

Student Conduct Code, Statement of the Conduct Code, Disciplinary Sanctions and Conduct Hearing Procedures

Preamble: Any question or application of the Nazareth College Student Conduct Code shall be referred to the Vice President for Student Development, or his/her designee for final determination.

I. Student Conduct

The College views its students as adults and assumes they will act with requisite maturity and responsibility.

A. The college prohibits any conduct on college property which is not in conformity with federal law, New York state law, or local ordinances and regulations. In general, any conduct which infringes upon the rights of others or, which adversely affects the academic or administrative activities of the College is prohibited. It should also be noted that, in addition to being subject to any internal action that the College may initiate, any alleged violator shall also be subject to the same procedures and consequences before law as if the alleged conduct had occurred off college property. The College reserves the right to proceed in response to actions committed other than on college property, including during study abroad programs, provided that the conduct relates to the security of the persons and property of the College, of the College community, the integrity of the educational process, the good name of the College, demonstrates disregard for the rights of others, or the discipline or general welfare of the College. It is not intended that the actions described below constitute a complete enumeration of all conduct which may be subject to disciplinary procedures. The Student Conduct Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. When a student is expelled or suspended, in connection with the courses in which he/she is enrolled, "W" grades will be given.

Ignorance of these standards will not be considered a valid excuse or defense. Students may be disciplined for any conduct that includes, but is not limited to the following acts of misconduct:

1. Conduct which is prohibited by any federal, state, local law, ordinance and/or regulation.
2. Academic dishonesty, including cheating, plagiarism and/or the aiding and abetting of a dishonest act. The Vice President for Student Development will make a referral to the appropriate academic department or the Vice President for Academic Affairs for adjudication.
3. Knowingly furnish false information to the College; unauthorized alteration and/or use of college or student documents, records and instruments of identification such as a student identification card or a key/access card to campus buildings.
4. Knowingly giving false testimony as a complainant, witness or accused person in any proceeding conducted under the student conduct procedures of the College as described in Section IV of this code.

5. Any action which endangers a student, the College community or interferes with or disrupts the academic process.
6. Unauthorized taking or possession of college property or services, or the property or services belonging to others.
7. Unauthorized use of college property or the College name.
8. Actions which obstruct, disrupt or physically interfere with the use of the College premises, buildings, rooms or passages, or refusal to vacate a building, roadway, sidewalk or other facility of the College when directed to do so by an authorized official of the College.
9. Use of, or threatened use of, physical force or violence; endangering the health or safety of any person; acting with violence, or aiding, abetting, encouraging or participating in a riot, commotion, disturbance or other disorderly conduct.
10. Failure to comply with direction of the College officials and authorized agents acting in performance of their duties.
11. Engaging in abusive, disrespectful or harassing behavior during an investigation by College officials.
12. Misuse of fire control or alarm equipment or initiation of a report, alarm, or warning of an impending bombing, fire or other crime, emergency, or catastrophe, knowing that such report, alarm or warning is false.
13. Possession, storage or use of a firearm, deadly weapon, dangerous or potentially dangerous instruments, or ammunition on college property.
14. Possession, storage or use of illegal fireworks, incendiary devices, explosives, candles, halogen lamps or other dangerous articles or substances.
15. Possession, use, distribution (including the giving away) or being in the presence of illegal drugs and/or paraphernalia. Use and/or being in the presence of illegal drugs may be inferred by the presence of substance odor.
16. Damage to or destruction of college property or property on college premises that belongs to others.
17. Physical or verbal abuse or harassment of any person on college premises, or any person affiliated with the College, at any location (including messages or materials transmitted electronically), or at events sponsored and supervised by the College or in which a college-sponsored organization is participating, including a violation of the harassment and discrimination policies of the College. (See 18 below and page 23)
18. Sexual Misconduct. This includes all forms of sexual misconduct, including sexual harassment, sexual exploitation, and any form of unwanted sexual contact.

- Sexual Harassment is verbal or physical conduct of a sexual nature when:
 - A. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic status, or
 - B. submission to or rejection of such conduct is used as the basis for employment or academic decisions, or
 - C. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic experience or performance, or living environment, or
 - D. such conduct is sufficiently severe or pervasive that it creates an intimidating, hostile, or offensive working, educational or living environment.

- Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostitution, non-consensual video or audio-taping of sexual or other private activity, exceeding the boundaries of consent (e.g. permitting others to hide in a closet and observe consensual sexual activity, videotaping of a person using a bathroom, posting on the Internet a sexually explicit photograph of a former partner), engaging in voyeurism, or engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of such infection.

- "Unwanted sexual contact" means any sexual contact (including sexual touching, disrobing, exposure, and sexual intercourse, however slight, with any object, by a man or woman upon a man or woman) against a person's wishes or without consent, including those instances in which the individual is unable to give consent because of unconsciousness, being asleep, impairment, or intoxication due to alcohol or drugs. Date or acquaintance rape is a serious form of sexual misconduct. Individuals found responsible for serious sexual misconduct violations, including conduct which would rise to the level of criminal sexual assault and rape, should expect to be separated from the College.

- Consent is defined as an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. The lack of a negative response is not consent. An individual who is intoxicated or incapacitated by drug and/or alcohol both voluntarily or involuntary, unconscious, asleep, or impaired may not give consent. Past consent of sexual activity does not imply future consent. Consent is not effective if it results from the use of threats, intimidation or coercion. Consent requires all of the following conditions:
 - i. All parties are fully conscious;
 - ii. All parties are equally free to act; and
 - iii. All parties have positively and clearly communicated their intent.

- Simultaneous violations: Sometimes sexual misconduct occurs when alcohol or other drugs are involved. If the victim of a sexual assault is under the legal drinking age or under the influence of another drug, s/he should not be concerned that if s/he comes forward that s/he will be “in trouble” for the violation. With few exceptions, simultaneous less serious violations by a victim will not be a focus of student conduct proceedings.

19. Any action or the causing of a situation which endangers the mental or physical health of any person, or has as its object the intimidation or coercion of any person, including the forced consumption of any substance for the purpose of initiation into or affiliation with any organization.

20. Violation of the Nazareth College Alcohol Policy as stated in this handbook.

21. Violation of the Hazing Policy as stated in this handbook.

22. Violation of residence hall rules, by residents or visitors, as set forth by the Office of Residential Life, the Residence Hall contracts and Guidelines for Community Living.

