

# Gwynedd Mercy University

## CODE OF STUDENT CONDUCT

### PREAMBLE

#### Student Membership in the Academic Community

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

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

The student conduct process at Gwynedd Mercy University is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. 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 this community.

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

Gwynedd Mercy University students are responsible for knowing the information, policies and procedures outlined in this document. The University reserves the right to make changes to this code as necessary, and once those changes are posted online they are in effect. Students are encouraged to check online at [http://www.gmercyu.edu/sites/default/files/StudentHandbook2013-14\\_0.pdf](http://www.gmercyu.edu/sites/default/files/StudentHandbook2013-14_0.pdf) for the updated versions of all policies and procedures.

### ARTICLE I: DEFINITIONS

When used in this *Code of Student Conduct*:

1. The term **Accused Student** means any student accused of violating this Student Code.
2. The term **Administrative Hearing Officer** means an individual designated to hear both sides of a dispute or alleged violation of conduct and make a decision concerning the necessary and binding outcome.
3. The term **Campus Hearing Board** means any person or persons authorized by the Student Conduct Administrator to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed.
4. The term **University** means Gwynedd Mercy University.
5. The term **University Official** includes any person employed by the University, performing assigned administrative or professional responsibilities.

6. The term **University Premises** includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks) at all campus locations.
7. The term **University Sponsored Event** refers to any activity on or off campus, which is initiated, funded, or supervised by the University.
8. The term **Complainant** means a person who files the initial report leading to the charges.
9. The **Dean of Students** is that person designated by the Gwynedd Mercy University Vice President for Enrollment and Student Services or designee to be responsible for the administration of the Student Code, and shall serve as the Student Conduct Administrator and/or as an Administrative Hearing Officer.
10. The term **Faculty Member** means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
11. The term **Member of the University Community** includes any person who is a student, faculty member, University official or any other person employed by the University.
12. The term **Personal Advisor** means any person asked by the Accused Student or Complainant to assist the student in the student conduct process. The Personal Advisor is an inactive participant. Personal Advisors are not permitted to directly address the Student Conduct Board during Student Conduct Board Hearings. The Personal Advisor may guide the student through the student conduct process, help the student formulate questions, and help the student understand the Student Code. Students may choose to have, but are not limited to faculty, university staff, or an attorney as their Personal Advisor.
13. The term **Policy** means the written regulations that pertain to student conduct as found in, but not limited to, the Student Code, the Residence Life Handbook, and Graduate/Undergraduate Catalogs.
14. The term **Student** includes all persons who are enrolled at the University, either fulltime or part-time, including but not limited to:
  - a. Persons who withdraw after allegedly violating the Student Code;
  - b. Persons who are not officially enrolled for a particular semester or accelerated non-term but who have a continuing relationship with the University;
  - c. Persons who have been notified of their acceptance to the University;
  - d. Persons participating in study abroad programs; or
  - e. Persons who are enrolled at all locations of the University, including the East Norriton, Bensalem and Philadelphia campuses.
15. The term **Student Organization** means any club or group that has complied with the formal requirements for University recognition/registration as determined by the Office of Student Activities.
16. The term **Witness** refers to a person who may have personal knowledge of the incident in question.
17. The term **will** is to be used in the imperative sense, not imparting a choice.
18. The term **may** is deemed permissive, imparting a choice.

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

The Dean of Students has the responsibility for maintaining and implementing the *Code of Student Conduct*, and shall be responsible for the administration of the conduct system and procedural rules for the management/administration of the Campus Hearing Board processes that are not inconsistent with provisions in the Student Code.

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

### **ARTICLE III: PROSCRIBED CONDUCT**

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

The University *Code of Student Conduct* shall apply to conduct that occurs on University premises at all Gwynedd Mercy University campuses, at University sponsored activities, and to off-campus conduct that adversely affects the University Community and/or the pursuit of its mission or objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Student Conduct Administrator shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

The University *Code of Student Conduct* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests.

