

St. Joseph's University, New York

2023

Annual Security Report

This report is filed as required by a federal law, The Higher Education Opportunity Act, also known as the Clery Act. This report includes statistics for the previous three years concerning reported crimes that occurred on our campuses or on public streets and property immediately adjacent to our campuses. The statistics for the Patchogue and Brooklyn campuses are separate. These statistics are gathered from reported crimes to campus security, the New York City Police Department, Suffolk County Police Department and campus security authorities. The report is prepared by the Brooklyn campus security director. These statistics also include persons referred for campus disciplinary action for categories required under the Clery Act including liquor law violations, drug law violations and illegal weapons possession.

The report also includes institutional policies concerning campus security, sexual assault and other matters. You can obtain a copy of the report through the campus safety office or through the university website.

I. REPORTING CRIMES AND OTHER EMERGENCY POLICY STATEMENTS

Students, faculty, staff and guests are encouraged to report actual or suspected criminal behavior or other emergencies that occur on campus to the University Security Department in a timely manner.

- Security guards are on each campus, 24 hours a day, 365 days a year
- Security phone numbers are listed in the Campus Safety brochures
- 911 should be called for emergencies of imminent danger (fire, assault in progress, etc...). Campus security guards should also be notified as soon as possible to expedite the emergency response.
- Campus security authorities (coaches, club moderators, etc..)

A detailed written report will be prepared by campus security. The complainant will also be allowed to write a report if they wish. The reports are filed in the Director of Security offices.

TIMELY WARNINGS

In the event that a situation arises, either on or off campus, that constitutes an ongoing threat, a campus wide public safety advisory or “timely warning” will be issued. Flyers from the local police precinct are displayed in prominent locations throughout the campus. The university website and electronic message boards may also be utilized to alert the campus community to an ongoing threat. The messages are sent by security office personnel with backup personnel from the Information and Technology Department.

EMERGENCY NOTIFICATION SYSTEM

The university text messaging system is intended for the transmission, without delay, of specific information regarding a real time emergency that affects the health or safety of students or employees that is occurring on campus. Students, faculty and staff may voluntarily sign up for this service. Applications are available in the new student enrollment package. Faculty and staff receive the application upon hire. You may add, change or delete your phone number on the University portal. The system is tested at least once each semester.

REPORTING OF OFFENSES

The following personnel are mandated security reporters (aka Campus Security Authorities): All faculty and staff unless specifically designated as confidential reporting resources, The Director of Security, all security guards, the Vice President for Student Life, the Office of Student Life Staff, the Athletic Director, all athletic coaches and all club moderators. Each person has been informed that they are required to report any criminal offenses or violations of campus regulations to the Director of Security as soon as possible.

II. EMERGENCY RESPONSE AND EVACUATION

A Crisis Management Manual has been prepared to assist members of the campus community when reporting or dealing with on and off campus emergency situations. A decision to evacuate a building should be made by one of the following persons:

- Director of Plant or Director of Security
- Administrator of the Day
- Fire Department Officer
- Police Officer

The decision may have to be made immediately in the event of a serious fire or other emergency that endangers the occupants of the building. If there is a fire or significant smoke all members of the campus community have been instructed to pull the nearest fire alarm.

A list of persons who are disabled and would need assistance in an evacuation will be kept and maintained by Security. This list will be upgraded each semester to keep track of students with disabilities and their class schedules. Should the need arise to evacuate a building, faculty and staff are asked to be emergency evacuation volunteers and assist campus security and plant personnel in a safe and orderly evacuation.

Fire drills are held at least two times a year. Evacuation drills or exercises for other emergencies are held on an annual basis and may include testing of the emergency notification system, campus lockdowns, shelter in place and the activation of evacuation reassembly facilities.

III. SECURITY AND ACCESS TO FACILITIES

St. Joseph's University makes every effort to assure that all facilities are secure. Students, faculty and staff are required to present proper identification on demand, as are those with legitimate business to conduct on the premises. The procedures the university employs to insure security on its campuses are varied. Depending on the facility and time in question, these procedures may include:

- Use of two way radios for instant communication among plant and security personnel with pre-arranged codes to indicate the existence of an emergency (i.e. intruder).
- Use of video cameras that are monitored by campus security
- Use of alarms and gates to safeguard buildings, especially at night.
- Availability of security personnel to escort students, employees or guests to their cars, upon request.
- Constant replacement of outdoor lights
- Trimming of hedges and bushes near pathways

IV. CAMPUS LAW ENFORCEMENT POLICY

St. Joseph's University employs both in-house and contracted security guards. Each security guard is licensed with New York State. Each guard is fingerprinted and has a background check performed. The guards undergo an eight hour pre-assignment training period, a sixteen hour on the job training period and an eight hour annual refresher class. Guards are annually certified as AED/CPR qualified responders. Site specific training is given at the beginning of each semester.

Campus security guards are not sworn and do not have police powers. They are instructed to call the police in situations in which a reasonable fear of harm to persons or property exists, or in which a crime is known or believed to have occurred. The university has Memorandums of Understanding with the New York City Police Department for the Brooklyn campus and the Suffolk County Police Department for the Long Island campus. Both departments are extremely cooperative and responsive to the needs of the St. Joseph's University community. The local police departments assign officers to assist campus security during large university events such as graduations and concerts. There are no non-campus student organizations which require campus security or local police.

V. SECURITY AWARENESS PROGRAMS

- Orientation, which is required for all new students, incorporates a section on campus security, use of ID cards, and reporting procedures for any incident, injury or accident.
- Newly hired employees are informed about these matters at the time of hire.
- Changes and improvements made in campus security procedures and practices are communicated via written memos, by articles in the newsletter, and, if appropriate, at faculty meetings and meetings of the Student Government Association.

VI. Programs Designed to Inform Students and Employees About the Prevention of Crime May Include:

- Periodic formal presentations by representatives of the local police, at which many practical points are made.
- Drug and Alcohol Abuse Education Programs - All students are encouraged to attend. Student-athletes are required to participate.
- Availability of a physical education course in Self-Defense
- Distribution of pamphlets on crime preventions
- Distribution of pamphlets on sexual assault, dating violence, domestic violence, and stalking on campus.

VII. DRUG & ALCOHOL POLICY

The Drug-Free Workplace Act of 1988 and the Drug-Free School and Communities Act of 1989 require St. Joseph's University, as an institution of higher education receiving federal funds, to certify that it has adopted and implemented an anti-drug and alcohol abuse program for its students and employees. Accordingly, the University adopts the following policy:

St. Joseph's University does not permit or condone the illicit or unlawful manufacture, possession, use, consumption, sale, or distribution of illegal drugs and/or alcohol by its students and employees on University property or as part of University activities. This policy applies to all full-time and part-time students and all full-time and part-time permanent and temporary employees, including faculty, administration, staff, and student employees and interns.

Students who violate this policy will be subject to appropriate disciplinary action, consistent with local, state and federal law, which may include counseling, a reprimand and warning, disciplinary probation, suspension, expulsion, and referral to the proper law enforcement authorities for prosecution.

Employees who violate this policy will be subject to appropriate disciplinary action, consistent with local, state and federal law and appropriate collective bargaining agreements, which may include counseling, participation in an appropriate rehabilitation program, a warning, probation, unpaid suspension from employment, termination of employment and referral to the proper law enforcement authorities for prosecution.

All disciplinary procedures and appeals presently applicable to students and employees will continue to be available for violation of this policy.

It is the intent of the University to provide a workplace and campus environment that discourages the unauthorized or illegal use of drugs and alcohol by students and employees.

VIII. POLICIES AND PROCEDURES FOR TITLE IX VIOLATIONS, SEXUAL MISCONDUCT, SEXUAL HARASSMENT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING

St. Joseph's University, NY strives to create a respectful, safe, healthy, and non-threatening environment for its students, staff, and faculty. The University prohibits any and all discrimination and harassment on the basis of race, color, national origin, ancestry, religion, sex, sexual orientation including gender identity, marital status, civil union status, age, physical or mental disability, military status, or unfavorable discharge from military service in regard to the administration of educational programs, admission of students, employment actions, athletics or other sponsored activities. In compliance with Title IX of the Education Amendments of 1972, the University prohibits discrimination based on sex, sexual harassment, sexual misconduct and sexual violence, as well as retaliation for asserting such claims of discrimination. When an incident of sexual misconduct is reported, the University will provide a consistent, caring, and timely response.