23. Violation of the parking and traffic rules and the fire safety rules set forth by the Campus Safety Department.

24. Violation of electronic communications expectations. All faculty, staff and students are provided a Nazareth College email account (@naz.edu), which is one of the College's official methods of communicating important and time-sensitive information. All are expected to check the mail sent to this account on a frequent and consistent basis, and to respond to official communications from the Nazareth College community in a timely manner. All are responsible for monitoring this account and for consequences of missing important and time-sensitive messages.

25. Failure to present a student identification card, or presentation of false identification, upon request by a college official or agent.

26. Violation of the Stalking Policy as stated in this handbook. Stalking occurs when a person engages in a course of conduct directed at a specific individual that is likely to cause such individual to have a reasonable fear of harm to his or her physical or emotional health, safety, or property. Under the College's policies, such conduct may include, but is not limited to: repeatedly engaging in contact or communication (including, but not limited to, face-to-face communication, telephone calls or messages, electronic mail, written letters, unwanted gifts or threatening or obscene gestures); surveillance, following; trespassing or vandalism.

27. Retaliation. Retaliation against a person(s) for filing a complaint, cooperating with investigators and/or College officials, for supporting a party to the complaint, or against witnesses for providing testimony during an investigation, hearing, etc. Retaliation is any action taken in consequence or retribution for making a complaint or participating in a complaint and will not be tolerated.

28. Violation of the rules and regulations governing recognized student organizations as stated by the Director of Student Activities and/or the Undergraduate Association of the College.

29. Obstruction of the Nazareth College Student Conduct Process. Abuse of the Nazareth Student Conduct Process including, but not limited to:

- a. Failure to obey a request or summons to appear before a student conduct body or College official;
- b. Falsification, distortion or misrepresentation of information or charges before a student conduct body, officer, or College official;
- c. Disruption or interferences with the orderly conduct of a student conduct proceeding, including attempting to discourage an individual's proper participation in or use of the student conduct process;
- d. Attempting to influence the impartiality of a member of a student conduct body prior to and/or during the course of a student conduct proceeding; and
- e. Failure to comply with the sanction imposed by a student conduct body, officer, or College official. Students facing this specific charge (i.e., failure to complete or to adhere successfully to a sanction imposed by the College's disciplinary process) do not have the right to a hearing or an appeal.

30. Driving on College property while under the influence of alcohol or drugs is a violation of the Student Conduct Code and may result in referral to a law enforcement agency for further investigation and disposition.

B. The scope of discipline sanction which may be imposed on students is as follows; oral admonition, administrative warning, community restoration, loss of campus privileges, fine, restitution, withholding degree, revocation of admission and/or degree, residence hall probation, loss of housing contract, disciplinary probation, disciplinary probation with deferred removal from housing, deferred suspension, sexual assault sanctions, suspension and expulsion. Conditions may apply to sanctions. In addition, academic misconduct may be punishable by an academic sanction. The College reserves the right, depending on the severity of the conduct, to impose a more serious sanction regardless of the number of offenses.

C. The process for imposing disciplinary actions shall be designed to accord students substantive and procedural fairness as outlined in the Student Conduct Code. The College Student Conduct procedures are described in Section III of this code. Students will be presumed innocent until proven otherwise by a preponderance of the evidence.

II. Disciplinary Warnings

The following disciplinary warnings may be imposed upon students and/or organizations by Nazareth academic or administrative officials, such warnings are not subject to appeal.

1. **Admonition:** An oral statement to a student informing him/her that s/he has violated or is violating College policies, rules, or regulations.
2. **Warning:** Written notice to a student that continued or further violations of any College policy, rule, or regulation within a specified period of time may result in more severe disciplinary action.

III. Disciplinary Sanctions and Conditions

The designated Student Conduct Hearing Officer, or the College Student Conduct Hearing Board has the authority to impose, but is not limited to, one or more of the sanctions or conditions listed below. In the exercise of its authority to impose sanctions, the Student Conduct Hearing Officer and the College Student Conduct Hearing Board do not guarantee that one form of sanction will necessarily be issued before another. When determining the appropriate sanction, the disciplinary authority will consider previous action or sanctions taken for similar offenses, the severity of the offense, any prior offenses committed by the student (even if not sanctioned) and the presence, if any, of factors in mitigation or aggravation. These actions are final, subject only to the student's right of appeal to the Vice President for Student Development.

A. Expulsion: The student's status in the College is terminated, and the student is declared ineligible to reapply for admission. In the event of an expulsion, no tuition refund will be granted to the student.

B. Suspension: The student's status in the College is terminated, and the student is not permitted to register at Nazareth College for a designated period of time. At the end of the suspension period, the student may reapply for admission through the regular channels. Any specific requirements identified at the time of suspension will need to be fulfilled before readmission will be reconsidered. In the event of a suspension, no tuition refund will be granted to the student.

Note: Suspension or expulsion from the College will most likely occur when a student or organization has been found responsible for one or more, but not limited to, the following behaviors:

1. Permitting or engaging in hazing
2. Setting fires or intentionally causing a false fire alarm
3. Possession of or threats involving weapons or explosives
4. Possession or sale of illegal drugs
5. Physical abuse, violence, serious forms of sexual misconduct or threats directed toward anyone in the College community
6. Serious forms of computer misconduct
7. Repeated violations of the Nazareth College Student Conduct Code

C. Deferred suspension from Nazareth College: The student is expected to refrain from all further campus violations for a designated period of time. Further violations of college policy or the student code of conduct may result in the student's status in the College being terminated. The College may impose conditions during the deferral period.

D. Disciplinary probation: The student is expected to refrain from all further campus violations for a designated period of time. The student may also incur loss of privileges such as college employment, continued holding of or eligibility for any elected office, use of specified campus facilities and membership on athletic teams, as well as recognized clubs or organizations. Further violations may result in suspension or expulsion from Nazareth College.

E. Disciplinary probation with deferred removal from the residence halls: The student is expected to refrain from all further campus violations for a designated period of time. Further violations of college policy or the student code of conduct may result in immediate removal from on-campus housing.

F. Loss of housing contract: The housing contract, which provides for resident student room and board privileges, is revoked for a specified period of time. Renewal is at the discretion of the Office of Residential Life.

G. Residence hall probation: The student is expected to refrain from all further violations of the residence hall rules for a specific period of time. Further violations may result in loss of housing contract and/or other sanctions.

