



Holy Family
UNIVERSITY

Student Code of Conduct and Procedures

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HOLY FAMILY UNIVERSITY

Student Code of Conduct and Procedures

Introduction

Holy Family University seeks to holistically develop its students by creating an environment that promotes intellectual, social, emotional, and spiritual growth. The University also values the goals of fostering civility and community, and providing an environment that is inclusive and encourages and promotes diversity among its campus community. Finally, the University seeks to provide a welcoming environment for all members of the University community. To further these objectives, this Student Code of Conduct and Procedures (“Code of Conduct”) provides expectations of appropriate behavior (“community standards”) and proscribed conduct, as well as procedures to address alleged violations.

As a Catholic university, Holy Family seeks direction and inspiration from the life and teachings of Jesus Christ, affirms the values of the Judeo-Christian tradition, and witnesses to the dignity of each person and the oneness of the human family. The core of Holy Family’s Mission are the values of Family, Respect, Integrity, Service and Responsibility, Learning, and Vision, which educate students to assume lifelong responsibilities toward God, society, and self.

The Student Code of Conduct contains expectations of appropriate behavior and compliance with University policies and procedures that members of the University are required to follow. The Student Code of Conduct also serves to promote good decision-making and serves to reinforce the importance of exercising proper and due respect for the rights of others, regardless of race, color, religion, religious-expression, age, sex, sexual orientation, gender identity or expression, national or ethnic origin, ancestry, disability, marital status, military/veteran status, or any other characteristic protected by federal, state, or local laws.

Holy Family University’s motto is Teneor Votis: I am bound by my responsibilities. Students affirm their commitment to the University’s motto, Mission, and Core Values through adherence to the Code of Conduct

HOLY FAMILY UNIVERSITY
STUDENT CODE OF CONDUCT

Table of Contents

Introduction	1
Community Standards of Conduct	3
Jurisdiction & Scope of Authority	3
Definitions	4
Proscribed Conduct	6
University Judicial Process	9
Overall Philosophy	10
Students' Rights and Responsibilities	10
Administrative Hearings	12
Judicial Board Hearings	13
Participants in the Judicial Hearing Board Process	13
Judicial Board Hearing Procedures	15
Determination of Responsibility	15
Sanctions for University Policy/Code of Conduct Violations	16
Notification of Hearing Outcome	17
Application of Interim Suspension or Conditional Attendance	18
University Withdrawal Prior to Judicial Hearing Process	18
Appeals Process	18
Records Retention	19

Community Standards of Conduct

In general, all members of the Holy Family University community are expected to uphold the following:

- Demonstrate integrity, truth, and honesty in both academic and non-academic pursuits.
- Show respect for self and for others, including respecting one another's basic rights and individual differences.
- Be responsible members of the University community that respect and comply with all University policies and procedures, as well as federal, state, and local laws.

For students, any behavior that violates standards set in the *Student Handbook*, the *University Catalog*, approved organizational Constitutions and by-laws, housing contracts, and other University bulletins, as well as behavior that fails to meet the University expectations outlined above may violate the Code of Conduct. Specifically, any student or student organization alleged to have committed any of the following acts is subject to the judicial process outlined in the Code of Conduct.

Jurisdiction & Scope of Authority

1. By accepting to attend Holy Family University, one is voluntarily affiliated with the University community. All students are expected to uphold the standards set forth by the University and to comply with the Code of Conduct and are subject to the terms and conditions for alleged violations. This includes all students who have been notified of their admission to the University, as well as students who are matriculated, registered, and/or enrolled in any University academic program or activity at the graduate or undergraduate level.
2. Any person who was a student when they allegedly violated the Code of Conduct is within the University's jurisdiction, including students who are currently on a leave of absence; who were on a leave of absence at the time of the alleged violation; and/or who are not currently enrolled at the University, or were not enrolled at the time of the alleged violation, but who have or had not formally withdrawn from the University.
3. The Code of Conduct shall apply to behavior that occurs on University premises; on University computer and internet networks and/or digital platforms (including social media platforms), and/or via computer hardware or software owned or operated by the University or used in University operations; and at University-sponsored events both on and off campus. The Code of Conduct may also apply to other off-campus behavior of students where the interests of the University may be implicated or involved.
4. Registered Student Organizations ("RSOs"), including Club Sports and Honor

Societies, are also required to comply with the Code of Conduct and are subject to the terms and conditions for alleged violations.

5. Students may be held responsible for the behavior of their guests when their guests are on campus and engage in behavior that allegedly violates the Code of Conduct.