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

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

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

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

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

All students must be aware of the following:

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

#### **Complaints Against Student Groups**

Members of recognized and unrecognized student organizations, groups and teams may be charged as an organization and/or individually with violations of the *Code of Student Conduct*. The organization/group/team will

be represented by the organization's president, captain or identified student spokesperson at any disciplinary hearing.

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

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

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

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

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

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

The *Code of Student Conduct* permits any member of the University community (student, faculty, administrator or staff) to register a written complaint against a student/student organization with the office of the Dean of Students. If the complaint warrants adjudication, the options will be discussed with the referred student/student organization mentioned in the complaint.

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

#### **Separable Violations**

1. Violation of any Local, State or Federal law classified as felonies, misdemeanors or citations.
2. Academic Integrity
  - a. Separable violations of academic integrity are very serious violations of academic integrity that affect a significant portion of the course work and are often characterized by substantial premeditation or planning and clearly dishonest intent on the part of the student committing the violation.
3. Acts of Dishonesty
  - a. Providing false or misleading information, verbally or in writing, to the University or University personnel. This includes, but is not limited to:
    - i. Forgery, fraud (including payroll fraud), bribery, alteration, or misuse of University documents or records;
    - ii. Providing false or misleading information during a disciplinary proceeding or investigation related to potential policy violations
    - iii. Representing oneself as another member of the University community;
    - iv. Failure to identify oneself when requested by a member of the University faculty, administration or staff.

- v. Use of another person's identity, password, identification number, University identification card or any other form of identification.
  - b. Unauthorized possession, duplication or use of keys or ID cards to any University premises or unauthorized entry to or use of University facilities or premises
  - c. Theft of public or private property including receipt of stolen property.
  - d. A student shall not, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of this Code of Conduct or any other written University policy.
4. Safety Violations
- a. Violation of campus safety regulations, including fire safety policies.
  - b. Failure to comply with directions of University officials acting in performance of their duties
  - c. Violation of the Gwynedd Mercy University Firearms, Fireworks, Explosives and Other Dangerous Instruments Policy
5. Physical Misconduct
- a. Deliberate destruction of, or damage to, misuse of, or abuse of public, private or University property, on or off campus
  - b. Violation of the Gwynedd Mercy University Violence Policy
  - c. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule
6. Violations of the Gwynedd Mercy University Sexual Misconduct Policy.
7. Harassment Violations
- a. Violation of the Gwynedd Mercy University Stalking/Harassment policy
  - b. Violation of the Gwynedd Mercy University Discrimination and Harassment Policy. These acts include any gesture, written, verbal or physical act, or any electronic communication that is perceived as being motivated by any of the above actual or perceived characteristics of individuals or groups. Also included is any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her 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 in a gym, locker room, or restroom.
8. Abuse of the Student Conduct System, including but not limited to:
- a. Failure to obey the notice from a Student Conduct Administrator or Board or failure to appear for a meeting or hearing as part of the Student Conduct System.
  - b. Falsification, distortion, or misrepresentation of information before a Student Conduct Administrator or Campus Hearing Board.
  - c. Disruption or interference with the orderly conduct of a Student Conduct Hearing or proceeding.
  - d. Attempting to discourage an individual's proper participation in, or use of the student conduct system.
  - e. Attempting to influence the impartiality of a member of the Campus Hearing Board prior to, and/or during the course of the Campus Hearing Board proceeding.
  - f. Harassment (verbal or physical) and/or intimidation of a member of a Campus Hearing Board prior to, during, and/or after a student conduct proceeding.
  - g. Failure to comply with the sanction(s) imposed under the Student Code.
  - h. Influencing or attempting to influence another person to commit an abuse of the student conduct code system