H. Restitution: The student is required to reimburse the College and/or individual parties for replacement or repair of damaged property. Notification of the amount due and the expected date of payment will be given in writing. Failure to make timely restitution may result in further disciplinary action.

I. Fine: The student is penalized by the imposition of a fine, which is payable within a specified period of time. The fine shall not exceed \$200.00. Failure to comply may result in further disciplinary action.

J. Community restoration: The student is required to perform a certain service to the College or community. The nature and amount of such service will be described in the notice of disciplinary action. Failure to complete the service assignment satisfactorily may result in further disciplinary action.

K. Loss of campus privileges: The student is required to forfeit certain privileges, such as visitation, having a car on campus, and attendance at college-sponsored activities for a specific period of time.

L. Withholding degree: The College may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Conduct Code, including the completion of all sanctions imposed, if any.

M. Revocation of admission and/or degree: Admission to, or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for serious violations committed by a student prior to graduation.

Aggravated Violations

If an accused student(s) is found responsible for violations of any College policy that is directed toward an individual or group due to race, ethnicity, ancestry, national origin, religion, gender, sexual orientation, gender identity or expression, age, physical or mental disabilities, including learning disabilities, mental retardation, and past/present history of mental disorder the designated Student Conduct Officer or Student Conduct Hearing Board may enhance sanctions.

Disciplinary Conditions

The following disciplinary conditions may be imposed on students and/or organizations:

1. Discretionary actions: Work assignments, community service, and other related conditions including, but not limited to:
 - a. Letter of apology
 - b. Essay or research paper on assigned topic
 - c. Participation in an educational group or class
 - d. Program presentations
 - e. Mandated counseling sessions
 - f. Substance abuse education and/or evaluation.
2. Bar against registration: This sanction may apply to a student who fails to pay a debt owed to the College, fails to comply with or submit to disciplinary procedures or in other appropriate circumstances. It may be applied in situations where there is a need to resolve a pending disciplinary charge, even in the case of an individual who is currently not a student.
3. Withholding records: Students who fail to pay a debt owed to the College may have transcripts, degrees and other records withheld until the debt is paid. Grade reports will not be withheld.
4. Organizational restriction: A student group or organization loses certain or all privileges, including College recognition, for a period of time or permanently.

Student Conduct Sanctions for Alcohol and Drug Policy Offenses

Students who violate the alcohol or drug policies will be referred for adjudication to a designated student conduct hearing officer. Sanctions may vary depending on the severity and number of infractions of the Student Conduct Code, offender's prior discipline history and may include any or a combination of the following:

- A fine (kegs result in larger fines)
- Probation
- Deferred removal from residence halls
- Parental or guardian notification by student (when deferred removal is imposed)
- Alcohol and/or substance abuse education
- Substance abuse referral
- Suspension or expulsion from the College
- Referral to appropriate law enforcement agency for investigation and disposition

Interim Suspensions or Conditions.

The College, through the Vice President for Student Development (or designee), reserves the right to impose interim suspensions or conditions, pending student conduct hearings for serious cases that ensure the safety, welfare and orderly processes of the Nazareth community until such time as allegations are decided through the student conduct process. A student receiving an interim suspension or condition will receive written notice of the suspension and/or conditions as well as notice this action is pending a hearing on potential charges being served upon the student(s) or organization. The interim sanctions will endure through the hearing process, and appeal if appropriate. The accused student will be notified of these conditions either directly or through the use of electronic or mail.

IV. Student Conduct Procedures

The student conduct system described in this handbook is based on the following premises: The aim of student conduct is not just to punish offenders or deter potential violators, but to promote the welfare of students who participate in the process; the College Student Conduct Hearing is not a trial but rather a hearing, with all its attendant connotations; designated Student Conduct Officers; and when applicable; faculty, staff, and students may be participating members of hearing boards; the hearings conform to the guidelines for hearings described below.

The designated Student Conduct Officer or Chair, appointed by the Vice President for Student Development, is responsible for ensuring the enforcement of regulations and the maintenance of good order on campus. Commensurate with this responsibility, the designated Student Conduct Officer or Chair, has the authority to investigate and take action on violations of the Nazareth College Student Conduct Code in accordance with the procedures described below.

The Student Conduct Office will review complaints and all relevant documentation in order to determine whether or not sufficient cause exists to initiate disciplinary proceedings, or pursue alternative means for resolution. Possible courses of action are:

1. Dismiss, or take no further action as allegation lacks merit or reasonable cause to pursue charges. Student Conduct Office reserves the right to maintain an Office file in the event continued, similar performance occurs and the additional history now leads a reasonable person to believe misconduct is/has occurred. Charges will be considered and initiated if appropriate.
2. Determine the alleged conduct can be processed through informal student conduct hearings.
3. Determination the alleged conduct contains grounds to believe the College's policies, rules, or regulations have been violated and charge the accused student(s) or organization on behalf of the College. These complaints will be resolved through formal student conduct hearings where appropriate.
4. Direct the complaint to mediation, providing that all parties are in agreement.

College student conduct proceedings are administrative in nature and are held independent of any criminal and/or civil proceedings that may be concurrently in process. College student conduct proceedings are intended to enforce the Student Conduct Code at Nazareth College although the conduct in question may be simultaneously in violation of federal, state, or local laws. The College may notify local and federal authorities when a violation of a criminal nature has occurred, but such notification will not modify the College/s responsibility to adjudicate the alleged misconduct through its own student conduct system. The College may defer student conduct proceedings as it deems appropriate.

Threat Assessment Team

a. The Threat Assessment Team will be chaired by the Director of Campus Safety and will include the Vice President for Student Development, Director of Multicultural Affairs, Director of Counseling Services and two faculty members appointed by the Faculty Executive Committee for a three-year term. Upon the establishment of the team, the entire team will receive training in threat assessment. In addition, there will be ongoing training for the team and any new members.

b. The Threat Assessment Team will be convened whenever any member of the team feels there are serious safety issues concerning an incident, on or off campus, involving members of the

campus community. An approved meeting must have at least three members in attendance. If the team is convened with only three members, an attempt will be made to ensure that the members are a diverse body. When the safety of a student, faculty or staff member is at issue, the Vice President for Student Development is always authorized to make whatever decisions he or she deems necessary with or without convening the Threat Assessment Team.