Impact of Concurrent Criminal Proceedings

1. University proceedings may be instituted for conduct that potentially violates both criminal law and the Code of Conduct despite the absence of a criminal arrest, prosecution, or conviction.
2. University judicial proceedings may be carried out prior to, simultaneously with, and/or following any criminal proceedings.
3. Determinations made or sanctions imposed in accordance with the University's judicial process will not be subject to change solely because criminal charges arising out of the same facts were dismissed, reduced, or resolved in the student's favor as a criminal defendant.

Expectations for Community Care

The University regards the welfare and safety of the community as of the utmost importance, and all members of the community are encouraged to report conduct or activity which poses a danger to the community or any of its members.

The University encourages students and other members of the University community to assist when help is needed. A "help seeker" is defined as a person or persons who actively seek to help in an incident for fear or concern for someone's safety and welfare, including their own. An individual who experiences a medical emergency due to alcohol and/or drug use, experiences an incident of sexual misconduct, or witnesses such an emergency or incident of misconduct, and, acting in good faith, discloses this to University officials or law enforcement, will not be sanctioned by the University for violations of alcohol and/or drug use policies occurring at or near the time of the incident. The University may request that the individual attend an approved alcohol or drug education program, without assessing any charges for such a program.

Definitions

1. **Administrative Hearing Officer** is a member of Student Life who is trained to handle and resolve matters brought under the Code of Conduct that involve less serious violations, *i.e.*, those which will not result in the imposition of suspension or expulsion as a disciplinary sanction.
2. **Advisor** means a student, friend, faculty member, staff member, administrator, family member, or attorney selected by the student to be present to provide support at a judicial proceeding. Being an Advisor is a non-speaking role.
3. **Business Days** means days on which the administrative offices of the University

are officially open for business. Any timelines provided herein create no rights for any party and may be extended or changed by the University for good cause, in its sole discretion. In the event a deadline is extended or changed, notice of the reason for and expected duration of the delay will be provided.

4. **Investigator** means the person or persons selected by the University who is/are charged with gathering facts about alleged violations of the Code of Conduct.

5. **Judicial Hearing Board** is a group of faculty and administrators who serve as Student Conduct Officers, and who are trained to hear cases that involve more serious violations of the Code of Conduct.

6. **Jurisdiction** means the power, right, and authority to interpret, apply, and implement the terms of the Code of Conduct and other University policies and procedures.

7. **Moderator** means a trained faculty or staff member who is a non-voting participant and who presides over the Judicial Board Hearing.

8. **Not Responsible** means a determination has been made that there is not evidence sufficient to conclude that a Student Charged has committed the Proscribed Conduct alleged based upon the evidentiary standard and is not in violation of the Code of Conduct.

9. **Parties** means the reporting party and the Student Charged, collectively, that are participants in the student conduct process.

10. **Preponderance of the Evidence** is the evidence standard used to resolve a complaint alleging violation of the Code of Conduct. Under the preponderance of the evidence standard, the Student Charged will be found Responsible for the alleged violation if it is found that it is more likely than not (greater than 50%) that the allegation/claim is true.

11. **Proscribed Conduct** means any act or omission committed on or off Holy Family University's campuses that could violate the Code of Conduct.

12. **Relevant Evidence** means evidence that tends to prove or disprove the allegations in the complaint.

13. **Reporting Party** is any person or persons who have brought allegations against a student alleging a violation of the Code of Conduct.

14. **Responsible** means a determination has been made that the conduct of the Student Charged is in violation of the Code of Conduct.

15. **Student Charged** means any student against whom a complaint has been made alleging violation of the Code of Conduct.

16. **Student Conduct Administrator** means the University employee who manages the student student conduct process and who is responsible for administering the Code of Conduct.

17. **Student Conduct Officer** is a faculty or staff member who has been trained to

hear cases involving alleged violations of the Code of Conduct and who can serve on a Judicial Board Hearing.

18. **Sanction** means any disciplinary action that can be imposed for violations of the Code of Conduct.

Proscribed Conduct

Set forth below is a list of the types of misconduct prohibited by the University and its various policies, procedures, and regulations. This is not an exhaustive list. Proscribed conduct includes, but is not limited to, the following:

1. Violating any federal, state, or local law or any University policy, rule, or regulation.
2. Disruptive, intimidating, or threatening behavior.
3. Academic misconduct, as defined in the University's Academic Integrity Policy. Refer to the University Handbooks and Catalogs webpage to access the Academic Integrity Policy. The aforementioned webpage is linked below:

<https://www.holyfamily.edu/about/administrative-services/university-policies/university-handbooks-and-catalogs>

4. Physically abusing or threatening another person, or engaging in any other conduct that threatens or endangers the health or safety of another person or persons, including causing a reasonable fear of physical harm; subjecting another person to unwanted physical contact; shoving; spitting; hitting; grabbing or other involuntary restraint; or otherwise inflicting bodily harm or using physical force, including through use of an object, vehicle, or weapon.
5. Acts of discrimination, harassment, sexual misconduct, and related retaliation as defined in the University's Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Related Retaliation. Click the link below to access the policy:

<https://www.holyfamily.edu/current-students/title-ix/policy-prohibiting-harassment-and-nondiscrimination>

6. Using, possessing, selling, keeping, displaying, transporting, or distributing fireworks, explosives, air guns, firearms (including, but not limited to, rifles, shotguns, handguns, pellet or BB guns), dangerous knives, billy clubs, makeshift weapons, martial arts weapons, or any other lethal or dangerous items or devices capable of casting a projectile by air, gas, explosion, or mechanical means, or realistic facsimiles of same, on University property or in any building owned or operated by the University or in any vehicle on campus or at any University-sponsored function, or other conduct in violation the University's Weapons Policy. Refer to the Student Handbook to access the University's Weapons Policy.
7. Theft, attempted theft, or unauthorized possession or use of University property or services, or the property or services of others; destroying or damaging private, public, or University property; or possessing or disposing of stolen property.

Property includes data and information stored on electronic or computer media or passwords.

8. Substance abuse-related misconduct, as defined in the University's Alcohol and Other Drugs Policy. Refer to the University Handbooks and Catalogs webpage to access the Student Handbook. The aforementioned webpage is linked below:

<https://www.holyfamily.edu/about/administrative-services/university-policies/university-handbooks-and-catalogs>

9. Engaging in lewd, obscene, or indecent comments or behavior, including exposure of one's private body parts, such as through public sexual activity, public urination, public defecation, and/or "streaking," when such conduct does not otherwise fall under the Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Related Retaliation.
10. Harassment, when such conduct does not otherwise fall under the Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Related Retaliation, including, but not limited to, following another person in or about a public place or places; engaging in a course of conduct, or repeatedly committing acts, relative to another person which serve no legitimate purpose; contacting or communicating repeatedly with another person when it is known or reasonably should be known that the communication or contact is unwanted; and/or communicating with another person in an anonymous manner, at unreasonable hours, or in another manner for the purpose or reasonably foreseeable effect of causing annoyance or vexation.
11. Entering and/or using University premises, facilities, or property without authorization or during non-business hours; unauthorized use or possession of files, keys, records, equipment, parking permits, University ID, or other property belonging to the University or a member of the University community.
12. Misrepresenting identity or age, including impersonating another person in order to alter or access another person's phone voice mailbox, email accounts, websites, social media accounts, or other online presence without permission or creating accounts for someone without permission.
13. Hazing, as defined in the University's Anti-Hazing Policy. Refer to the Student Handbook to access the University's Anti-Hazing Policy. The Student Handbook is located on the University Handbooks and Catalogs webpage linked below:

<https://www.holyfamily.edu/about/administrative-services/university-policies/university-handbooks-and-catalogs>

14. Failing to comply with or complete sanctions imposed for earlier Code of Conduct violations; interfering with the University judicial process.
15. Failing to comply with the reasonable directions of University personnel who are acting in the performance of their duties. This includes failing to respond to a request for identification or providing false identification; failing to report to an

administrative office when instructed to do so; failing to comply with a no-contact agreement or directive; and failing to vacate University premises, or specific areas of the premises, upon request.

16. Making or disseminating a photograph or image, or an audio or video recording, including “streaming” audio or video (collectively, “recording”) of any person without that person’s consent and/or prior knowledge, as appropriate, under circumstances where a reasonable person would find the recording inappropriate and/or likely to cause injury or distress; if the recording was captured in a place that is considered private or under circumstances where the person(s) has/have a reasonable expectation of privacy, including in non-public conversations or meetings with University faculty members, staff members, or other officials when the circumstances reasonably indicate that the communication should be confined to those present; where the recording was otherwise made in violation of any law; or where the recording is of a classroom lecture or similar activity and the instructor has not given specific permission to record and the recorder does not have permission to record as a reasonable accommodation facilitated by Accessibility Services; otherwise violating the University’s Electronic Communication and Acceptable Use Policy. Refer to the Student Handbook to access the University’s Electronic Communication and Acceptable Use Policy. The Student Handbook is located on the University Handbooks and Catalogs webpage linked below:

<https://www.holyfamily.edu/about/administrative-services/university-policies/university-handbooks-and-catalogs>