This policy describes how the University investigates and responds to reports of sexual misconduct. It also identifies prohibited behavior, provides guidance and relevant resources to members of the University community who have been involved in incidents of this nature, and lists University prevention efforts.

St. Joseph's University urges those who believe they have been the victim of an act(s) of sexual misconduct to pursue all options available relative to resolving the matter. Employees of the University who become aware of an incident of sexual misconduct should contact the Executive Director of Human Resources if the situation involves a University employee or the Office of the Vice President of Student Life if students are involved.

A student who has questions, concerns, or who needs assistance relative to this policy should contact the Office of the Vice President of Student Life, Brooklyn (718) 940-5854, LI (631) 687-4595.

Complaints by or against University employees (faculty, administration, and staff) should be made to D'adra Crump, Executive Director of Human Resources and the University's Title IX Coordinator, at 718-940-5869.

DEFINITIONS

Sexual assault is an offense that meets one of these definitions:

Rape. The penetration, no matter how slight, of the vagina or anus with any body part of object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest. Sexual intercourse between people who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape. Sexual intercourse with a person who is under the statutory age of consent.

Sexual misconduct is defined as any attempted or actual unwanted sexual contact, physical or nonphysical, in the absence of clear and voluntary consent.

Sexual offenses which may be deemed criminal behavior include:

- Sexual misconduct
- Rape
- Sodomy
- Sex Abuse
- Aggravated sex abuse

These offenses are defined in Section 103 of the New York State Penal Code. More detailed information on these offenses is available in the Office of Counseling and Wellness Services.

Examples of sexual assault/misconduct include, but are not limited to:

- Any sexual penetration, however slight, with any body part or object without consent.
- Any intentional sexual touching with any body part or object without consent.
- Taking non-consensual, unjust or abusive sexual advantage of another. Examples include, but are not limited to non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as knowingly allowing another to watch otherwise consensual sexual activity without the participants knowledge) and engaging in non-consensual voyeurism.

- The exposure of the private or intimate parts of the body in a lewd manner in public or in private premises.

Additionally, any form of harassment, including sexual harassment or harassment based on perceived or actual identities is prohibited.

Sexual harassment includes:

- An unwanted sexual advance or request for sexual favor.
- Sexual innuendo, suggestive comments, insults, humor and jokes about sex or gender specific traits, sexual propositions, threats.
- Suggestive or insulting sounds, leering, whistling, obscene gestures.
- Physical touching: pinching, brushing the body, coerced sexual intercourse, assault.

Please note: The intent of the harasser is not the relevant issue. It is the impact of his or her behavior on the other person that determines whether the behavior is sexual harassment. As a general note, if you are not sure if a comment is appropriate, don't say it. If you are not sure if an action is appropriate, don't do it. If another person makes it clear that he or she finds your comments or behavior offensive, or your expression of interest unwelcome, don't attempt to pursue the relationship. Any repeated unwelcome effort to pressure or force another person to enter into or continue a relationship is sexual harassment, as are repeated offensive comments or actions.

Please note: A faculty member's selection of academic materials will ordinarily not form the basis for a sexual harassment complaint.

Domestic Violence:

A felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies {under VAWA – Violence Against Women Act} or
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence:

Violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim, and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship and
 - The frequency of interaction between the persons involved in the relationship

Stalking:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or the safety of others, or
- Suffer substantial emotional distress

Preponderance of Evidence:

This is the standard of proof that exists for St. Joseph's University, NY disciplinary hearings. Preponderance of evidence means that the event/s more likely than not occurred.

Amnesty

The Vice President for Student Life will not pursue disciplinary violations against a student for the students' prohibited use of alcohol or drugs if the student is making a good faith report of an actual sexual misconduct.

Consent is informed, and freely and actively given. Consent is communicated through mutually understandable words or actions that indicate willingness by all of the involved parties to engage in the same sexual activity, at the same time, and in the same way. Clear and open communication is an essential element to conveying and understanding consent.

Any person who contemplates initiating any form of sexual activity is strongly encouraged to talk with all involved parties before engaging in such activity. While it is the responsibility of the initiator of a specific sexual activity to obtain consent, individuals should communicate as clearly and verbally as possible with all parties about what they do and do not want.

Consent cannot be freely given if the person's ability to understand and give consent is impaired.

Examples of those who are impaired and therefore cannot give consent include:

- any person who is incapacitated due to the use of alcohol and/or other drugs;
- any person who is unconscious or for any reason is physically incapacitated;
- any person who is mentally impaired;
- any person less than 16 years old;
- any person who has experienced the explicit or implicit use of force, coercion, threats, and/or intimidation.

Ideally, consent is given verbally. However, consent (or lack of consent) may also be expressed through gestures, body language, and/or attitude. For example, active reciprocation could express consent and pushing someone away, or simply moving away, could express lack of consent.

Silence does not equal consent.

Consent to one form of sexual activity does not necessarily imply consent to other forms of sexual activity. Consent may be given for specific activities and not for others. Any party has the right to change their mind and withdraw consent at any time. A prior sexual history between the participants does not constitute consent. A person's ability to freely give consent may be jeopardized if the initiator is in a position of power over the person. Examples might include if the initiator is a faculty member or supervisor of the person.

St. Joseph's University has a responsibility to address any event that is reported.

False or Malicious Complaints

The use of this policy for false or malicious purposes is strictly prohibited. Anyone who brings forth false or malicious allegations of sexual misconduct against another member of the University community may be subject to disciplinary action. An individual bringing a reasonable charge of sexual misconduct in good faith, even if it may be erroneous, will not be subject to discipline.

Scope/Jurisdiction

This policy applies to all St. Joseph's University students. Students are defined as individuals who have been accepted to the University, or who are registered for the current semester at the University on a full- or part-time basis. Student status continues until an individual graduates, is academically or disciplinary separated from the University. St. Joseph's University has the authority to address misconduct that takes place on University premises, as well as off-campus conduct when the behavior may have or has had an adverse impact upon the University community. The jurisdiction of this policy also applies to University-sponsored events, activities, trips, etc., which may occur off campus. The University, at its discretion, may pursue disciplinary action against a student while the student is also subject to criminal proceedings. The University reserves this right even if criminal charges are pending, reduced, or dismissed.

Confidentiality

The University will work to safeguard the identities and privacy of the students who report sexual misconduct or seek assistance to the extent possible and permitted by law. However, it is important that students understand the limits on confidentiality. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (formerly the Campus Security Act) requires that all University officials with significant responsibility for campus and student activities report any incident of alleged sexual misconduct, including sexual assault, dating violence, domestic violence, and stalking. However, if the complainant does not wish to be identified, a third party report that does not include the individual's name must be made.

Students should always confirm whether confidentiality applies to their communication of information. Confidentiality applies when a student seeks services from the following people, counselors, medical professionals and clergy who can be trusted with secret or private information that will not be shared with anyone else.

Retaliation

Students are encouraged to express their feelings in a responsible manner regarding incidents of sexual harassment. Any member of the University community who attempts to interfere, restrain, coerce, discriminate against, or harass (whether overtly or covertly) any individual responsibly pursuing a complaint of sexual misconduct will be subject to prompt and appropriate disciplinary action.

ST. JOSEPH'S UNIVERSITY

CODE OF STUDENT CONDUCT

I. Introduction

A. Rationale

St. Joseph's University is committed to its mission of providing a strong academic and value-oriented education. To facilitate the educational and personal growth of its students, it is essential to maintain an appropriate environment.

The St. Joseph's University community recognizes that the development of responsible student behavior and conduct is fostered by education, guidance, admonition and adherence to University policies and regulations.

The Code of Student Conduct establishes a set of policies, standards of behavior, regulations, procedures, sanctions and appeal processes to prevent, limit and correct actions that may impede, obstruct or damage the educational environment, and threaten the maintenance of order.

The University encourages the cooperation of all members of the campus community, both in and out of the classroom and through online communities. All students are expected to be familiar with the Code of Student Conduct. A lack of familiarity with University policies, standards of behavior and regulations specified in the Code of Student Conduct is not an acceptable excuse for non-adherence.