c. Whenever the Threat Assessment Team convenes as a result of a situation as described in subparagraph b. above, the team will immediately assess the situation and decide what steps will be taken to address the safety issues presented by the incident. For example, it may be necessary to immediately remove the alleged perpetrator from the campus until a student conduct hearing can be convened. Within 24 hours of convening and making such decisions, a representative of the Threat Assessment Team will meet with the alleged perpetrator in order to gather additional information regarding the extent of the safety issues involved in the incident and advise the alleged perpetrator of any decision that immediately impacts him or her. In addition, within 24 hours of convening a representative of the team will meet with the alleged victim in order to gather additional information regarding the extent of the safety issues. If requested by the alleged victim, the representative of the team will advise him or her of the College's student conduct procedures and available campus resources.

d. The Chair of the Threat Assessment Team will notify the involved parties of the decision of the team regarding what further actions will take place concerning the safety issues created by the incident.

e. Following the completion of its role in connection with each incident acted upon by the Threat Assessment Team, the team will convene to debrief the entire incident.

f. The work of the Threat Assessment Team relates solely to assessing and addressing serious safety issues concerning an incident, on or off campus, involving members of the campus community. It does not supersede, supplant or replace the College's student conduct procedures.

Student Conduct Process Referral

1. Any member of the Nazareth College community may refer a student for student conduct action when it is believed that the student has violated one or more of the College Conduct Code regulations stated in Section I of the code or has participated in other conduct which may be subject to disciplinary procedures.

2. Complaints are directed to the Student Conduct Office through the Office of the Vice President for Student Development, Department of Residential Life or Campus Safety, after submitting a written complaint in which each alleged violation is described in detail. Complaints originating from the offices of Campus Safety and Residential Life may be made on departmental Incident Report forms.

3. The student charged with a violation of the Student Conduct Code is referred to herein as "the accused."

Complainant Rights

In all cases, charges are brought by the College against a student accused of an offense; in many cases, the College is in fact the only identifiable alleged victim of an alleged offense. However, there are cases in which there is an identifiable victim other than the College. When that person is the complainant in an alleged act of misconduct which violates the physical and/or mental welfare of an individual, s/he can expect the College's student conduct process will respond in a caring, sensitive and supportive manner allowing the complainant to utilize the conduct process unimpeded while ensuring the rights afforded to the accused student(s). The designated Student Conduct Officer agrees that when an alleged victim is identified, that person, referred to herein as "the complainant," is entitled to the following:

1. To be treated with dignity, respect and compassion by all persons involved in the disciplinary process.
2. Information regarding the College student conduct disciplinary process.
3. Information about leveraging services through the College's Student Health Center, Counseling Center, Campus Safety Department, etc.
4. Freedom from intimidation and harassment throughout the student conduct process.
5. The complainant may request separate hearing rooms (connected by electronic means) in order to allow full participation of the parties while at the same time avoiding any undue embarrassment or intimidation.
6. The complainant may be present to hear all testimony only to the extent that the complainant's presence is not prohibited by the Family Educational Rights and Privacy Act of 1974 (FERPA). The complainant may be prohibited from attending limited portions of the hearing because of the accused's rights under FERPA.
7. The complainant is entitled to learn the decision of the Hearing Board to the extent allowed by FERPA.
8. Privacy throughout the student conduct process in relation to campus and other media, and in relation to all other involved parties. In this regard, complainants should be aware they may be required to refrain from speaking publicly about the outcome of student conduct cases due to laws and College policies. In the event this is necessary, complainants will be informed by the Student Conduct Office or Vice President for Student Development (or person acting in the absence of the VP).
9. In instances where the accused student(s) is found responsible, the complainant will be given an opportunity to provide an impact statement to the designated Student Conduct Officer. Such statement (either written by the complainant or an oral synopsis by the Student Conduct Officer) will become part of the case record/file and shared with anyone charged with determining sanctions, as well as anyone reviewing the case upon appeal.

Disciplinary Hearings: Formal and Informal Student Conduct Hearings.

The College Student Conduct Office has the responsibility to administer all non-academic discipline involving all students.

When a complaint of alleged misconduct is presented to the Student Conduct Office, and it is determined that there may be sufficient cause to believe the alleged misconduct may have occurred, the accused will be contacted to appear before one of the following:

1. **Formal Student Conduct Hearings:** Generally, student conduct cases are resolved through hearings held by the designated Student Conduct Officer. This person is appointed by the Vice President for Student Development and directs the activities of the Student Conduct Office which is responsible for the administration of the College's Student Conduct Process. While most formal cases are managed in this manner, instances may arise that the Vice President for Student Development may refer to a full Student Conduct Hearing Board. Cases heard by a Student Conduct Hearing Board are directed by the Chair, Student Conduct Hearing Board, who manages all related activities and is a non-voting member in this specific instance. The Chair will ensure Board Members represent the faculty, staff and student populations of the College. Sanctions, other than oral admonitions and written administrative warnings may be appealed using the appeal procedures provided in this process.
2. **Informal Student Conduct Hearings:** Residence Life administrators and other College officials may also hold informal hearings regarding less serious policy violations and impose appropriate sanctions. Sanctions, other than oral admonitions and written administrative warnings may be appealed using the appeal procedures provided in this process.

Notice of Charges

1. At least five (5) days before the scheduled hearing date, a written or electronic notice of the nature of the charges shall be sent to the accused, or the written notice may be personally given to the accused at least two (2) days before the hearing date in lieu of the mailing. Students may be accountable for additional violations discovered through the hearing process and not part of the initial notice of charges or summons.
2. The notice of the charges shall advise the accused of the time and place of the hearing.
3. For formal hearings, a copy (or web link) of the policies containing the "Student Conduct Code, Disciplinary Sanctions and Conduct Hearing Procedures" shall be provided to the accused together with the written notice of charges.
4. For informal hearings a copy of the Student Handbook with the above referenced information will be available at the hearing.

The Formal Student Conduct Hearing Shall Include the Following:

1. The designated Student Conduct Officer, or, when appropriate, the Chair of the Student Conduct Hearing Board (herein after referred to as "Chair") shall read the charges brought against the accused by the College. The accused shall be informed the hearing is being taped. The tape is the sole official verbatim record of the Student Conduct Hearing and is the property of the College. No other recordings of the Hearing are allowed.
2. Reports filed by the Campus Safety Department or the Residential Life staff describing the violations shall be read to the accused student. The designated Student Conduct Officer, Chair, Board Member, the accused, or the complainant may request that any person filing incident reports

be called to be questioned as a witness. Requests for witnesses must be submitted in writing to the designated Student Conduct Officer or Chair at least twenty-four (24) hours prior to the time of the hearing. Exceptions to this would only be made when there are extenuating circumstances preventing the names of witnesses to be submitted in timely fashion.