17. Smoking, vaping, use of e-cigarettes, use of hookah or water pipe, or any other smoking method in unauthorized locations.
18. Willfully interfering with, attempting to interfere with, disrupting, or attempting to disrupt, the conduct of classes or other university activities, including, but not limited to, research, administration, or study, or otherwise causing or contributing to the disturbance of an environment conducive to learning and/or the ability to freely traverse University property, including by way of violations of the Advertising and Posting Policy. Refer to the Student Handbook to access the Advertising and Posting Policy.
19. Using fire to endanger or harm another person or to destroy property, misusing or damaging fire safety equipment, initiating a false report, failing to evacuate a building during an alarm, or other conduct inconsistent with the University’s Emergency/Fire Drill Policy. Refer to the Student Handbook to access the University’s Emergency/Fire Drill Policy. The Student Handbook is located on the University Handbooks and Catalogs webpage linked below:

<https://www.holyfamily.edu/about/administrative-services/university-policies/university-handbooks-and-catalogs>

20. Rights to sleep, study, Violating residence life policies such as, quiet hours, guest policy, etc. The Residence Life Policies and Procedures Manual contains all policies and procedures pertaining to our Residence Halls. The manual is located on the University Handbooks and catalogs webpage; linked below:

21. Violation of campus safety regulations including motor vehicle and fire drill regulations.
22. Retaliation, defined as taking adverse action toward a person who has, or is perceived to have had, made a report of Proscribed Conduct, or participated in an investigation, or another University, criminal, or other legal proceeding, because that person participated in the process or in order to deter a person from participating in the process, where such adverse action would be sufficient to deter a reasonable person from such participation.
23. Gambling for money or other things of value on University property or at University Sponsored Activities, except as permitted by both State and Federal law.
24. Knowingly presenting, creating, or possessing falsified or forged material, records, or documents; withholding or misrepresenting information in any transaction with the University or any communication with a University official.
25. Unauthorized use of the University's name, logo, or symbols.
26. Reckless driving; as defined in the University's Reckless Driving Policy, located in the Student Handbook. The Student Handbook is located on the University Handbooks and Catalogs webpage, linked below:

<https://www.holyfamily.edu/about/administrative-services/university-policies/university-handbooks-and-catalogs>

27. Demonstrations that violate policy as is defined in the Demonstrations Policy, located in the Student Handbook. The Student Handbook can be accessed by visiting the University Handbooks and Catalogs webpage, linked below:

<https://www.holyfamily.edu/about/administrative-services/university-policies/university-handbooks-and-catalogs>

28. Inappropriate use of Artificial Intelligence as outlined in the Artificial intelligence Policy located in the student Handbook. The Student Handbook can be accessed by visiting the University handbook and catalogs webpage, linked below:

<https://www.holyfamily.edu/about/administrative-services/university-policies/university-handbooks-and-catalogs>

University Judicial Process

Any member of the Holy Family community may file a complaint of alleged violation of the Code of Conduct against a University Student or Registered Student Organization ("RSO"), Club Sport, or Honor Society. The filing of a complaint initiates the student

conduct process. The University has set up specific guidelines to follow when alleged violations of the University's Code of Conduct have occurred and a complaint has been filed. Complaints/Reports can also be filed through the Office of the Dean of Students.

The University encourages reporting individuals to submit a report within one week, or as soon as practicable after the alleged incident occurred. The University encourages prompt reporting because delays may limit the University's ability to investigate and respond to alleged Proscribed Conduct. However, the University will review all reports.

The decision to initiate the student conduct process in response to any report or complaint of alleged Proscribed Conduct shall be determined by the Office of the Dean of Students, Student Conduct Administrator, or Director of Residence Life (for incidents involving resident students), or their designees, based on the facts and circumstances presented.

If it is determined that the allegations, if true, would constitute a violation of the Code of Conduct, the Dean of Students, Student Conduct Administrator, or Director of Residence Life (or their designee) will determine whether the matter will be moved forward for resolution as either (1) an Administrative Hearing or (2) a Judicial Board Hearing.

If an RSO, Club Sport, or Honor Society, or an Advisor or Executive Board member(s)/student(s) serving in a leadership capacity, is/are alleged to have violated the Code of Conduct, the Director of Campus Life will be notified, and the matter will be addressed through the Judicial Process.

Overall Philosophy

The University's core values are emphasized throughout the judicial process. Holy Family University looks upon these meetings and hearings as an opportunity for personal growth and development.

The judicial process is not a criminal or civil legal proceeding, but rather, is a process to determine whether violations of the Code of Conduct have occurred. Therefore, civil or criminal legal procedures and formal rules of evidence do not apply.

For good cause, the University may make modifications to the procedures provided for herein, permitted those modifications do not materially jeopardize the fairness owed.

Students' Rights and Responsibilities

For student conduct matters assigned to the **Administrative Hearing Process**, students will be provided with written notification that they have been charged with violating the Code of Conduct. Students will meet with an assigned Administrative Hearing Officer before a final resolution is determined, and may also request to do so.