## Non-Separable Offenses

1. Academic Integrity
  - a. Non-separable violations of academic integrity are less serious violations of academic integrity that involve a relatively small fraction of the course work and may occur because of lack of experience or lack of understanding of the principles of academic integrity. Non-separable violations are often characterized by a relatively low degree of premeditation or planning and the absence of malicious intent.
2. Violation of Gwynedd Mercy University Motor Vehicle and Parking Policies
3. Residence Hall Violations
  - a. Violation of Resident Life policies including the Residence Hall contract.
4. Unlawful obstruction or occupation of passageways, public areas, buildings or offices
5. Violation of the Gwynedd Mercy University Posting Policy
6. Violation of the Gwynedd Mercy University Gambling Policy
7. Alcohol and Other Drug Violations
  - a. Violation of the Gwynedd Mercy University Alcohol and Other Drugs Policy
  - b. Causing another person to become impaired without his/her knowledge by administering or employing drugs or other intoxicants.
8. Conduct that is disorderly, lewd, or indecent, which infringes upon the rights of others; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University or members of the academic community.
9. Violation of the Gwynedd Mercy University Smoking and Tobacco Use Policy.
10. Violation of any Gwynedd Mercy University Information Technology or Computer Use policy

## ARTICLE IV: STUDENT CONDUCT CODE PROCEDURES

### A. Implementing the Code of Conduct

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

The Dean of Students or Associate Director of Resident Life, or designee, acting as the Administrative Hearing Officer, will notify the accused in writing that a complaint has been filed against him/her. Following the notification to the accused within a reasonable time, not to exceed ten (10) business days, the case will be officially heard by the Hearing Officer. The Administrative Hearing Officer will advise the accused of the violation of the Code of Conduct, students' rights and offer to hear the accused person's statement. The Administrative Hearing Officer will investigate the charges and in absolute discretion, will then decide whether the alleged offense is substantial and serious enough to convene the Campus Hearing Board to hear the charge.

1. **Administrative Hearing:** An alleged offense where in and of itself not be cause for student suspension or expulsion from the University would most likely not warrant the convening of the Campus Hearing Board, and would be heard by the appropriate Administrative Hearing Officer. For violations within the Residence Halls the Associate Director of Resident Life or designee will serve as the Administrative Hearing Officer. The Dean of Students will serve as the Administrative Hearing Officer for all violations occurring outside of the Residence Halls. The Office of Academic Affairs will designate a Hearing Officer for violations of

Academic Integrity. The Associate Director of Resident Life may at his/her discretion, for repeated or serious violations, confer with and may defer the case to the Dean of Students, who will then serve as the Administrative Hearing Officer for the case.

- a. The Administrative Hearing Officer will review all materials, hear all information pertinent to the case from the accused, the complainant and any witnesses brought forth, clarify issues raised, and render a decision in writing based upon information presented.
  - b. If a charged student fails to appear for a scheduled hearing, the information and support of the charges shall be presented and considered even if the accused student is not present. In addition, a decision of either “responsible” or “not responsible” may be rendered along with appropriate sanction(s).
2. **Campus Hearing Board Hearing:** An alleged offense where a student may be suspended or expelled from the University may warrant the convening of the Campus Hearing Board. If the alleged offense does warrant convening the Campus Hearing Board the Administrative Hearing Officer shall prepare and send to the Student Conduct Administrator, the written specification of the charges against the accused. This written specification must include:
- a. A description of the acts of the accused.
  - b. The particular section of the Code of Conduct which has been violated.
  - c. The name(s) of any witnesses.
  - d. A closed hearing date will be chosen by the Student Conduct Administrator within a maximum of 10 business days. Maximum time limits for scheduling of a Campus Hearing Board hearing may be extended at the discretion of the Student Conduct Administrator.
  - e. The Student Conduct Administrator shall notify the witnesses and members of the Conduct Board of the date and time of the hearing. In cases where more than one student is charged with an alleged violation, the Student Conduct Administrator will determine whether to hold one hearing for all accused or a separate hearing for each accused person.
  - f. If a charged student fails to appear for a scheduled hearing, the information and support of the charges shall be presented and considered even if the accused student is not present. In addition, a decision of either “responsible” or “not responsible” may be rendered along with appropriate sanction(s).
3. **Interim Suspension:** In certain circumstances the Student Conduct Administrator or designee may impose a University or Residence Hall suspension prior to the scheduled student hearing. (See IV,A,2,a for clarification of timeframe.)
- a. Interim suspension may be imposed only: 1) to ensure the safety and well-being of members of the University community or preservation of University property; or 2) if the student poses an ongoing threat of disruption of or interference with the normal operations of the University.
  - b. During the interim suspension, a student shall be denied access to the residence halls, and/or to the campus and/or all other University activities or privileges for which the student might be otherwise eligible, as the Student Conduct Administrator determines to be appropriate.