3. The designated Student Conduct Officer or Chair may call any other witnesses deemed appropriate to ascertain the validity of the charges.

4. One at a time, a witness who is to testify will be asked to describe the incident. Other witnesses shall remain outside the Hearing Room.

5. Only members of the Hearing Board may ask questions of any person testifying. However, the accused student shall be given the opportunity to ask the Chair to ask additional questions of the witnesses.

6. The accused student shall be given the opportunity to answer the charges, refute, explain, or offer any additional information which might be helpful in resolving the case.

7. The accused student shall be given the opportunity to present witnesses in his/her behalf.

8. Student's will be presumed innocent until proven otherwise by a preponderance of the information. Decisions of the Student Conduct Hearing Board (when used) are based on the vote of the majority.

9. At hearings involving more than one accused student, the designated Student Conduct Officer or Chair, may permit hearings concerning each student to be conducted separately or simultaneously.

10. The Nazareth College Student Conduct process is not a court of law, nor is it intended to be, and legal rules of evidence and procedure do not apply. The designated Student Conduct Officer or Chair will determine in his/her sole discretion the range permitted by witnesses and items of information which will be considered based on principles of fundamental relevance and fairness.

11. All procedural questions will be decided in the sole discretion of the designated Student Conduct Officer or Chair. S/he may decide to adjourn the hearing for a reasonable period of time.

12. The designated Student Conduct Officer or Chair may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the complainant, accused and or witnesses during the hearing by providing separate facilities, using a screen, and or permitting participation via appropriate technology to allow the testimony while not depriving the accused student access to information.

13. There is a single record of a Nazareth College Student Conduct Hearing and this record shall be the property of the College.

Special Precautions: Assessments by College officials may require additional safety and security measures to be employed. For example, in order to minimize risk, a hearing may be conducted by

the designated Student Conduct Officer at off-campus locations, limit personal items or bags that may be brought into the hearing (all may be subject to search before entering), the use of electronic wands and any additional related safety precautions as identified and recommended to the Vice President for Student Development by the Campus Safety Director. The accused student will be notified of these conditions by the Campus Safety Director, either directly or through the use of electronic means or mail.

The Accused Student Shall Have the Following Rights:

1. The accused student shall have the right not to answer any questions which may be asked during the hearing.
2. The accused shall have the right to be accompanied at the hearing by an advisor from the Nazareth College community. The advisor may be any member of the College faculty, staff (exception - professional staff of the College's Counseling Center) or student who is not an attorney, relative or significant other. The advisor may confer with and assist the accused, but may not speak for him or her as an advocate. Legal counsel may not be present at the hearing.
3. The parent's, guardians or significant other of the accused or complainant are not allowed in the vicinity of the Hearing Room (or remote locations).
4. The accused shall have the right to be advised in writing of appropriate procedures for requesting an appeal as contained in the Student Handbook Policies. Such notice may be included with the written decision sent to the accused.
5. The accused shall have the right to be present and hear all testimony of any witnesses, including the complainant. If, however, the accused fails to conduct him or herself in a proper civil and respectful manner, the accused may be removed from the Hearing Room during the testimony of any witnesses. In such event, the accused student shall be allowed to hear an electronic live broadcast or a tape recording of the testimony and may request the designated Student Conduct Officer or Chair to ask additional questions of a witness. Should the accused student, or anyone else continue to disrespect or obstruct the hearing process, s/he will be removed and the proceeding will continue in his/her absence.
6. The accused student, desiring an appeal of his/her hearing process may request an opportunity to listen to a copy of the recording by submitting a written request to the Student Conduct Office. The accused student should make this request within the timeframes identified for appeals. The recording will then be made available to listen to, in the company of a College employee, and in a location identified by the designated Student Conduct Officer. The recording will be accessible to any person determining the outcome of the appeal. The recording will be destroyed either after the appeal date has passed, the appeal been decided, or at the discretion of the Vice President for Student Development.

In the event the accused, with notice, does not appear at the appointed hearing, the hearing will be conducted in the accused's absence. In the event the accused does not remain for the entire hearing, the remainder of the hearing will be conducted in the accused's absence.

A decision will be rendered no later than two weeks following the Hearing (informal or formal). A letter containing the decision and, if applicable, the disciplinary sanction(s), shall be prepared and made available for the accused to pick up from the Office of the Vice President for Student Development. In those instances where it is not possible to personally obtain the decision letter, a copy of the decision will be mailed to the accused's Nazareth College home of record. Unless shown otherwise the decision shall be deemed received by the accused three days after the date it was mailed.

Alternate Means of Resolution

If, in the judgment of the designated Student Conduct Officer or Chair, the alleged violation of the Student Conduct Code by the accused against the complainant could be better resolved through an alternate means such as counseling or mediation, the designated Student Conduct Officer or Chair may make a recommendation to that effect. In such a case, and provided the accused and the complainant both agree, the designated Student Conduct Officer or Chair shall refer the matter to an appropriate counselor or mediator. A Student Conduct Hearing shall be scheduled, but may then be adjourned for up to thirty (30) days pending counseling or mediation. If the accused and the complainant receive counseling or mediation prior to the adjourned hearing date, and agree that the matter pertaining to the violation is resolved, the designated Student Conduct Officer or Chair may dismiss the alleged violation.

Grounds for Appeal

The accused student shall have the right to direct an appeal to the Vice President for Student Development. Should the student desire an appeal, the request must be received by the Office of the Vice President for Student Development on or before a date, specified in the disciplinary sanction(s), which shall be no later than five days after the receipt of the written sanction(s). In the absence of the Vice President for Student Development, a designated individual from the College senior administrative staff will be appointed by the designated Student Conduct Officer or Chair to hear the appeal.

An appeal may be requested if the student believes one or more of the following conditions exist:

1. Hearing procedures were not followed.
2. If relevant evidence has become available since the hearing that was not available at the time of the hearing.

If the designated Student Conduct Officer or Chair believes it is appropriate, Interim Suspensions, or Conditions may be imposed during the time of an appeal or until the time to appeal has passed.

If the Office of the Vice President for Student Development receives a request for an appeal, the Vice President for Student Development will initiate one of the following actions:

1. Reject the request for appeal due to insufficient reason(s).
2. Modify the decision of the designated Student Conduct Officer or Student Conduct Hearing Board.
3. Refer the matter to the designated Student Conduct Officer or Chair of the Student Conduct Hearing Board, if substantial reason for such action has been presented.