Throughout this document, all references to written notification include delivery to a person's local, permanent, and/or email address. Students are responsible for checking any/all email addresses listed on their Holy Family accounts. Students are responsible

for providing the University with current and updated addresses, email addresses, and phone numbers.

Student conduct matters assigned to the **Judicial Board Hearing Process** have the following rights and responsibilities:

1. The right to written notification (via Holy Family email) after an incident report has been filed and/or the decision has been made to proceed through the judicial process, whichever is later. The written notice will include the following:
 - a. An explanation of the conduct that is the basis for the alleged violation of the Code of Conduct.
 - b. Identification of the policy(ies) and/or provision(s) of the Code of Conduct that have allegedly been violated.
 - c. Notification that the Student Charged is entitled to a fair and impartial hearing, where they can (1) hear, explain, and defend the charges against them; (2) answer questions and present evidence and witnesses; and (3) prior submission of reasonable questions of witnesses.
 - d. Notification that the Student Charged has the right to review and inspect the incident report and/or complaint, as applicable, and any documentary or physical evidence at least three (3) business days prior to the scheduled hearing.
 - e. Notification that the Parties will be given advance written notice of the date, time and location of the hearing.
 - f. The right to bring an Advisor, who may be an attorney, to be present at the hearing in a non-speaking role.
2. For Judicial Board Hearings, the Student Charged may elect to waive their right to attend the hearing by emailing the Moderator that they waive their right to attend. Non-attendance does not mean the Student Charged will automatically be found responsible for violating the Code of Conduct. However, non-attendance – whether with notice to the Moderator or through another non-emergency failure to attend – will not preclude the hearing from going forward and reaching a final decision.
 - a. By not attending, the Student Charged waives their right to present evidence at the hearing. Further, by not attending, the Student Charged may be found responsible for the alleged conduct *in absentia* (with the Student Charged not being present). The Student Charged is responsible for completing any sanction imposed at the hearing even if they do not attend.
3. If a Student Charged fails to attend a Judicial Board Hearing due to an emergency, it is the student's responsibility to contact the Moderator no more than 24 hours after a scheduled hearing.
4. The Moderator will review the class schedules of all parties and will schedule a

mutually convenient date and time for the hearing. Delays will not normally be allowed due to scheduling conflicts with Advisors.

5. A Student Charged whose case is assigned to a Judicial Board Hearing will be given written notice of the names of the Student Conduct Officers that comprise the Hearing Board within 1 week prior to the hearing. The parties can object to the participation of any of the Student Conduct Officers by notifying the Moderator via email within 72 hours prior to the hearing with a written explanation of the basis for their objection. Objections are only permitted in instances of an actual conflict of interest or bias. The Moderator shall review the evidence provided in support of the objection and make a final decision.
 - a. If the Moderator accepts the objection, another Student Conduct Administrator shall be selected as a replacement to serve on the Judicial Board Hearing.
6. Postponements or changes of scheduled hearings will only be considered in case of an emergency. The Moderator has discretion on whether to grant or deny a request for postponement.
7. Reasonably sufficient time between the submission of the incident report and/or complaint and the date of the hearing will be provided to allow the Student Charged to prepare for the hearing. The University will make reasonable efforts to ensure this timeframe shall not extend beyond ten (10) business days.
8. The Student Charged shall be provided with written notice of the decision, which will include a reasonably detailed explanation of the facts and circumstances relied upon in reaching the decision.

Students with disabilities are entitled to reasonable accommodations that would enable them to participate in all processes provided for under this Code of Conduct. Please promptly notify the Administrative Hearing Officer or Moderator, as applicable, if you require such accommodations; they may consult with Accessibility Services, as appropriate, in responding to such requests. Students Charged should not assume that it is known to anyone involved in the judicial process that they are a student with a disability, even if registered to receive accommodations via Accessibility Services or another University academic or administrative unit such as Human Resources.

The University reserves the right to take, in addition to the disciplinary process provided for hereunder, and in response to allegations of Proscribed Conduct, action connected to other University affiliations of the Student Charged, including but not limited to student organization membership or athletic participation, and/or University appointment or employment. A student's visa status may also be subject to applicable processes or standards in addition to this Code of Conduct.

Administrative Hearings

An Administrative Hearing may occur when it has been determined that an alleged violation of the Code of Conduct is less severe and does not require a Judicial Board Hearing. The University reserves the right to utilize the Administrative Hearing Process

in resolving any student conduct matter as appropriate.

An Administrative Hearing Officer is a trained member of the University and will be assigned to meet with students regarding incidents of alleged Proscribed Conduct.

Once an incident report and/or complaint is submitted, the Student Charged will receive written notice of the nature of the charges and the alleged violations of the Code of Conduct.

The Administrative Hearing Officer will conduct any necessary investigation into the Proscribed Conduct alleged.