## **B. Campus Hearing Board Procedures**

The Student Conduct Administrator shall notify the witnesses and the members of the Board of the date and time of the hearing.

If the accused wishes to be accompanied by a Personal Advisor, including but not limited to a faculty member, staff member or attorney, the accused shall notify the Dean of Students in writing more than three (3) days prior to the date of the hearing. The Personal Advisor may: 1) assist the student in the student conduct process; 2) help the student formulate questions; 3) help the student understand the Student Code; 4) attend the hearing as an inactive

participant at the request of the accused. During the hearing the Personal Advisor may advise the accused but may not question witnesses or address the Board. The written notice shall contain the name, address and phone number of the Personal Advisor and his/her status. If the accused fails to do so in the allotted amount of time, he/she forfeits this right. The Campus Hearing Board shall have the right at all times to have a lawyer of its choice advise the Student Conduct Administrator or Student Arbitrator at the hearing.

### ***Makeup of the Board***

The Board is comprised of a pool of faculty, staff and students from the following constituencies:

1. The Student Conduct Administrator (Dean of Students) (non-voting member)
2. Student Arbitrator (a designated representative from the student body who has been trained to arbitrate student conduct hearings)
3. Additional members from the Gwynedd Mercy University student body, including representatives from both the resident and commuter student populations.
4. Faculty members from the Gwynedd Mercy University faculty

The Campus Hearing Board may be convened with a quorum of six members, which must include the Dean of Students (non-voting), the Student Arbitrator, at least one faculty member and at least two additional students. For general hearings, the two additional students will come from the general student body. For resident life appeal hearings, the two additional students will come from the resident student population.

All members of the Campus Hearing Board shall receive annual training at the beginning of the academic year prior to serving in their first hearing. In cases involving sexual harassment or sexual violence, all members of the Campus Hearing Board must have training or experience handling cases of this nature.

### ***Hearing***

1. The accused shall have the following rights at the hearing:
  - a. To have a Personal Advisor present during the entire length of the proceedings
  - b. To question witnesses with the exception of the complainant
  - c. To testify
  - d. To present witnesses on his/her behalf
  - e. To make a summation at the end of the testimony
2. Hearings shall be closed. The Board, the Student Conduct Administrator, the accused, his/her representative, and the complainant shall be permitted in the hearing room during the hearing. All witnesses shall remain outside the hearing room in a waiting area until called to testify.
3. Names of witnesses, as well as any documentary evidence, must be submitted to the Student Conduct Administrator at least 3 business days in advance of the hearing.
4. An audio tape recording of the proceedings shall be made at the hearing. In addition, a designated member of the Board shall make notes of the proceedings. These records will be maintained in a file in the Dean of Students Office until the accused graduates or is terminated from the University. No other method of recording proceedings shall be permitted.
5. In cases where the accused fails to attend a scheduled hearing, the Board may proceed with the hearing despite the student's absence, make a final decision in the case, and recommend an appropriate sanction(s).
6. All parties, including the accused and complainant (if applicable), will have equal opportunity to review preliminary information and to present evidence during the hearing.
7. If witnesses are unable to appear for a hearing, a written statement may be read into the record. Alternatively, the Board may choose to convene again when the witness is able to appear.
8. Witnesses will be granted anonymity when there is reason to believe that a witness' physical or emotional health may be placed in jeopardy if his or her identity were revealed.
9. Accused students and complainants will not be allowed to interview or "cross-examine" each other personally. Both parties may ask the Campus Hearing Board to pose additional questions or inquire further into specific matters by submitting these requests in writing. If necessary, a brief recess may be granted to allow both parties an opportunity to prepare and submit such requests.