All decisions based on the actions of the Vice President for Student Development are final, except when sanctions of suspension or expulsion are involved. These sanctions may be appealed to the

President of the College. However, such an appeal shall be entertained solely at the discretion of the President. This appeal must be received within five days of the decision from the Vice President for Student Development.

If an appeal is entertained by the President, an informal meeting of the principals involved will be arranged. After the President is satisfied with the content and extent of the information presented the meeting will be adjourned. The President's findings will be announced within five (5) working days of the appeal hearing. Decisions of the President are final.

Disciplinary Records

Disciplinary files of the College student conduct system are retained by the Student Conduct Office. Disciplinary files are confidential in nature and are maintained until one year after a student's graduation for the College. Disciplinary files for students who withdraw from the College or are suspended or expelled for disciplinary reasons are maintained for an indefinite length of time depending upon the circumstances. The College reserves the right to notify parents of dependent students when student conduct action has resulted in a suspension or expulsion or loss of housing privileges.

Summary Action

Summary suspension of a student and exclusion from college property may be imposed without application of the procedures outlined above, but only by the President of the College (or his or her designee). Pending a hearing which shall be held within ten (10) school days from notice to the student of the summary action, the President may summarily suspend a student and exclude him or her from College property if the President is first satisfied that the continued status of the individual as a student seriously threatens harm to the student, to any other person or the property of the College or of others. In no event shall the student conduct procedures, outlined in this Student Conduct Code, limit the President's authority (or that of his or her designee) to suspend or expel a student from the College under the described circumstances. A student notified of such a suspension may, within ten (10) days of receipt of such notice, appeal to the President as described above.

Dangerous or Life-Threatening Behavior

Students may be subject to summary dismissal or asked to take a medical leave of absence by the Vice President for Student Development if they are not functioning well enough to appropriately meet their academic and/or communal living obligations (e.g., excessive alcohol consumption, using illegal drugs, or are deemed dangerous to themselves or others). In all instances when a student is transported to a hospital for a medical or psychiatric reason, it is considered a dangerous or life-threatening situation. In these instances, a student's parent or guardian will be notified of the situation. In all instances when the student's behavior is threatening to him or herself, a student's parent or guardian will be notified of such behavior.

Nazareth College recognizes that certain behaviors (e.g. suicide threats, suicide attempts, severe eating disorders, substance abuse, self-injurious behaviors such as cutting) require professional help, and the College provides services which address these problems as well as others. However, if the student's behavior becomes disruptive to and unacceptable in the academic and social/living environment of the College community, and/or is dangerous to him/herself or others, the student may be asked to leave the College after undergoing appropriate assessment by the College

Counseling Services and/or off-campus professionals. In some cases, students may also be required to meet with a mental health professional as a condition of their remaining in attendance at the College. In addition, in connection with certain dangerous or life threatening behavior, disciplinary sanctions may be imposed if the conduct is found to be in violation of the Student Conduct Code.

Alcohol Policy

The unauthorized possession, use, or distribution of alcoholic beverages on or in college property is a violation of the Student Conduct Code. College policy consistent with state laws, confines on-campus use of alcoholic beverages by persons of legal age (21 years and older in the State of New York) to specified areas. This code also prohibits misrepresentation of age to obtain alcoholic beverages.

The College enforces all state laws or regulations that regulate and control the sale or use of alcohol as follows:

Alcoholic Beverage Control Law

Section 65. Prohibited Sales. No person shall sell, deliver, give away or cause or permit to procure to be sold, delivered or given away any alcoholic beverage to:

1. Any person, actually or apparently, under the age of 21;
2. Any visibly intoxicated person or to any person, actually or apparently, under the influence of alcohol;
3. Any habitual drunkard known to be such to the person authorized to dispense any alcoholic beverages.

Section 65A. Procuring alcoholic beverages for a person under the age of 21.

Any person who misinterprets the age of a person under 21 for the purpose of inducing the sale of any alcoholic beverage, as defined in the alcoholic beverage control law, to such person, is guilty of an offense and upon conviction thereof shall be punished by a fine of not more than \$200.00, or by imprisonment for not more than five (5) days, or both such fine and imprisonment.

Section 65B. Offense for one under the age of 21 to purchase or attempt to purchase an alcoholic beverage through fraudulent means.

No person under the age of 21 who presents or offers to any licensee under the alcoholic beverage control law, or to the agent or employee of such licensee, any written evidence of age which is false, fraudulent, or not actually his/her own for the purpose purchasing or attempting to purchase any alcoholic beverage. Section 11-100 of the General Obligation Law Compensation for injury and damage caused by the intoxication of a person under the age of 21.

Any person who shall be injured in person, property, means of support or otherwise by the reason of the intoxication or impairment of ability of any person under the age of 21, whether resulting in his or her death or not, shall have a right of action to recover actual damages against any person who knowingly causes such intoxication or impairment of ability by unlawfully furnishing to or unlawfully assisting in procuring alcoholic beverages for such person with knowledge or reasonable cause to believe that such a person was under the age of 21.

Summary

These sanctions of the state laws make it illegal for persons under the age of 21 to acquire alcoholic beverages.

There are also state and local regulations concerning open beverage containers in public areas. Open containers of alcoholic beverages are not permitted in motor vehicles. Area parks have special ordinances that prohibit open containers on roadways and in parking lots. Amounts of beverages allowed in parks are limited. If you are planning an event for one of the parks, be sure to check with the appropriate agency (city or county parks department) before assuming that you may have alcoholic beverages at the event. Open containers of alcoholic beverages are not permitted in or around public schools. Additionally, state and county enforcement of the law related to driving while intoxicated (DWI) is among the most stringent in the nation. First-time offenders can expect to be prosecuted fully as misdemeanor criminals with all the attendant fines, penalties and civil ramifications.

In compliance with this law, Nazareth College recognizes the freedom of choice of each community member – student, faculty and staff – to exercise personal responsibility with respect to making informed decisions regarding the use or non-use of alcoholic beverages. With this in mind, the following campus regulations shall apply in relation to the law.