The Administrative Hearing Officer may contact the Student Charged to schedule a meeting at a mutually convenient time to informally discuss the complaint.

The Administrative Hearing Officer will determine whether the Student Charged is responsible for violating the Code of Conduct and what sanctions, if any, will be imposed.

The Student Charged may file an appeal if they disagree with the decision, and/or if they disagree with the sanction(s) imposed.

Judicial Board Hearings

Preliminary Investigation/Information Gathering

The University has the discretion to determine the extent of any investigation or information gathering that is necessary prior to commencement of a hearing.

Information gathering and/or investigation may be conducted by authorized administrative authorities, including, but not limited to, Student Life staff, Public Safety staff, or other University officials, including the assigned Moderator. Information gathering or investigation shall not be conducted by Student Conduct Officers selected to serve on a Judicial Hearing Board in a particular case.

The investigation shall be completed within a reasonable time frame so that the hearing will not be unreasonably delayed.

All parties shall be notified of any witnesses and documentary or physical evidence, at least three (3) business days prior to the hearing.

Participants in the Judicial Hearing Board Process

Student Conduct Officers

The Judicial Hearing Board ("JHB") is a group of faculty and administrators who serve as Student Conduct Officers. The JHB panel consists of three (3) Student Conduct Officers, one of whom will serve as the Chairperson. Student Conduct Officers are trained to hear cases that involve more serious violations of the Code of Conduct. Student Conduct Officers shall disqualify themselves from serving on a Judicial Hearing Board panel if they believe in good faith that they cannot be objective in the matter.

Students will be provided with the names of the Student Conduct Officers that will serve on the JHB at least one (1) week or as soon as reasonably practicable before a hearing. Students may object to any Student Conduct Officer serving for cause in writing at least three (3) business days before a hearing. As noted, objections to a Student Conduct Officer are only permitted in instances of an actual conflict of interest or bias. The Moderator shall rule on all objections to Student Conduct Officers serving and replace any who the Moderator determines should be disqualified.

Moderator

The Moderator is a non-voting member of the JHB. The Moderator shall advise the Judicial Board Hearing on appropriate matters, such as the type of information that may help in determining if the Code of Conduct was violated, and prior sanctions imposed in cases relating to similar conduct. The Moderator shall facilitate the appropriate paperwork and record-keeping, as well as reserve the appropriate space for the hearing. The Moderator will be present at the Judicial Board Hearing to make sure that the procedural guidelines are followed.

The Moderator has sole discretion on any requests to postpone a hearing date made by any parties to the proceeding.

Advisors

As noted, a student may select an Advisor to advise them at any judicial proceeding. An Advisor can be another student, a friend, a faculty member, staff member, administrator, family member, or an attorney. An Advisor is present to provide support for a student and serves in a non-speaking role. Should an Advisor not adhere to their standards for that role, the Moderator will request that the Advisor comply with the limitations and provide a warning. If noncompliance persists, the Advisor will be required to remove themselves from the hearing.

Evidence

Any party can choose to bring witnesses that can provide information that is relevant to the hearing, provided that the names of the witnesses were submitted in writing to the Moderator within three (3) business days prior to the hearing, and the Moderator has given permission for their participation. The Moderator may request additional information from the suggesting party before making a determination about participation. The Moderator shall make sure that all parties have advance notice of any witnesses that will speak at the hearing. The JHB may also identify witnesses to participate in any hearing. Any witnesses present at a hearing will be present in the hearing room only when they are called upon, and will not otherwise be present. Witnesses who were not interviewed as part of the investigation / information gathering phase are unlikely to be permitted absent good cause for their prior non-participation.

As noted, each party will have the opportunity to make statements, identify witnesses, and present evidence, including documentary evidence (such as photographs, messages, etc.), during the investigation / information gathering phase. Any party can choose to present documentary evidence at the hearing. Evidence that was not presented as part of the investigation / information gathering phase is unlikely to be permitted absent good cause for its having not previously been submitted, but may be

permitted in the discretion of the Moderator, provided that the evidence is made available for review by all parties prior to the hearing. The party seeking to present documentary evidence shall provide the Moderator with their evidence. The Moderator shall notify the parties and make any arrangements for the parties to review the evidence prior to the hearing.

Judicial Board Hearing Procedures

1. All parties will be given an opportunity to present a statement at the beginning of the Judicial Board Hearing regarding the facts and circumstances about the incident that is the subject of the hearing.
2. The reporting party, if present, and the Student(s) Charged, will present their evidence, including calling witnesses and presenting any additional evidence. The Judicial Hearing Board, the Student(s) Charged, and the reporting party will each have the opportunity to submit questions of any parties or witnesses prior to the hearing date.
3. The Moderator has sole discretion over any procedural matters during the hearing, including admission of any evidence or witness, permission or refusal to allow certain questions to be asked based on whether they are or are not relevant and/or appropriate, and continued participation of a party, witness, or Advisor whose conduct is inconsistent with the University's expectations for decorum.
4. All parties will have an opportunity to make final statements.