10. The procedure at the hearing shall be as follows:
  - a. The Dean of Students calls the hearing to order and explains the procedures to be used during the hearing.
  - b. The written specifications of the charges are read to the accused by the Student Arbitrator.
  - c. The Student Arbitrator will first call the witnesses against the accused. The witness will be questioned by members of the Board.
  - d. After each witness testifies, the accused will be permitted to ask the witnesses questions (except in the case of the complainant directly questioning the accused.)
  - e. After the witnesses against the accused are heard, the accused and his/her witnesses will testify. They also may be questioned by the Board as well as the complainant (except in the case of the complainant directly questioning the accused.)
  - f. When the testimony is completed, the accused may present argument.
  - g. After testimony and argument, all parties are dismissed.
  - h. The Board goes into private session where a secret ballot is cast for a decision.
  - i. The Dean of Students advises the Board as to possible sanctions in the case of finding the accused responsible for the alleged violation(s).
  - j. If the student is found responsible the Board discusses a recommended sanction(s) and votes on that as well.
  - k. The decision and recommendation of sanction(s) are forwarded to The Dean of Students in a letter. A written notice is then provided to the student regarding the decision of the Board.
11. The Student Arbitrator shall make rulings concerning procedure and the admissibility of evidence. Evidence shall be admitted liberally, but the Board shall make its decision only considering relevant and substantial evidence.
12. Majority rule prevails in the determination of finding a student responsible as well as the recommendation of appropriate sanction(s). A tied vote will result in a finding of “not responsible.”
13. The case against the accused must be proven by a preponderance of the evidence. The legal phrase “beyond a reasonable doubt” does not apply in a University adjudication system.
14. All testimony and records of hearings are maintained by the Dean of Students and may be released only to the Vice President for Enrollment and Student Services or to the President of the University. The Student Arbitrator will have access to all records of Campus Hearing Board cases for review only within the office of the Dean of Students.

### ***Post-Hearing***

1. Within five (5) business days of the hearing, the Student Arbitrator will present a report to the Dean of Students. This report will contain:
  - a. a summation of charges against the accused
  - b. a summation of evidence presented
  - c. the result of the vote taken by the Campus Hearing Board
  - d. the decision as either “responsible” or “not responsible” for each charge
  - e. any sanction(s) recommended by the Campus Hearing Board
2. All members of the Campus Hearing Board, accused and witnesses, are bound to confidentiality regarding the discussion and voting of the Campus Hearing Board in all cases. Only the Dean of Students and the Vice President for Enrollment and Student Services are permitted to disclose information concerning cases handled by the Board.
3. The Dean of Students will notify the accused of the decision within 3 business days of receiving the Student Arbitrator’s report, and will administer the decisions and determine the sanctions based upon recommendations of the Campus Hearing Board. When the accused has been notified of the decision of the Board and the sanction(s) imposed by the Dean of Students, the case will be officially closed.

### **C. Appeals Process**

If the accused student is not satisfied with the decision or the sanction(s) issued:

- a. He/she has three (3) business days to request his/her case be appealed.
- b. A student must make such a request in writing via the Dean of Students office.
- c. The student must state the specific grounds for Appeal. These grounds shall be limited to: (1) the discovery of substantial new evidence which could not have been known at the time of the hearing and/or (2) a gross abuse of discretion by the Hearing Officer or the Campus Hearing Board. The discovered evidence shall be set forth in detail in the Appeal, including the names of additional witnesses, if any. If a gross abuse of discretion is claimed, the specific acts that the accused alleges were a gross abuse of discretion of the Board must be set forth in detail in writing.
- d. Appeals will be heard by the next highest Conduct level as follows:
  - i. Adjudicated by a Resident Director – Appeals will be heard by the Associate Director for Resident Life, or at the discretion of the Dean of Students, by the Campus Hearing Board.
  - ii. Adjudicated by the Associate Director for Resident Life – Appeals will be heard by the Director for Resident Life or, at the discretion of the Dean of Students, by the Campus Hearing Board.
  - iii. Adjudicated by the Dean of Students – Appeals will be heard by the Vice President for Enrollment and Student Services or, at the discretion of the VP/ESS, by the Campus Hearing Board
- e. The Associate Director for Resident Life, Director for Resident Life, Dean of Students, Vice President for Enrollment and Student Services or Campus Hearing Board will determine whether or not the appeal has merit or the original decision will stand.
- f. The University reserves the right to enforce the original imposed sanctions pending the outcome of the appeals process.
- g. Appeal decisions made by the designated Conduct Officer as listed in IV.C.1.d.i.-iii. above and will be considered final, with no further appeal.