Campus Policies

1. Possession and consumption of alcoholic beverages is prohibited on campus grounds and in buildings except, in a residence hall room by persons of legal age (21 years and older in New York State) under the conditions described below and where otherwise noted below. Consumption of alcohol may be inferred based upon the number, location and condition of empty or partially empty cans and bottles.
2. The sale and/or distribution (including the giving away) of alcoholic beverages to persons under age 21 on the Nazareth College campus is prohibited.
3. It is a violation of Nazareth College policy for any persons under age 21 to procure or possess alcoholic beverages. Possession of alcohol may be inferred based upon the number, location and condition of empty or partially empty cans and bottles.
4. Procedures for obtaining college approval to use campus facilities for events where alcoholic beverages will be served are available at the Information Desk, Shults Center, and the Office of Parkhurst Dining Services.
5. Alcoholic beverages in serving containers greater than 32 ounces (e.g., beer kegs and beer balls) are prohibited except at Parkhurst catered events and at the discretion of the Vice President for Student Development.
6. The College recognizes Parkhurst as the sole possessor of a catering/liquor license. Therefore, the public selling and/or dispensing of alcoholic beverages anywhere on campus is restricted to Parkhurst personnel only.

7. Open containers of alcoholic beverages are prohibited from all corridors, lounges, stairwells, lobbies, parking lots, grounds, and any public areas of the campus unless college approval was previously attained.
8. Student fees collected by the College and/or student organization and distributed through the Undergraduate Association will not be used for the purchase of alcoholic beverages.
9. Trafficking, manufacturing, distributing (including the giving away), or possessing with the intent to distribute any illegal drug, narcotic, or controlled substance, including prescription medications, is prohibited.
10. Non-alcoholic beverages and food items must be made equally available at any program or event where alcohol beverages are sold, distributed or consumed.
11. During all college or student sponsored events on campus, alcoholic beverages, where permitted, will be served only in an enclosed environment designated for each occasion.
12. Campus events which involve only persons 21 years of age and older are catered by Parkhurst personnel and need prior approval from the Vice President for Student Development or his designee.
13. Persons under the legal drinking age may not distribute (including the giving away), sell, possess, consume or be in the presence of alcohol without being sanctioned under the circumstances described in paragraph 15(a). Being in the presence of alcohol may be implied based on the number, location and condition of empty or partially empty cans and bottles.
14. Persons of legal drinking age (21 or older) may consume alcohol where all residents and guests are 21 or older. All other policies of the College must be followed. **See suggestions below regarding hosting parties when you are 21 or older.
15. Persons of legal drinking age (21 or older) may not consume or be in the presence of alcohol with persons under the legal drinking age except as follows:
 - a. In residence hall rooms where both of age and underage students reside, of age students may consume alcohol in the presence of their underage roommate(s) provided they are the only persons present in the room. If the underage person is in the presence of alcohol in this situation, the underage student will not be sanctioned for being in the presence of alcohol nor will the of age student(s) be presumed to be providing alcohol to underage student. All other policies of the College must be followed and, therefore, the underage roommates may not consume alcohol. Should it be determined the underage roommates consumed alcohol, both the underage students and the of age students will be in violation of this policy.
 - b. If a student 21 or older consumes alcohol in his or her room in the presence of any underage students other than his or her underage roommate(s), it will be presumed that the of age student provided alcohol to all the underage students in the room, other than the roommate(s), unless an investigation by either Residential Life or Campus Safety shows otherwise. In other words, the investigation must determine that the alcohol was NOT provided in order to avoid a violation related to the providing of alcohol. In this situation, the underage students, other than the underage roommate(s), will be in violation of this policy by being in the presence of alcohol

even if information is gathered during the investigation that they did not consume alcohol. If, during the investigation, information indicates that the underage roommate(s) (as opposed to the underage guests) consumed alcohol, the underage roommate(s) will also be in violation of this policy.

16. Any person under the age of 21 is prohibited from presenting or offering any licensee under the alcohol beverage control law, or to the agent or employee of such licensee, any written evidence of age which is false, fraudulent, or not actually his/her own, for purpose of gaining admission to an event where alcohol is being served or purchasing or attempting to purchase any alcoholic beverage.

17. Possession, use, distribution, buying, selling or manufacturing of controlled substances except as expressly permitted by law, is prohibited.

18. Alcohol or drugs and alcohol and drug paraphernalia, including funnels, "beer pong" tables, bongs, "bar-set-ups," etc., found in the possession of students or their guest(s) will be confiscated and the students involved and/or present will be cited for a violation of this policy.

19. Engaging in any type of "drinking games" is prohibited and is a violation of the alcohol policy no matter how old the student(s) involved.

20. An incident in which a student, regardless of age, is transported to the hospital or when medical professionals are called to campus to evaluate the student for an alcohol related condition (i.e. intoxication, alcohol poisoning) will be treated as a violation of the Student Conduct Code.

21. Nazareth College members – faculty, staff and students – who are found in violation of New York State law and/or campus policy pertaining to the sale, distribution, possession, or consumption of alcoholic beverages or drugs will be subject to possible parental notification, disciplinary action, and/or criminal prosecution. Please be aware that under this policy, "distribution" always includes giving away.

The Alcohol Policy relates to residential and non-residential student conduct and applies to on and off campus behavior.

EXAMPLES:

1. Three students reside in one room and are present in the room – two students are 21 and one student is 20. The 21 year old students are consuming alcohol with the 20 year old roommate in the room. The 20 year old is not consuming alcohol.
 - a. Violation? None of the students are in violation of the policy.
2. The same three students reside in one room and are present in the room. All three students are consuming alcohol.
 - a. Violation? The 20 year old student is in violation for consuming the alcohol. The 21 year old students will be presumed to have provided the alcohol to the roommate in violation of the policy unless an investigation shows that they did not.

3. The same three students reside in one room and are present in another room along with two other 21 year old students. The four 21 year old students consume alcohol while the 20 year old does not.
 - a. Violation? None of the students are in violation of the policy.
4. The same three students reside in one room and are present in the room along with two other 21 year old students. The four 21 year old students and the 20 year old all consume alcohol.
 - a. Violation? The 20 year old student is in violation for consuming alcohol. The 21 year old residents will be presumed to have provided the alcohol in violation of the policy unless an investigation shows that they did not.
5. The same three students reside in one room and are present in the room with two other 20 year old students. The two 21 year old students are consuming alcohol. The three 20 year olds are not.
 - a. Violation? The 20 year old roommate is not in violation. The 20 year old guests are in violation for being in the presence of alcohol. The 21 year old students will be presumed to have provided alcohol to the 20 year old guests in violation of the policy unless the investigation shows that they did not provide alcohol.
6. The same three students reside in one room and are present in the room with two other 20 year old students. All five students are consuming alcohol.
 - a. Violation? The 20 year old roommate and the 20 year old guests are in violation for consuming alcohol. The 21 year old students will be presumed to have provided alcohol to all of the 20 year olds, including the roommate, in violation of the policy unless the investigation shows that they did not provide alcohol.