Determination of Responsibility

After the hearing is completed, all parties will be dismissed, and the Judicial Hearing Board will deliberate in closed session to determine whether the student charged is responsible or not responsible for violating the Code of Conduct.

The Judicial Hearing Board determines as to each Student Charged, and to each violation alleged, whether the Student Charged is responsible for violating the Code of Conduct. This determination shall be based upon the facts found pertaining to the conduct alleged, and any credibility assessments, and whether it is more likely than not that the student is responsible for the alleged violation(s).

In matters involving allegations of Proscribed Conduct against a RSO, Club Sport, or Honor Society, other factors for consideration in determining responsibility may include, but are not limited to, the following: whether the violation arose from an organization-sponsored, -organized, -financed, or -endorsed program, activity, or event; the organization, through the actions or omissions of (a) group leader(s) or otherwise, encouraged, directed, requested, assisted, or otherwise promoted the alleged Proscribed Conduct; (a) group leader(s) had knowledge that the Proscribed Conduct was likely to occur and failed to take preventative action, and/or was aware that the Proscribed Conduct had occurred and failed to take corrective action; and/or the organization's members, leaders, and/or advisors interfered or attempted to interfere with an investigation or adjudication of alleged Proscribed Conduct.

As noted, the standard of proof that the Judicial Hearing Board will use in deciding the matter is preponderance of the evidence.

The Judicial Hearing Board also assigns sanctions, as described further below (“Sanctions for University Policy/Code of Conduct Violations”).

Decisions made by the Judicial Hearing Board are final pending the appeal process outlined below. Written notification of the decision and the basis for the decision will be submitted within 5 business days or as soon as reasonably practicable following the conclusion of the hearing, as described further below (“Notification of Hearing Outcome”).

Only the Student Charged has the right to appeal. The reporting party does not have the right to appeal.

Acceptance of Responsibility

At any time prior to the rendering of a finding as to responsibility, the Student Charged may indicate that they do not wish to contest the disciplinary case against them and accept responsibility for all or part of the Proscribed Conduct alleged. In the event that a Student Charged accepts responsibility, notification of the outcome and sanctions imposed will be provided in writing. In the event that the Student Charged accepts responsibility for only part of the Proscribed Conduct alleged, the remaining allegations will proceed to a hearing, and sanctions for all the Proscribed Conduct at issue will be assigned at the conclusion of the matter in its entirety. Such outcomes may be appealed as to the severity of the sanction imposed only and are otherwise final.

Sanctions for University Policy/Code of Conduct Violations

If a student is found responsible for violating the Code of Conduct, a sanction (or sanctions) shall be imposed. The following may be considered in determining sanctions: motivation, honesty, maturity, cooperation, present attitude, past record, the severity of violation, severity of the damage caused, injury, harm, disruption, the potential for such willingness to make amends, and compliance with previous sanctions, as well as any other relevant factor. A student’s cumulative judicial file, including record of past Code of Conduct violations, will be considered in sanctioning.

The University encourages opportunities for Administrative Hearing Officers or Judicial Hearing Boards to assign sanctions that may be tailored to a student’s situation or needs. As a result, the following list is not comprehensive and contains only some recommended sanctions:

- Warning: Written or verbal notice given that is kept on file
- Program Attendance or Facilitation: Expectation to attend or facilitate an educational program(s)
- Writing Assignment: Requirement to complete a relevant research and/or reflection paper
- Requirement to complete and or participate in work assignments, community

service, University services or programs, or other related discretionary assignments.

- **Loss of Privileges:** Denial of specific privileges for a specified timeframe (e.g., guest, computer, housing selection, visitation, dining services, University representation, co-curricular activities, athletic participation, work study position, leadership role)
- **Restitution:** Requirement to make payment to the University, other persons, groups, or organizations for damage where the charges involve theft and/or destruction of property.
- **Administrative Relocation in University Housing:** Requirement to be placed in an assigned or relocated space in University Housing.
- **Disciplinary Probation:** A period of fixed duration, during which the status of a student at the University may be evaluated. This includes the possibility of more severe sanctions if the student is found responsible for violating University policy during the probationary period.
- **Removal from University Residence:** Separation from the residence halls for a defined period. The student may be prohibited from participating in the University dining program. The student will be barred from entering all residences within the University residential community during the time of removal from campus housing.
- **Suspension:** Separation from the University for a specified period. The student shall not participate in any University-sponsored activity and may be banned from the University premises. The University will not accept any credits earned from another institution during this period towards a University degree. In case of residence hall groups, this sanction may include the disbanding of a living unit, and in the case of an RSO, Club Sport, or Honor Society, this may include the removal of recognition. Reinstatements shall require the approval of the Vice President for Student Life, or other Senior-level Administrator, as designated.
- **Expulsion:** Permanent separation from the University and University facilities.
- **Revocation of Admission and/or Degree:** Admission to or a degree awarded from the university may be revoked at any time for fraud, misrepresentation, or another violation of the Code of Conduct in obtaining the degree, or for other serious violations committed prior to graduation or admission.
- **Withholding Degree:** University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Judicial Process, including the completion of all sanctions imposed, if any.