## Confidentiality

Incident reports and other forms can be found in the Dean of Students Office, the Office of Resident Life, and Public Safety and Security. All files in the Dean of Students office and the Offices of Resident Life are personal and confidential.

## D. Sanctions

The Administrative Hearing Officer and/or the Campus Hearing Board may impose a single or multiple sanctions for violations of the Student Code of Conduct. Factors to be considered when determining sanctions include:

1. Present demeanor and past disciplinary record of the student; 2) penalties resulting from a corresponding court case; 3) the nature of the violation and, 4) the severity of any damage, injury or harm resulting from it as perceived by the victim and/or appropriate University officials. **There will be no refund of tuition/fees/housing deposit/escrow/meal plan fees if suspension or withdrawal from courses and/or University Housing is affected because of violations of the Student Code of Conduct.** The following is a list of sanctions that may be imposed upon any student/group/team found responsible for violating the Student Code:
2. **Official Written Warning:** A written notice to the student indicating a violation of the Student Code of Conduct has occurred and a warning that a subsequent violation will likely be treated more severely.
3. **Service Hours:** Completion of required service hours, either on or off campus as designated.
4. **Educational Task:** Completion of tasks that benefit the individual, the campus and/or the community.
5. **Fine:** The student is required to pay a fine within a specific period of time as designated.
6. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service or monetary or material replacement.
7. **Suspension of Residence Hall Visitation Privileges** for a defined period of time.
8. **No Contact Order:** A signed agreement between two parties to cease all forms of communication, including physical, verbal, written, electronic, through any third parties, as well as any other means. A violation of this order may result in suspension from the University.

9. **Disciplinary Probation:** A defined period of time (usually a minimum of one semester) indicating that the student is no longer in good social standing within the University. A student on Disciplinary Probation may face specific restrictions on his or her participation in University events, organizations or representation in an official University sponsored group or team. Any subsequent violation while in this status may result in suspension or expulsion from the University.
10. **Residence Hall Disciplinary Probation:** A defined period of time indicating that the student is no longer in good social standing within the Residence Halls. A student who is put on Residence Hall Disciplinary Probation may not reside in the residence halls during any University break period. In addition, students on residence hall probation who desire to reside in the residence halls the following academic year may participate fully in the Room Selection process. However, their lottery number will be randomly assigned at the end of each student’s particular class.
11. **Residence Hall Suspension/Expulsion:** The student’s privilege to live in University-owned housing and to visit the residence areas of campus is suspended for a defined period of time or permanently.
12. **Suspension:** Separation of the student from the University for a defined period of time (minimum of one semester). During this period the student may not be registered for classes, may not attend classes, may not receive grades from the institution, may not be present on campus nor at a University sponsored event for any reason whatsoever.
  - a. Interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Campus Hearing Board hearing and/or appeal, if required.
13. **Expulsion:** Permanent separation of the student from the University. The student may never again register for classes or attend classes or receive grades from the institution. The student may never be present on campus or at a campus sponsored event for any reason whatsoever.

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

Student Code of Conduct Violation	First Time Offender (Recommended Range of Sanctions)	Second Time Offender (Recommended Range of Sanctions)	Third Time Offender (Recommended Range of Sanctions)
<b>Alcohol Policy Violation</b>	1. Fine: \$75.00 2. Residence Hall Disciplinary Probation (minimum one semester or its equivalent for resident students) or; 3 .Official Written Warning and Suspension of Residence Hall Visitation Privileges (minimum one semester or its equivalent for commuter students) 4. Educational Task or Service Project 5. Parental notification for	(While on probation or suspended visitation privileges for a previous alcohol or other drug violation): 1. Fine: \$150.00 2. Extension of Residence Hall Disciplinary Probation for a minimum of one semester (resident students)or; 3. Disciplinary Probation for a minimum of one	(while on probation for two previous alcohol or other drug violations): 1. Recommendation to Dean of Students for suspension/expulsion from Residence Halls (resident students)or; 2. Extension of Disciplinary Probation for a minimum of one additional year (commuter students); 3. Mandatory referral to the Gwynedd Mercy Alcohol and Other Drug Counselor