The Code and supporting materials have been developed to guarantee procedural fairness to students when there has been an alleged failure to abide by the policies and regulations of St. Joseph's University. All students will receive due process and student conduct outcome decisions will be based on an unbiased analysis of information conducted by a University Hearing Panel.

B. Commitment to Diversity

St. Joseph's University is committed to equal student access to all campus benefits and services without regard to: race, creed, color, national origin, ancestry, age, marital status, sexual orientation, familial status, disability, nationality, sex, gender identity or expression, or any other characteristic protected from discrimination by state and federal law. In order to foster an atmosphere of respect, understanding and goodwill among all members of our diverse campus community, the University will regard differences of race, creed, color, national origin, ancestry, age, marital status, sexual orientation, familial status, disability, nationality, sex, gender identity or expression, or any other characteristic protected from discrimination by New

York State Law as strengths to be honored, not mocked or derided. Thus, the University encourages all members of the community to behave in ways that enhance our diverse and multicultural society.

C. Basis for Findings

A general principle in all matters of student discipline will be that the University may base its determinations on a preponderance of the information which means, 'it is more likely than not' or a subtle conviction based upon the facts presented. In cases of misconduct where a sanction may be assessed, or in which a student so requests, the student will be informed in writing of the allegations and charges, will be given an opportunity to refute them, and will be afforded an avenue to appeal an adverse decision.

D. Authority

This Code of Student Conduct applies to incidents that occur on the main and/or satellite campuses of the University, at any University related facility, at any University event, between University students who utilize computer or other equipment located on the University campus or at University related facilities. University events include all athletic, academic, and social events sponsored by any University related organization, whether on or off campus.

Off campus misconduct may be subject to the authority of the University and addressed through its conduct procedures if a student engages in prohibited conduct under such circumstances that reasonable grounds exist for believing that the accused student poses a threat to the life, health or safety of any member of the University community or to the property of the University.

Each student will be responsible for his/her conduct from the time of enrollment through the actual awarding of a degree. This includes the time before classes begin or after classes end each semester.

E. Complicity

A student will not, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of the St. Joseph's University Code of Student Conduct. A student who has knowledge of another individual committing or attempting to commit a violation of the Code of Student Conduct is required to remove him or herself from the situation, and failure to do so when reasonable under the circumstances, may be the basis for a violation of this policy.

II. Glossary of Terms

Accused – a student accused of a violation who has not yet entered an institution’s judicial or conduct process.

Administration or staff — any person who currently holds a non-faculty appointment within the University.

Appeal Officer — any person who is charged with hearing student appeals of a University Panel Hearing or a University Administrative Hearing based on reviewable criteria.

Business day — any day when the University offices are open for business.

University --- St. Joseph’s University and all undergraduate, graduate, professional, certificate, online and non-matriculated programs.

University Advisor/Advocate — a member of the University community that has been selected by a respondent or complainant to assist him or her in a Panel Hearing conducted under this Code. The University Advisor/Advocate cannot be an attorney or related to the respondent. The University Advisor/Advocate may be an academic advisor, a professor or an administrator at the University.

University Hearing Panel (UHP) — a panel consisting of faculty, staff and students convened to hear information regarding the alleged conduct violation of a student. The student can have a university advisor present but must speak for him/herself. Witnesses to the event can be questioned.

University premises — buildings or grounds owned, leased, operated, controlled or supervised by the University.

University sponsored activity — any academic, co-curricular, extra-curricular or other activity on or off- campus, which is initiated, aided, authorized or supervised by the University.

Complainant — any member of the University community who has elected to serve as the complaining party in Hearings or Conferences conducted under this Code.

Conduct/Hearing Officer — any member of the University who has been trained to deal with violations of the Student Code of Conduct and to impose sanctions upon any student(s) who violates the Code of Student Conduct.

Faculty — any person hired by the University to conduct classroom or teaching activities or who holds a current academic appointment within the University.

Legal Counsel/attorney — a person who holds a J.D., LL.B. or LL.M. degree from an accredited

university or, who has passed a bar exam, and is not a member of the University community.

Member of the University community — any University student, faculty, administrator, staff or contracted employee.

Persona Non Grata (PNG) — Latin for “an unwelcome person.” Any individual prohibited from visiting an area is considered PNG. Individuals who receive this status are subject to revocation of visitation to all or a portion of University premises. Individuals who are not currently registered at the University who violate policy will be subject to this status. Individuals classified as non-students who seek to enroll in the University in the future will have to address the alleged violation prior to gaining admittance or re-entry into the University.

Policy — the written regulations of the University as found in, but not limited to, the Code of Student Conduct, the University web page, Computer Use Policy, and Graduate/Undergraduate Catalogs.

Respondent — a student accused of a violation that is identified in the Student Code of Conduct.

Student — includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, professional, certificate, online or non-matriculated studies. Persons who withdraw after allegedly violating the Code of Student Conduct and who are not officially enrolled for a particular term, but who have a continuing relationship with the University are considered students. In addition, any person for whom the University maintains educational records, as defined by the Family Educational Rights and Privacy Act of 1974 and related regulations, and who has not yet been awarded his or her degree from the University. Any individual who is not registered for classes at the time of a reported violation is viewed as a non-student and subject to persona non grata (PNG) status.

Victim — a member of the University community who alleges that he or she has suffered personal harm or injury as a result of an alleged violation(s) identified in this Code.

III. Conduct Violations

A. Academic Dishonesty

Minimum sanction: Probation; Maximum sanction: Expulsion

Academic dishonesty is any attempt by a student to submit 1) work completed by another person without proper citation or 2) to give improper aid to another student in the completion of an assignment, such as plagiarism. No student may intentionally or knowingly give or receive aid on any test or examination, or on any academic exercise, that requires independent work. This includes, but is not limited to using technology (i.e., instant messaging, text messaging, or using a camera phone) or any other unauthorized materials of any sort, or giving or receiving aid on a test or examination without the express permission of the instructor.

B. Alcohol Violation

Minimum sanction: Warning; Maximum sanction: Expulsion.

Drinking or being in possession of any alcoholic beverage in public or private areas of University premises not approved for such activity, possession and/or consumption by a minor; public intoxication; soliciting University students and minors to purchase alcohol off-campus, and driving while intoxicated.

C. Computer Misuse

Minimum sanction: Probation; Maximum sanction: Expulsion.

A student will be found responsible for the misuse of computers who uses any information technology to materially disrupt University operations or to substantially interfere with the right of other members of the University community to secure access and use of University facilities and services.

Computer misuse includes, but is not limited to, hardware theft or fraud, duplicating copyrighted software, unauthorized use, the subverting of restrictions, plagiarizing class programs, invasion of privacy rights, and unlawful use of the Internet. Unlawful downloading of music, movies, or other copyrighted material is expressly prohibited, as is the illegal file sharing of such material.

A student may be found responsible for computer misuse who uses University computing facilities and information technology services, such as a student email account, when violating other provisions of the Code of Student Conduct. This also includes any violation of University Information Technology policies.

A student who photographs, films, videotapes, records or otherwise produces in any manner, or discloses the image of another person whose intimate parts are exposed or who is engaged in an act of sexual penetration or sexual contact, without said person's consent, and under circumstances in which a reasonable person would not expect to be observed will also be found responsible for electronic invasion of privacy.

D. Dating, Relationship or Sexual Misconduct

Minimum sanction: Probation; Maximum sanction: Expulsion.

The University is committed to protecting the health and safety of students and to implementing the New York Campus Sexual Assault Victim's Bill of Rights Act, by prohibiting threats, intimidation, coercion, assault, abuse and violence in dating, interpersonal and sexual relationships. This policy is gender neutral recognizing that both men and women can be victims or perpetrators of dating, relationship or sexual misconduct.

The University will assist the victim in reporting any sexual misconduct to law enforcement authorities. Victims of sexual assault will have the right to change his/her academic schedule if it is reasonably available.

Dating or Relationship Misconduct. A student may be found responsible for dating or relationship misconduct when a student engages in misconduct as defined above, or harassment, intimidation, or bullying directed to a member of the University community with whom the student had, or has, or seeks to initiate a dating, or interpersonal, and/or sexual relationship.

Sexual Misconduct. A student is responsible for sexual misconduct when the student engages in a sexual act without the explicit consent of the other participant(s). Sexual misconduct includes any sexual act with a person who is under age or with a person who is incapable of giving consent because of temporary or permanent mental or physical incapacity. Consent to a sexual act is based upon active, informed, freely decided choice to participate in a sexual activity and cannot be assumed by the absence of physical resistance.

