester. In such situations, resident students will be required to vacate University housing within 24 hours of notification by the Director of Student Conduct or designee, though this deadline may be extended upon application to, and at the discretion of, the Director Residential Life and Housing or Director of Student Conduct. A suspension will only be lifted

when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Director of Student Conduct.

Section 7: Appeals & Records Keeping

Each case that appears before a conduct officer may be appealed by the student involved only once. A Request for Appeal Form may be obtained from the Director of Student Conduct & Community Standards and submitted within 72 hours (three business days) of the time the (verbal or written, whichever is first) student conduct hearing decision is given to the student, barring exigent circumstances. The student submitting the appeal, must state in writing the grounds for the appeal which may be as follows:

1. the sanctions imposed are substantially outside the parameters or guidelines set by the University for this type of offense or the cumulative conduct record of the responding student;
2. to consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction (A summary of this new evidence and its potential impact must be included);
3. a procedural or substantive error occurred that significantly impacted the outcome of the hearing

In order to file a request for appeal, the student must complete an appeal form, and submit a formal letter detailing their request and the grounds for said review. Sanction(s) imposed by the conduct officer may be held in abeyance until the appeal is acted upon by the appeal officer. All appeal hearings will be heard by the Director of Student Conduct & Community Standards. If the initial hearing was conducted by the Director of Student Conduct & Community Standards, the appeal hearing will be conducted by the Dean of Students or designee. When the initial hearing is conducted with the Dean of Students, the appeal hearing will be conducted with the Vice President for Student Affairs. A decision made by the authority which hears the appeal is final. A request for an appeal does not guarantee a new hearing. The appeal officer determines whether or not there are grounds for an appeal meeting. If the appeal officer determines that an appeal meeting should be granted, he or she may conduct a formal appeal hearing. An appeal is automatic if the initial sanction(s) imposed by the conduct officer includes expulsion, dismissal or suspension from the University. Students who fail to attend their initial student conduct hearing forfeit the right to request an appeal. The appeal officer may decide:

1. to uphold the findings/sanctions of the original conduct officer. In this case, the initial decision is final;
2. modify the finding(s) and/or sanction(s) decided by the conduct officer(s). The appeal decision is final. It is understood that the appeal officer can reduce, uphold or increase the original sanction(s).

Disciplinary Records

All conduct records are maintained by Sacred Heart University for seven (7) years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, which are maintained indefinitely. Requests for student disciplinary records should be made to the Director of Student Conduct at vidalc@sacredheart.edu.

Approval and Implementation

This Code of Student Conduct & Community Standards was approved on August 1, 2019 by Lawrence Wielk, Dean of Students, and implemented on August 1, 2019.