	students under 21 years of age	semester (commuter students); 4. Mandatory referral to the Gwynedd Mercy Alcohol and Other Drug Counselor for the purpose of assessment and completion educational sessions as recommended 5. Educational Task or Service Project 6. Parental notification for students under 21 years of age	for the purpose of assessment and completion educational sessions as recommended 4. Parental notification for students under 21 years of age
<b>Drug Policy Violation</b>	1. Parental notification if under 21 years of age 2. Termination of residence hall contract (resident students); or permanent Suspension of Residence Hall Visitation Privileges (commuter students) 3. Disciplinary Probation or possible Suspension from the University 4. Mandatory referral to the Gwynedd Mercy Alcohol and Other Drug Counselor for the purpose of assessment and completion educational sessions as recommended	1. Parental notification if under 21 years of age 2. University Suspension or Expulsion 3. Banishment from campus property during the period of Suspension or, if Expulsion, permanent banishment	
<b>Alcohol or Other Drugs (Sale or Manufacture of)</b>	1. Immediate suspension from the University. 2. Banishment from campus property during the period of Suspension	1. Immediate expulsion from the University 2. Permanent banishment from campus property	<b>NOT APPLICABLE</b>
<b>Discrimination and Harassment Policy Violation</b>	1. Mandatory referral to Gwynedd Mercy Counseling Services for Anger Intervention Assessment and completion of educational sessions as recommended 2. Disciplinary Probation for a minimum of one semester 3. Educational/Service Task	1. University Suspension for one academic semester 2. Banishment from campus property during the period of Suspension	1. University Suspension for at least one additional academic year 2. Banishment from campus property during the period of Suspension

<p><b>Firearms, Fireworks, Explosives and Other Dangerous Instruments Policy Violation</b></p>	<p>1. Interim suspension from the University pending Conduct Hearing outcome'  2. Banishment from campus property during period of suspension  3. Restitution in cases where individual or campus property is damaged  4. Educational/Service Task  5. Disciplinary Probation</p>	<p>1. Immediate expulsion from the University  2. Permanent banishment from campus property  3. Restitution in cases where individual or campus property is damaged</p>	<p><b>NOT APPLICABLE</b></p>
<p><b>Stalking/Harassment Policy Violations</b></p>	<p>1. Mandatory referral to Gwynedd Mercy Counseling Services for Anger Intervention Assessment and completion of educational sessions as recommended  2. Disciplinary Probation for one academic year  4. No Contact Order (direct or indirect) with victim</p>	<p>1. University Suspension for one academic semester  2. Banishment from campus property during the period of Suspension  3. No contact (direct or indirect) with victim</p>	<p>1. University Suspension for at least one additional academic year  2. Banishment from campus property during the period of Suspension  3. Proof of completed off campus counseling prior to return to campus  4. No contact (direct or indirect) with victim</p>
<p><b>Sexual Harassment Policy Violation</b>   (Inclusions are defined by the Jeanne Cleary Campus Safety Right to Know Act)</p>	<p>1. University Suspension for one academic year  2. Banishment from campus property during the period of Suspension  2. Proof of completion of off campus counseling prior to return to campus  4. No Contact Order (direct or indirect) with victim</p>	<p>1. University Expulsion  2. Permanent banishment from campus property</p>	<p><b>NOT APPLICABLE</b></p>
<p><b>Violence Policy Violation</b></p>	<p>1. University Suspension for one academic semester  2. Banishment from campus property during the period of Suspension  3. Restitution in cases where individual or campus property is damaged  4. Proof of completion of off campus counseling prior to return to campus</p>	<p>1. University Suspension for one academic year  2. Banishment from campus property during the period of Suspension  3. Restitution in cases where individual or campus property is damaged  3. Proof of completion of off campus counseling prior to return to campus</p>	<p>1. University Expulsion  2. Permanent banishment from campus property  3. Restitution in cases where individual or campus property is damaged</p>