E. Harassment

Minimum sanction: Warning; Maximum sanction: Expulsion

Students are prohibited from engaging in harassment, intimidation and bullying. A student will be found responsible for harassment, intimidation or bullying if he or she engages in conduct, including but not limited to, any gesture, written, verbal or physical act, or any electronic communication, which includes e-mails, text messages, and Internet postings on web-sites or social media, whether it be a single incident or series of incidents, that occurs on or off the University campus, through use of the University facilities, or at any function sponsored by the University or any University related organization, that is so severe or pervasive and objectively offensive that substantially disrupts or interferes with the orderly operation of the University or the rights of any student or other member of the University community.

A student will be found responsible if conduct involves intimidation or threats to another person's safety, rights of personal privacy and property, academic pursuits, University employment, or participation in activities sponsored by the University or organizations or groups related to the University.

A student will be found responsible if conduct creates an intimidating or hostile environment by substantially interfering with a student's education, or by materially impairing the academic pursuits, employment or participation of any person or group in the University community, or by severely or pervasively causing physical or emotional harm to the student or other member of the University community.

A student will be found responsible if conduct has the effect of physically or emotionally harming a student or other person or damaging the property or placing him/her in reasonable fear of physical or emotional harm to his/her person, or to any member of that person's family or household, or of damage to his/her property.

A student will be found responsible if conduct has the effect of insulting or demeaning any

student or group of students.

Discriminatory Harassment, Intimidation and Bullying *Minimum sanction: Probation; Maximum sanction: Expulsion*

A student will be found responsible for discriminatory harassment, intimidation or bullying who engages in conduct directed at a specific group or individual, based upon race, creed, color, national origin, ancestry, age, marital status, sexual orientation, familial status, disability, nationality, sex, gender identity or expression.

Sexual Harassment *Minimum sanction: Probation; Maximum sanction: Expulsion*

A student will be found responsible for sexual harassment who engages in conduct directed at a specific individual based on sex, which would not have occurred but for the individual's gender, or gender identification, with conduct that is unwelcome and substantially interferes with work, educational performance or equal access to the University's resources and opportunities.

Sexual harassment is a violation of St. Joseph's University's Statement on Equal Opportunity, Affirmative Action, Sexual Harassment and Tolerance as well as Title IX of the Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964 (as amended in 1991). Under certain circumstances, sexual harassment may constitute sexual assault or abuse. The University will fully comply with all relevant civil laws prohibiting sexual harassment and all criminal laws concerning sexual assault.

Stalking *Minimum sanction: Probation; Maximum sanction: Expulsion*

Harassment includes "stalking," which is a course of conduct by a student directed at a specific person which is sufficiently severe or pervasive and objectively offensive that a reasonable member of the University community would fear for his/her safety or the safety of a member of that person's family or household or for the security of his/her residence and personal property. The course of conduct may include: repeatedly following the person, invading the person's privacy, vandalizing property, cyber-stalking, and similar acts that threaten, intimidate or create fear of injury or death of self or members of that person's family or household or fear of harm to that person's property.

Harassment includes conduct by a student in violation of a domestic violence restraining order obtained against the student.

F. Destruction of Property

Minimum sanction: Probation; Maximum sanction: Suspension.

No student may intentionally damage, deface or destroy University property or that of any other person while on campus or while using University related premises. No student may litter or place graffiti on walls, doors, furniture or other property while on campus or while using University-related premises.

G. Disruptive Conduct

Minimum sanction: Warning; Maximum sanction: Suspension.

A student will be found responsible for disruptive conduct if he or she substantially impairs, interferes with or obstructs the orderly conduct, process and functions of the University. Disruptive conduct includes, but is not limited to: noise which is unreasonably excessive in the area, time or manner in which it occurs; threatening or obscene language or behavior in public places; obstruction of vehicular traffic; and classroom behavior which materially interferes with either (a) the instructor's ability to conduct the class or (b) the ability of other students to profit from the instructional program.

H. Drug Violations

Minimum sanction: Probation; Maximum sanction: Expulsion.

The intent of, actual distribution of, sale of or manufacturing of drugs, narcotics, barbiturates, hallucinogens, marijuana, steroids, amphetamines or any other controlled substance is prohibited.

The possession or use of controlled dangerous substances, marijuana, steroids, or narcotics, including, but not limited to, opium (morphine, codeine, heroin), prescription drugs in possession of someone other than the prescribed individual, misuse of prescribed drugs, and every other substance not chemically distinguishable from them (i.e. imitation/synthetic products such as bath salts and/or K2) as well as any drug paraphernalia, on campus or in any University related premises is prohibited. Marijuana prescribed for debilitating medical conditions is not allowed on University property.

I. Failure to Comply

Minimum sanction: Warning; Maximum sanction: Suspension.

A student will be found responsible for failure to comply if he or she refuses to present identification to University officials acting in the performance of their duties; fails or refuses to respond personally to a request to report to an administrative office; or otherwise fails or refuses to abide by directions issued by a University official acting within the scope of his or her authority.

J. Forcible or Unauthorized Entry

Minimum sanction: Probation; Maximum sanction: Suspension.

Students are prohibited from forcible or unauthorized entry into any University or University related building, structure, or facility. This prohibition also includes, but is not limited to, illegal or unauthorized access to campus facilities gained by opening windows; tampering with door locks or locking mechanisms; scaling walls, fences or gates; or copying, obtaining or using keys without authorization.

K. Forgery, Alteration or Misuse of University Documents

Minimum sanction: Probation; Maximum sanction: Expulsion.

The forgery, alteration, destruction, or misuse of University documents, records, timesheets, and identification cards is expressly prohibited. This includes, but is not limited to, the alteration, destruction, or misuse of such University and University-related materials as academic forms, files, records, identification cards, or other papers. Students are prohibited from forging any such material and risk facing criminal charges should they be found in violation of this policy.

L. Furnishing False Information

Minimum sanction: Warning; Maximum sanction: Suspension.

Students are prohibited from furnishing false oral or written information to any University office or University official. Students are expected to be truthful with University officials at all times. Dishonesty is considered a serious offense against the University.

M. Gambling

Minimum sanction: Warning; Maximum sanction: Suspension.

Students are expected to abide by the federal laws and the laws of the State of New York prohibiting illegal gambling. Gambling for money or other things of value on campus or at University sponsored activities is prohibited except as permitted by law. Such prohibited activity includes, but is not limited to, betting on, wagering on, or selling pools on any St. Joseph's University athletic event; possessing a book or other device for registering bets; knowingly permitting the use of one's premises or telephone or other electronic communications device for illegal gambling; knowingly receiving or delivering a letter, package or parcel related to illegal gambling; offering, soliciting or accepting a bribe to influence the outcome of an athletic event; and, involvement in bookmaking or wagering pools with respect to sporting events.

N. Hazing

Minimum sanction: Suspension; Maximum sanction: Expulsion.

A student will be found responsible for hazing if, in connection with the initiation of applicants to or members of a student organization (including but not limited to fraternities and sororities, athletic teams, SGA organizations, honor societies, etc.) he or she organizes, promotes, facilitates or engages in any conduct, other than competitive athletic events, which a) places or may place another person in danger or bodily injury or b) demonstrates indifference or disregard for another person's rights, dignity or well-being. Examples of hazing include, but are not limited to the following:

1. Forced or required ingestion of alcohol, drugs, food or any undesirable substance or quantity of substances.
2. Participation in sexual rituals or assaults.
3. Forced or required participation in criminal conduct, conduct which violates the civil rights of others.
4. Conduct which is mentally abusive or degrading to the participants or others.

5. Acts that could result in physical, mental or emotional deprivations or harm.
6. Physical abuse which includes whipping, paddling, beating, tattooing, branding and exposure to the elements.

Organizations charged with hazing, as distinct from individuals charged, face University disciplinary action.

O. Infliction or Threat of Bodily Harm

Minimum sanction: Probation; Maximum sanction: Expulsion.

Students are prohibited from fighting and engaging in other acts of physical assault and violence in any University or University related facility, or at University events, including academic, athletic, and social events held on campus or away from campus.