Failure to abide by or complete any sanction shall be considered an additional violation of the Code of Conduct. Incomplete sanctions may result in a hold placed on the student's account, preventing registration or receipt of a transcript.

Notification of Hearing Outcome

Written notification of the decision and the basis for the decision will be submitted within 5 business days or as soon as reasonably practicable after a hearing.

Application of Interim Suspension or Conditional Attendance

In certain circumstances, the University may, through its Dean of Students, or designee, impose a suspension prior to a review of misconduct within the University's judicial system. An interim suspension (immediate separation from the University) may be imposed for the following reasons:

1. To ensure the safety and well-being of members of the University community or preservation of University property;
2. The student has been arrested for and/or charged with a serious violation of state or federal law; and/or
3. If the student poses an unreasonable threat of disruption of or interference with the normal operations of the University.

As an option, a student may be given guidelines for conditional attendance (e.g., housing/ class relocation) by the Dean of Students or designee. During this time, a student may be denied access to the residence halls and/or to the campus, including classes, and/or other University activities or privileges for which the student might otherwise be eligible. There is no appeal for this status, but the University shall make reasonable efforts to conduct the judicial process without undue delay. The student shall remain on Interim Suspension/Conditional Attendance until the hearing and/or an appeal determines their status, and may also request re-assessment sooner in the event of a material change in circumstances. In addition, at any time after filing a complaint, the Dean of Students or designee may place a registration hold on the record of any student pending the outcome of proceedings or enforcement of sanctions. A registration hold may also prevent registration of classes, the release of transcripts, and the award of a degree.

University Withdrawal Prior to Judicial Hearing Process

If a student voluntarily withdraws from the University while involved in the judicial process, a registration hold shall be placed on the student's account. The student cannot re-enroll until (1) after the Judicial Process has been concluded and/or (2) the student has completed the sanction, if any, that was imposed, including sanctions imposed in their absence.

Appeals Process

Students who wish to appeal are granted the opportunity through the appeals process. All appeal requests shall be directed in writing to the Dean of Students, or their designee, within five (5) business days of written notification of the action taken by the

Administrative Hearing Officer or the Judicial Board Hearing panel. The appeal should be delivered to the Dean of students via email at dos@holyfamily.edu. In the appeal letter, a student must clearly demonstrate that one or more of the following has occurred to be considered for an appeal.

1. Material failure to follow procedures of the Judicial Process that has affected the outcome.
2. Additional information sufficient to alter a decision that was not reasonably available at the time of the original hearing is now available. Such evidence should be appended to the appeal.
3. Sanction(s) was/were not consistent for the violation(s) of a University Policy.

Appeals submitted for other reasons or past the allotted time will not be considered. The appeal is not an opportunity for a re-investigation or re-hearing.

For appeals of Administrative Hearing matters, the Dean of Students will review and decide the matter. For appeals of Judicial Board Hearing matters, an Appellate Board will review and decide the matter. The Appellate Board consists of three (3) trained members, to include the Dean of Students, or their designee, and two (2) Appellate Board members, none of whom may have served as a previous decision-maker as to responsibility or sanctioning. The Appellate Board will determine if the appeal meets one of the required criteria for consideration of an appeal. The Appellate Board will review the written record, as well as any recordings or transcripts, and shall decide within five (5) business days or as soon as reasonably practicable.

The Appellate Board may replace the sanction with another which may be more severe, less severe, or otherwise different, may remand the case for consideration, and/or may direct the case for a new hearing. The Appellate Board may find no merit to the appeal, and the decision of the original hearing will stand. While an appeal is pending, sanctions are not in effect unless an interim suspension/conditional attendance has been imposed on the student.

Records Retention

All records regarding Code of Conduct hearings are kept for seven (7) years and are subject to FERPA,.

Holy Family University reserves the right to change, without notice, any statement in this publication concerning, but not limited to rules, codes of conduct, processes and procedures, policies, tuition, and/or fees. Final decisions regarding which policy and procedures will apply in any specific case are made by the University in its discretion and in accordance with applicable law and/or regulation.