1. No student may intentionally inflict bodily harm upon any other person.
2. No student may intentionally take any action for the purpose of inflicting bodily harm upon any other person.
3. No student may intentionally take any action with reckless disregard for the fact that bodily harm could result on any other person.
4. No student may perform any intentional act that creates a substantial risk of bodily harm to any other person.
5. No student may threaten to use force to inflict bodily harm upon any other person.

P. Organization and Event Registration

Minimum sanction: Warning; Maximum sanction: Suspension.

Students are required to comply with policies or regulations governing the registration of student organizations, events on campus, and use of University facilities.

Q. Safety

Minimum sanction: Warning; Maximum sanction: Expulsion.

The University requires students to abide by numerous security regulations and other protective measures in order to assure safe learning environments for all students, as well as the faculty, administrators, and staff who also use campus facilities. Students are prohibited from threatening to and/or bringing any incendiary device to campus, to University related premises, or to University related events, including academic, athletic, and social events held away from campus. This includes, but is not limited to the following:

- Unauthorized use, possession, storage, knowledge, or failure to report fireworks, explosives or other incendiary device of any description, but not limited to: firecracker; M-80s; bottle rockets; ammunition; gasoline; kerosene; propane; paint thinner; and similar items.
- Causing or creating a fire.

- Tampering with safety measures or devices, such as alarm systems, fire extinguishers, exit signs, emergency phone systems, fire hoses, security systems, or locked exterior doors.
- Failing to conform to safety regulations.
- False report of a bomb, fire or other emergency in any building, structure or facility on campus or in any University-related premises by means of activating a fire alarm or in any other manner.
- Failure to evacuate facilities in emergency situations or in response to fire alarms.
- Inappropriate use of the fire alarm system.
- No smoking in any University building or parking lots.

R. Theft

Minimum sanction: Probation; Maximum sanction: Expulsion.

Students are not permitted to engage in any form of larceny; robbery; shoplifting or stealing involving University or personal property; on University or University related premises or at University events (including academic, athletic, and social events held away from campus). Students are also prohibited from enabling, aiding, or abetting any individual in the theft of any property or service on University or University related premises, or at any University event. This policy also applies to attempted theft and being in the possession of stolen items.

S. Violations of Local, State or Federal Law

Minimum sanction: Probation; Maximum sanction: Expulsion.

Students are not permitted to violate any local, state or federal law on campus, in other municipalities, or in University related events. The University retains the discretion to report suspected violations of state, local or federal law to appropriate law enforcement officials, at any time, regardless of the issuance of disciplinary charges against a student under this Code.

T. Violations of Written University Policy, Regulations and Announcements

Minimum sanction: Warning; Maximum sanction: Expulsion.

Students are expected to abide by written policies, regulations, and announcements about University processes and procedures that are developed and promulgated over the course of the academic year. No person will engage in conduct detrimental to the University community. Conduct will be deemed detrimental to the University community if it consists of an act or acts prohibited under municipal, state, or federal law or written policy or regulation of the University and either:

1. Results in or threatens injury, damage, or loss to students, faculty, or administrative personnel of the University, or to buildings, structures or other property under University control; or
2. Hinders the University in the pursuit of its educational mission and the discharge of its basic responsibilities to maintain an orderly educational atmosphere and to function

without interruption as an institution of higher learning.

U. Weapons

Minimum sanction: Suspension; Maximum sanction: Expulsion.

Students are prohibited from threatening to and/or bringing any weapon or facsimile of a weapon including: dart gun, BB gun, bow and arrow, any instrument that can hurl a projectile, hunting knife, carpet knife, knives except those whose purpose is related to the preparation or consumption of food, to campus, to University related premises, or to University related events, including academic, athletic, and social events held away from campus. Exceptions to this policy include replica/toy versions of any weapon that is used for an on-campus class presentation, project, or activity with the faculty/staff member overseeing the event and University Security being alerted prior to the event occurring.

V. Student Organizations

Student clubs and organizations recognized by student government and/or their officers may be charged with and held responsible for violations of the Code of Student Conduct. Sanctions against the student organization and its officers may include recommendation to the Student Government Association for revocation of the organization's charter, loss of permission to use University facilities, loss of other privileges, and other appropriate sanctions.

W. Abuse of the Conduct System

Minimum Sanction: Probation; Maximum Sanction: Expulsion.

Any abuse of the University's conduct process, including but not limited to the following:

1. Failure to obey the notice from a University official to appear for a meeting or hearing as part of the Code of Student Conduct System.
2. Falsification, distortion, or misrepresentation of information at a Conduct Conference or University Hearing Panel.
3. Disruption or interference with the orderly conduct of a Student Conduct proceeding.
4. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct system.
5. Attempting to influence the impartiality of a member of a University Hearing Panel prior to, and/or during the course of the University Hearing Panel.
6. Harassment (verbal or physical) and/or intimidation of a member of a University Hearing Panel prior to, during, and/or after a Student Conduct proceeding.
7. Failure to comply with the sanction(s) imposed under the Code of Student Code.
8. Influencing or attempting to influence another person to commit an abuse of the Student Conduct system.
9. Repeated and/or multiple violations of University policy.

IV. Procedural Standards

St. Joseph's University is committed to providing fair and reasonable procedural standards that are equitably applied in the adjudication of student discipline cases. Accordingly, the University affords the following process to all students:

- A. To be presumed not responsible until found responsible by a preponderance of information.
- B. To have the discipline matter at hand decided by an impartial University Hearing Panel, excluding any person who has a conflict of interest in the proceeding at hand.
- C. Documents related to the incident will be read to the student, verbatim during the scheduled Conduct Conference Meeting and/or University Hearing Panel. Students have the option to request copies of documents regarding any charges. All documents will be redacted to remove information that is confidential under the Family Educational Right and Privacy Act (FERPA). Copies of University documents will be available in the Office of the Vice President for Student Life for two weeks for pick-up and then mailed to the home address listed for the student. FERPA requires the University to provide copies of such documents within 45 days from receipt of the request however any request will not delay the conduct process.
- D. Access to advice by an individual of his or her choosing, including a University Advisor/Advocate. Such persons may not speak at a hearing on behalf of the student charged, or appear in lieu of the student.
- E. The respondent will be given the opportunity to testify, to present witnesses, and to present to the University Hearing Panel written questions for the University representative presenting the charges and to witnesses. The respondent may remain silent in a University proceeding. Such decision will not be used against the respondent but a violation of the Student Code may be found based upon the other information presented. The complainant may be called as a witness by the University representative presenting the charges.
- F. In all cases, the University Hearing Panel will not consider statements against the accused student until he or she has been advised of their content and the names of those who made them. The accused student has the ability to rebut such statements.
- G. A list of all witnesses that the respondent wishes to present information at the hearing, must be submitted in writing to the campus Vice President for Student Life at least two business days prior to the hearing. The respondent is responsible for the attendance of witnesses at the hearing. Witnesses are considered individuals who have direct knowledge of the incidents or charges under investigation. Character witnesses will not

be permitted.

- H. In accordance with existing statutes, student disciplinary records are confidential records. The Student Right-to-Know and Campus Security Act (Clery Act) permits the disclosure of campus conduct findings to victims of "sex offenses" (including non-forcible ones) or "crimes of violence".
- I. Students may be accountable to both external authorities and to the University for acts that constitute violations of law and this Code. University Conduct proceedings will continue normally regardless of pending administrative, civil or criminal proceedings arising out of the same or other events, and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed, reduced, or are pending.
- J. The University Hearing Panel may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the campus Vice President for Student Life or designee to be appropriate.
- K. In cases involving Sexual Harassment/Assault: The University will disclose to alleged victims of violent crimes or non-forcible sex offenses, or to the next of kin if they have died, the final results of any disciplinary proceedings against alleged student perpetrators of such crimes.
- L. The respondent or complainant's withdrawal from the University does not terminate the disciplinary proceeding. Any student(s) who withdraws from the University in an attempt to circumvent the conduct process will still be held accountable to established policies, if the alleged student is found responsible based on process guidelines. In incidents such as this, the student would be subject to forfeiture of any tuition or fees depending on the outcome of the process.
- M. Any question of interpretation or application of the University's Code of Conduct will be referred to the campus Vice President for Student Life for final determination.

V. Sanctions/Stipulations

A. Sanctions

The following criteria will be analyzed in determining appropriate disciplinary sanctions:

1. Present demeanor and past disciplinary record of the student.
2. The nature of the offense(s).
3. The severity of damage, injury, or harm as perceived by the victim and/or University officials.
4. University precedent for similar violations.
5. Mitigating or aggravating factors identified by the student and/or witnesses.

The use or abuse of alcohol and/or illegal substances will be considered an aggravating rather than a mitigating factor. Violations of the Code of Student Conduct that can be proven to have been motivated by illegal bias will result in the imposition of more severe sanctions. Victims may submit written statements detailing the effect of the offense on them and their ability to function as students. Repeated or aggravated violations of any provisions of this code may result in expulsion, suspension, or in the imposition of such lesser penalties as may be appropriate.

University Warning

This sanction indicates that a violation of the Code of Student Conduct has occurred and informs the student that a subsequent violation will be treated more severely.

University Probation

This sanction informs the student that a subsequent violation of the Code of Student Conduct will result in revocation of certain University privileges and a serious review of his or her status as a student at the University. Students on probation may be prohibited from being members of a recognized or registered student organization, participating in the activities of such organizations, serving as a representative of the University, or participating in intramural, club, or intercollegiate sports. Students on probation may also be restricted from certain campus facilities, including but not limited to the dining facilities and campus recreation facilities. Copies of the notification of this sanction will be sent to appropriate University offices to notify them about students placed on probation and the nature of their probationary status.

University Suspension

This sanction informs the student of University privileges that have been revoked for a specific period of time, which include, but are not limited to:

1. The ability to enroll as a student.
2. The ability to register for or attend specific courses.
3. The ability to be present on campus grounds.
4. The ability to attend or participate in certain University-sponsored events, on- or off-campus.
5. The ability to use or visit University facilities such as dining halls or recreation facilities, and to participate in student organizations or events.

Students who are suspended during the academic semester will be administratively assigned a “WD” for their coursework and will forfeit semester tuition and fees.

University Expulsion

The student is permanently separated from the University and is not permitted to register for courses, be present on campus, or attend or participate in University-sponsored events. Individuals who do not comply are subject to arrest for criminal trespass. Students who are expelled during the academic semester will be administratively assigned a “WD” for their coursework and will forfeit semester tuition and fees.

B. Stipulations

In addition to receiving a sanction for violating the Code of Student Conduct, a student may also receive stipulations based on the following criteria:

1. The severity of the case.
2. The impact of the violation(s) on the campus community.
3. Other policies violated during the incident.
4. The discipline history of the student(s) involved
5. The learning and ethical development needs of the student found responsible.

Sanction stipulations that may be imposed at the discretion of the Vice President for Student Life and the University Hearing Panel. Stipulations may include, but are not limited to, the following:

1. Students may be required to complete community restitution projects and/or

educational assignments.

2. Students may be required to make financial restitution for damages incurred as a result of the violation for which they have been found responsible.
3. Students may be required to disassemble and/or remove certain belongings, materials, possessions, or property from campus or campus-related facilities, including material hosted or placed on University networks, servers, or websites in an unauthorized manner or in a manner inconsistent with University policies.
4. Students may be referred to Counseling and Wellness Services for appropriate on- or off-campus medical/psychological services.
5. Students may be subject to having restrictions placed on their ability to register for credits or other holds placed on their accounts.
6. Underage students may be subject to parental notification in cases dealing with alcohol and/or drugs as outlined in the University Parental Notification Policy permitted by the Family Educational Rights and Privacy Act (FERPA).
7. Admission to, or a degree awarded from, the University may be revoked for fraud, misrepresentation, or other violation of University standards prior to graduation.
8. The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed.

A student may receive more than one stipulation for a single violation. Students who are found responsible for violating the Code of Student Conduct may, at the discretion of the Vice President for Student Life or the University Hearing Panel, be offered the opportunity to engage in substantive educational and reflective activities. After the satisfactory completion of the specified educational and reflective activities, certain appropriate privileges may be restored.

C. Transcript Notations

Students disciplinarily suspended from the University for certain violations, will have a notation placed on their transcript. The notation will read: *“Suspended after a finding of responsibility for a conduct violation.”* If the student re-enrolls, remains in good disciplinary standing and completes the requirements for graduation, the student may request removal of the notation at the time he/she files for graduation. Requests must be submitted to the Vice President for Student Life and a decision will be made in consultation with the Vice President for Academic Affairs.

Students expelled from the University, as a result of disciplinary action, will have a permanent notation placed on their transcript, for certain violations. The notation will read: *“Dismissed after a finding of responsibility for a conduct violation.”*

D. Refund Policy

No refunds of tuition or fees will be provided to any student who has been found responsible for violating the Code of Student Conduct and placed on probation, suspended or expelled from the University.

VI. University No Contact Order (UNCO)

If a student alleges to be a victim of any of the following:

- Violation D. Dating, Relationship, or Sexual Misconduct
- Violation E. Harassment
- Violation G. Disruptive conduct
- Violation O. Infliction or Threat of Bodily Harm

A University No Contact Order (UNCO) will be issued by the Vice President for Student Life to assist the victim. The UNCO shall be served upon all parties and state the reasons in support of its issuance. Students who have been issued a UNCO will meet with the Vice President for Student Life to discuss the UNCO. The alleged student violator will be asked to provide written consent indicating compliance with the UNCO. If the alleged student violator fails to provide written consent, the Vice President for Student Life may proceed with a University Hearing Panel. The alleged student violator who fails to provide written consent may still be issued a UNCO, if warranted, for the protection and safety of the complainant pending a final hearing regarding the alleged violation. The University No Contact Order is not part of a student’s official and/or unofficial academic record.

VII. Adjudication of Disciplinary Cases

A. Filing a Complaint

In order to initiate a disciplinary proceeding, a member of the University community, faculty, staff or student, must file a complaint with the Office of the Vice President for Student Life and/or University Security. The document should include:

1. The name of the complainant.
2. The name of the person who is the object of the complaint.
3. The date or dates on which the alleged incident took place.
4. The place or places where the alleged incident took place.
5. A statement describing, in detail, the alleged incident.
6. The names of any witnesses to the alleged incident.
7. A one-sentence statement of the remedy sought by the complainant.
8. The signature of the complainant, and the date when the complaint is filed.

B. Responding to Complaints

Complaints may be submitted by St. Joseph's University students, faculty, or administrators. Incident reports filed by University Security are also considered complaints. The complainant and/or written complaint do not constitute formal discipline charges. The Vice President for Student Life responding to the complaint will determine which University policy may have been violated after reviewing the complaint thoroughly. A student will be charged with any applicable conduct violations by electronic delivery notice.

Interim Suspension

The Vice President for Student Life (VPSL) may suspend a student from the University for an interim period pending disciplinary proceedings. The interim suspension will become immediately effective without prior notice whenever the VPSL determines there is a reasonable basis to conclude that the continued presence of the student at the University poses a significant risk and high probability of substantial harm or substantial disruption to others, or to property, which cannot be addressed through reasonable accommodations requested by the student. Interim Suspensions will exclude the student from being on campus or participating in any University activity, including academic work, unless otherwise notified.

A student suspended on an interim basis will be given an opportunity to meet with the VPSL to discuss the following issues only:

1. The reliability of the information concerning the student's alleged misconduct, including the matter of his or her identity.

- 2 Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises poses a significant risk and high probability of substantial harm or substantial disruption to others, or to property, which cannot be addressed through reasonable accommodations requested by the student.

The Vice President for Student Life may affirm or alter the decision to suspend on an interim basis based on the meeting. If the decision is affirmed, a University Hearing Panel will proceed as expeditiously as possible. Any student placed on interim suspension will be given an opportunity to appear at a University Hearing Panel within ten business days of being placed on suspension or as soon as practical after the respondent is prepared to participate in a Hearing.

Notice

All notices will be delivered via the student's University electronic mail and delivery will be considered confirmed upon the message being sent to the student's account. It is the responsibility of the student to check his/her University email. Students should note that disciplinary action may be taken, and sanctions, and applicable stipulations, may be enacted, if they fail to attend the initial conduct conference or the subsequent University Hearing Panel. Students who fail to appear after proper notice will be deemed to have pled not responsible to the charges pending against them.

In cases where a student charged does not appear after proper notice or does not provide justifiable reason for non-appearance, the hearing will take place as scheduled and a decision rendered in the absence of the accused. In this circumstance, a student may not appeal under the ground that he or she has additional information that was not available at the time of the hearing.

Conduct Conference Meeting

After receiving a complaint and interviewing the complainant, the Vice President for Student Life will schedule a mandatory meeting with the respondent (the student accused of violating the Code) within five (5) business days of the electronic delivery of the violation notice to review the complaint and to discuss the conduct process. Parents, counsel or the University Advisor/Advocate will not be allowed in the Conduct Conference meeting. Only the student may request the rescheduling of the Conduct Conference meeting; requests made by third parties, including counsel, will not be honored.

University Hearing Panel

The Vice President for Student Life will refer the discipline matter to a University Hearing Panel comprised of faculty and/or, staff and students within the next seven (7) business days. The VPSL will give the respondent a list of University Advocates/Advisors, upon request.

Delay of University Hearing Panel

Only the complainant or the respondent may submit a written request with reason to the VPSL for a postponement of the scheduled hearing. Requests made by third parties, including counsel, will not be honored. Except in emergency situations, no request for a postponement will be considered unless received at least four (4) business days before the scheduled hearing date. The VPSL will determine if a hearing delay is appropriate. Hearings will be rescheduled at a student's request only once. The respondent will be expected to attend the next scheduled hearing. The failure of the student to appear at a scheduled hearing without just cause may result in a finding of 'Responsible' against the absent student for violation of the Code of Student Conduct. Disciplinary sanctions and stipulations, if appropriate, will be based upon the information presented at the University Hearing Panel.

Hearing Panel Procedures

The Vice President for Student Life (VPSL) will review the complaint with the respondent. The respondent may be asked to submit a written response, to provide names of witnesses to the alleged incident, and to identify a University Advisor/Advocate if desired. The respondent may have only one University Advisor/Advocate.

The VPSL, or a designee, will provide copies of the complaint, response (if one is provided), list of witnesses and a summary of the preliminary investigation to the members of the hearing panel. It will be the responsibility of the respondent to provide copies to their witnesses and attorney.

The Hearing Panel will typically consist of two faculty members, two administrators, and three students. Quorum will consist of one faculty member, one administrator, and one student. There will be a chairperson for each hearing. It may be appropriate for certain discipline matters involving alleged violations of a particularly sensitive or confidential nature to be heard by faculty or administrators only. The complainant, respondent, or University representative presenting the charges may request the case be heard by a faculty/administrator panel. The VPSL or designee will determine if it is appropriate for a case to be heard in such a manner. If the VPSL or designee determines it is appropriate, a three-person faculty/administrator panel will be convened.

At the hearing, members of the hearing body will ask the respondent and his/her advisor or attorney to remain in the room throughout the hearing. Witnesses will be called one at a time, and excused at the conclusion of their testimony.

It will be the sole responsibility of members of the hearing body to question the respondent, the University representative presenting the charges, and their witnesses. Advisors, if any, may only offer advice on whether to answer any question posed to the respondent during the

hearing and may not address the hearing body.

At the conclusion of all testimony, the respondent and the University representative presenting the charges will be permitted a reasonable amount of time (not to exceed ten minutes) to amplify or clarify any aspect of the information or testimony presented.

If the respondent has a record of being found responsible for prior violations of the Student Code of Conduct, this information will be made available to the members of the hearing body. This information may then be used to assist in the determination of sanctions.

All matters upon which a decision may be based must be introduced into information at the hearing. The decision of the Hearing Panel will be based solely upon such information.

The Hearing Panel will examine all relevant facts and circumstances of the incident and will render a decision of 'responsible or not responsible' based upon a preponderance of the information.

Formal rules of evidence applicable to civil and criminal cases will not be applicable to the proceedings.

It will be the initial responsibility of the Chair of the Hearing Panel to insure the relevancy of testimony.

Hearings are regarded as confidential and are closed to all but the respondent, the advisor or attorney for the respondent, the University representative presenting the charges, the hearing panelists, and any witnesses called to provide testimony. The Chair of the hearing panel will send electronic notice of the decision of the Hearing Panel to the respondent through the VPSL or designee, within seven business days of the hearing.

Decisions may be appealed according to the standards outlined in Appeals, Section VIII. Decisions of a University Hearing Panel will be determined by a majority vote of the participating members.

VIII. Appeals

A student may appeal a conduct sanction if he/she believes one or more of the following conditions exist:

1. There was substantial and prejudicial failure to follow procedures and/or
2. The student can provide information and/or documentation that the sanction was unduly severe and/or
3. The student has additional information that was not available at the time of the hearing.

Appeals can only be made in writing and should be typed and submitted by the student who is appealing. Appeals will not be accepted from third parties, including but not limited to parents,

relatives, employers, legal counsel, or faculty.

SJNY Brooklyn students should send their appeals to the Vice President for Student Life in Long Island or designee; Long Island students should send their appeal to the VPSL Brooklyn or designee.

Appeals must be submitted within five business days of the date the delivery of the Sanction Letter.

Late appeals will not be considered. Responses to appeal letters will be sent to students within seven business days of receipt of the written letter of appeal.

In most cases, students who are appealing their sanction(s) will not be subject to the imposed sanction until their appeal has been resolved. In cases that involve substantial threat, the campus VPSL maintains the right to continue or initiate an interim suspension, pending the outcome of the appeal.

Appeal outcomes can:

1. Affirm the original decision and support sanction and corresponding stipulations.
2. Affirm the original decision but modify the original sanction.
3. Oppose the original decision and determine a new outcome, which may include the dismissal of charges.

Employee Procedures To Follow for Resolving Complaints

This policy applies to all St. Joseph's University employees. The University has the authority to address misconduct that takes place on University premises, any University sponsored events, activities, trips that may occur off campus.

Investigation Process

Following the initial assessment after receiving a report, the Title IX Coordinator may refer the matter for investigation. The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect. The individual(s) conducting the investigation shall have specific training and experience investigating allegations of sexual discrimination, misconduct and harassment. At the conclusion of the investigation, the investigator(s) will prepare a report setting forth the facts gathered, which will be forwarded to the Title IX Coordinator. Should the investigation find that there is sufficient indications of a violation of Title IX, the disciplinary process that would follow would be determined by the relationship of the respondent (faculty, staff, and administrator) to the University. Each process is guided by the same principles of fairness and respect for all parties.

Confidentiality

Once an employee complains or 'expresses a concern' to anyone in management—or management otherwise becomes aware of the complaint, the University has the legal duty to investigate. The University reserves the right to take appropriate action in such circumstances, even in cases when the complainant is reluctant to proceed. Because a charge of sexual misconduct is, by its nature, injurious to reputation, the investigator will make every reasonable effort to handle the proceedings as discreetly as possible, sharing information only with those who need to know. Nonetheless, it must be understood that while there may be times when concerns may be addressed without having to reveal the complainant's identity to the alleged harasser, this is not possible in every case. Some situations require the disclosure of the complainant's identity in order to fully investigate the matter and/or to enable the accused harasser the ability to fully respond to the allegations against him or her.

Retaliation

Any member of the University community who attempts to interfere, restrain, coerce, discriminate against or harass any individual responsibly reporting a claim of sexual misconduct shall be subject to prompt and appropriate disciplinary action.

Time Frame

While the University seeks to resolve all Title IX claims in 60 days, circumstances may arise that require the extension of said period. Such circumstances may include the complexity of the allegations, the number of witnesses involved and their accessibility, school breaks or vacation, or other unforeseen circumstances

St. Joseph's University is committed to education and increasing awareness of students, faculty, and staff about preventing incidents of sexual misconduct. The Title IX Coordinators are responsible for coordinating the University's sexual misconduct education and prevention program in collaboration with the Center for Health and Wellness, which coordinates the Peer Education Program.

The following administrators serve as St. Joseph's University Title IX Coordinators. They serve as resources for the campus about sexual misconduct education and prevention, and anyone reporting an incident of sexual misconduct may contact any of the Title IX Coordinators.

Title IX Coordinator

D'dara Crump, Director of Human Resources

Phone: 718-940-5869

Title IX Deputy Coordinators

Anthony Costagliola, Assistant to the Director of Benefits Administration

Phone: 631-687-4513 Email: acostagliola@sjny.edu

Allison List, Director of Institutional Research

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Education and prevention resources and opportunities include:

- St. Joseph's University's Title IX Coordinator and Deputies
- The Office of the Vice President for Student Life, the Office of Co-curricular Programs, the Office of Health Services and Counseling, Wellness and Accessibility Services distribute sexual misconduct/assault prevention materials and information.
- The staff members in the Security Office and off-campus housing, including the undergraduate Resident Assistants, are trained in sexual assault response and prevention.
- Educational programming is conducted within the University community by the Office of Co-curricular Programs and in off-campus housing.
- Annual student-run events that address issues of sexual assault.

There are campus and community resources and services available to students, faculty and staff even if University or criminal reports are not made. The University strongly encourages survivors to seek assistance to care for themselves emotionally and physically through confidential crisis intervention, health care, and counseling. Survivors should keep in mind that medical examinations are time-sensitive and critical in preserving evidence of sexual misconduct, including sexual assault, so those options must be exercised as soon as possible.

Confidential Reporting Resources

Patchogue Counseling and Wellness Center
319 W. Roe Blvd
631-687-1262

Patchogue Campus Ministry
O'Connor Hall –suite #4 lounge
631-687-1467

Brooklyn Counseling and Wellness
Tuohy Hall room 215
718-940-5734

Brooklyn Campus Ministry
Tuohy Hall room 205
718-940- 5852

Local Resources & Services

*The University lists the following agencies that deal with sex offenses,
but makes no recommendation concerning these agencies.*

Crime Victims Center: 631-689-2672 855-736-5847 (24 hour hot line)

Gay & Lesbian Anti-Violence Hotline: 212-714-1141

New York State Domestic Violence Hotline: 800-942-6906

New York State Office of Victim Services: 800-247-8035

New York State Police 24 hour Hotline: 844-845-7269

New York City Domestic Violence Hotline; 800-621-4673

RAPE Crisis Hotline: 914-345-9111

Safe Horizon's Hotline: 212-577-7777

Safe Horizon's Rape/Sexual Assault & Incest Hotline 212-227-3000

VIBS Crisis 24 Hour Hotline 631-360-3606

VITP Violence Intervention at Wyckoff Medical Center: 718-906-3857

How To Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when someone is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK.
- Confront people who seclude, hit on, or try to make out with or have sex with someone who is incapacitated.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experienced stalking.
- Refer people to on or off campus resources listed in this document

Risk Reduction Tips

- Be aware of your surroundings. This includes knowing a street name, building address, cross street, in case you need to call 911.
- Walk with others or with a purpose. Even if you do not know where you are going, act like you do.
- Trust your instincts. If a situation or location feels safe or uncomfortable, leave. Do not worry about hurting someone's feelings.
- Avoid putting earphones or earbuds in or over both ears when walking down the street.
- Watch out for your friends. If your friend seems "out of it", get him or her to a safe place immediately.

VIII. SEX OFFENDER REGISTRATION POLICY

The Sex Offender Registration Act (SORA) requires anyone found guilty of sex crimes (such as rape, sexual abuse) to register with the Division of Criminal Justice Services (DCJS). Information provided by New York State concerning registered sex offenders may be found at:

<https://www.criminaljustice.ny.gov/nsor/>

Campus Crime Statistics

The Campus Crime Statistics report is prepared by the Directors of Security for the Long Island and Brooklyn Campuses. In compliance with federal law, the Crime Awareness and Campus Security Act (Public Law 101-542 as amended), the university must disclose crime statistics for the campus and unobstructed public areas immediately adjacent to or running through the campus. Crimes are reported in the following major categories, with several sub-categories:

Criminal Homicide, Manslaughter by Negligence: the killing of another person through gross negligence.

Criminal Homicide, Murder and Non-Negligent Manslaughter: the willful killing of one human being by another.

Forcible Sex Offenses (includes rape): any sexual act directed against another person, forcible and/or against that person's will or not forcibly against the person's will where the victim is incapable of giving consent.

Non Forcible Sex Offenses (incest & statutory rape): unlawful, non-forcible sexual intercourse.

Robbery: taking or attempting to take anything of value from the care, custody, or control of a person(s) by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: an unlawful attack by one person upon another to inflict severe or aggravated bodily injury. This is usually accompanied by the use of a weapon or by means likely to produce great bodily harm or death, although it is not necessary that injury result when a weapon is used.

Burglary: unlawful entry of a structure to commit a crime including, but not limited to, larceny, arson, sexual assault, criminal mischief, and all attempts to do so.

Motor Vehicle Theft: the taking (or attempt) or use of a motor vehicle by persons not having lawful access.

Arson: willful or malicious burning or attempting to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, personal property of another, etc.

The university is also required to report the following three types of incidents if they result in either an arrest or disciplinary referral: 1.) Liquor Law Violations; 2.) Drug Law Violations; and 3.) Illegal Weapons Possession. If both an arrest and referral are made, only the arrest is counted.

This data represents crime activity both on campus and on public property adjacent to campus property. The total number of crimes committed on campus is reported under "On Campus Property." Reported on campus offenses include offenses reported on campus property and in campus buildings.

The university has no "Residential Facilities" and therefore there is no reported crime in this category.

The category, "Non Campus Property" includes the rooms and public areas at Educational Housing Services at the old St. George Hotel in downtown Brooklyn. This is an off-campus student housing facility owned by a third party that has a written contract with St. Joseph's University to provide student housing.

The category, "Public Property" includes the streets that surround or run through both campuses.

As required by the Clery Act, the university is required to report **hate crimes** in this report. For this reporting, a hate crime occurs when a person is victimized intentionally because of his or her actual or perceived race, gender, religion, sexual orientation, ethnicity or disability. The hate crimes presented for this report are those offenses that appear in the Crime Statistics Chart and where the victim suffered bodily injury and the additional offenses of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property.

There are no "**unfounded crimes**" listed or removed from any of these statistics. Unfounded crimes are reports that were false or baseless as determined by sworn or commissioned law enforcement personnel.

PATCHOGUE CAMPUS

Offense	Year	On Campus Property	Non-Campus Property	Public Property	
Murder/Non-Negligent Manslaughter	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Negligent Manslaughter	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Robbery	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Aggravated Assault	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	1	
Motor Vehicle Theft	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Arson	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Burglary	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	1	
Sex Offenses Forcible	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Sex Offenses Non-Forcible	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Liquor Law Arrests	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Drug Law Arrests	2020	0	0	2	
	2021	0	0	0	
	2022	0	0	0	
Drug Law Violations Referred for Disciplinary Action	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Illegal Weapons Possession Arrests	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Illegal Weapons Possession Violations Referred for Disciplinary Action	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
VAWA Crimes Reporting					
	Domestic Violence	2020	0	0	0
	Dating Violence	2021	1	0	0
Stalking	2022	0	0	0	

There were no reported "Hate Crimes" in 2020, 2021 and 2022

BROOKLYN CAMPUS

Offense	Year	On Campus Property	Non-Campus Property	Public Property	
Murder/Non-Negligent Manslaughter	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Negligent Manslaughter	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Robbery	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Aggravated Assault	2020	0	0	1	
	2021	0	0	1	
	2022	0	0	1	
Motor Vehicle Theft	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	1	
Arson	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Burglary	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Sex Offenses Forcible	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Sex Offenses Non-Forcible	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Liquor Law Arrests	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Liquor Law Violations Referred for Disciplinary Action	2020	0	1	0	
	2021	0	1	0	
	2022	0	8	0	
Drug Law Arrests	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Drug Law Violations Referred for Disciplinary Action	2020	0	2	0	
	2021	0	1	0	
	2022	0	1	0	
Illegal Weapons Possession Arrests	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
Illegal Weapons Possession Violations Referred for Disciplinary Action	2020	0	0	0	
	2021	0	0	0	
	2022	0	0	0	
VAWA Crimes Reporting					
	Domestic Violence	2020	0	0	0
	Dating Violence	2021	0	0	0
Stalking	2022	0	0	0	

There were no reported "Hate Crimes" in 2020, 2021 and 2022

Public Property are the streets surrounding the university.

You may also find this data at the US Department of Education web site at <http://ope.ed.gov/security/Index.aspx>

Enter Saint Josephs University-Main Campus in the "Get data for one institution/Campus" search.

Enter Saint Josephs University-Suffolk Campus in the "Get data for one institution/Campus" search.