Good Samaritan Policy

Abuse of alcohol and other drugs can create life-threatening situations that require an immediate response from emergency services personnel. In all instances, the College is concerned that those in need receive prompt medical attention. The College cannot guarantee absolute immunity from sanctions associated with violations of the Student Conduct Code or state and federal laws. However, efforts will be made to mitigate sanctions associated with the alcohol and other drug offenses for "Good Samaritans." These considerations apply only to the individual(s) who may have contributed or participated in the use and abuse of alcohol or other drugs, but who summon aid.

Guidelines for Gatherings Where Alcohol is Consumed

Sometimes students of legal drinking age (21 years of age or older) want to have responsible gatherings where alcohol is consumed, but are often faced with the dilemma of having underage students appear at their door to attend closed parties. If you are hosting a gathering:

- Consider the risks of hosting a party – do the risks outweigh the fun of hosting?
- Keep their doors locked and only permit guests they have invited to their party in the room.
- ID EVERYONE who attends. Even friends you might think are 21 or older may not be!
- Monitor what everyone is drinking.
- If someone comes into your room that you do not know, and s/he is not 21, you should have him/her leave immediately.

- If students who are uninvited and under 21 do not leave, call Campus Safety and they will come to the apartment/residence and escort that person(s) away.
- There is no BYOB (Bring Your Own Beverage) policy at Nazareth College. If someone is drinking in your room, regardless of whether you provided it or not, you are responsible for them.
- Serving alcoholic punch is NEVER a good idea. The amount of alcohol and types of alcohol included often give other students misperceptions of how much alcohol they are consuming. Single-serving containers are the smarter way to go for everyone.

Controlled Substance Policy

(This policy applies to all faculty, staff, and student employees of Nazareth College.)

I. Policy

The College is committed to maintaining a drug-free environment. In accordance with the Drug-Free Workplace Act of 1988, the College prohibits the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance (drugs) in and on Nazareth College owned or controlled property.

II. Guidelines

A. Sanctions for Violation of Non-compliance: The College will impose action in accordance with its discipline policy and/or require satisfactory participation in a drug rehabilitation program by any faculty member, staff member, or student employee who has violated any provision of this policy.

B. Compliance as a Condition of Employment: Compliance with the provisions of this policy shall be a condition of employment at Nazareth College.

C. Employee Obligation for Notification of Conviction: In order to comply with federal law, any faculty member, staff member, or student employee convicted of any criminal drug statute violation occurring in or on the workplace premises is required to notify the employer within five (5) calendar days following such conviction.

D. Employer Obligation for Notification: The College is obligated to notify the appropriate federal granting agency within ten (10) days of having received notice of an employee conviction as described in C above.

E. Maintenance of a Drug-Free Workplace: Good faith efforts on the part of the College to establish and maintain a drug-free workplace will include providing ongoing drug awareness educational programs and dissemination of drug awareness information for all members of the College community, as well as implementation and strict enforcement of this policy.

III. Procedures

A. The College will notify each faculty member, staff member, and student employee of this policy, as well as those newly hired, emphasizing the obligation for compliance as a condition of employment.

B. Any faculty or staff member convicted of any criminal drug statute violation which has occurred in or on the workplace premises will provide the appropriate academic officer or supervisor with notification, preferably written, of such conviction indicating any resultant conditions, within five (5) calendar days of the conviction. Student employees shall notify the Vice President for Student Development.

C. An academic officer, supervisor, or student employment official having knowledge or receiving notification of a conviction, as described in B above, shall immediately provide, in writing, notice to the Director of Human Resources (or designee).

D. The Nazareth Substance Abuse Education Committee, in conjunction with the Human Resources Department, will offer on-going drug education and awareness programs for the college community, as well as provide drug informational materials. Faculty, staff, and students are expected to avail themselves of these programs.

E. This policy will be maintained as a permanent part of the Staff Personnel Policy Manual, Faculty Policy Manual, and Student Handbook.

F. Questions concerning this policy should be referred to the Human Resources Department; Student employees should refer questions to the Office of Student Development.

Policy on Computer Use

Each student who has an account on a Nazareth College computer system, or uses a computer system at the College, must follow these general guidelines and the College's policy on computer use which is available at http://www.naz.edu/its/services/policy_computing.html. Alternatively, it may be obtained from the Department of Information Technology (Smyth Hall room 85) or the Information Technology web page. Computer users are expected to read and comply with all aspects of this complete policy.

You are not permitted to:

- Give out your password
- Use another person's account
- Use any system for personal profit or gain
- Create or distribute chain letters
- Send/distribute threatening/harassing electronic messages
- Duplicate software/other intellectual property of another
- Use computing facilities and resources in violation of copyright laws

Violation of any of these policies can result in loss of computer privileges, academic suspension or other disciplinary action, or action by outside law enforcement agencies.

In addition, all computers connected to the campus network in the Residence Halls, must have effective and up-to-date virus protection software installed and running.

Social Networking Sites

Concerns

Social network sites such as Facebook, MySpace, Instant Messenger and other new digital platforms and distribution mechanisms facilitate students communicating with other students. Nazareth College believes that such sites provide students with opportunities to interact with individuals in innovative and creative ways and does not prohibit the students from online social networking. It is critical, however, that students are fully aware of the potential negative consequences arising out of irresponsible and inappropriate conduct on these sites. This policy is intended to inform Nazareth students of some of these consequences and to encourage students to exercise appropriate caution if they choose to engage in online social networking.

Be Aware

1. The online community is open to all and therefore anyone can access any personal information that you post. Personal information includes photos, contact information, etc. This information, even if posted for a day or two just to be funny, may remain accessible to everyone on the Internet even if you take it down or change it.
2. Nazareth College coaches and administrators, faculty, parents, your parents' neighbors, future employers, potential graduate schools and local law enforcement have access to these social networks and may access information and monitor them as they see fit. You have no expectation of privacy on a social networking site.
3. Students should be aware of who they make their "friends" on these sites. These "friends" may try to take advantage of students.
4. Photographs posted on a social networking site may end up on badjocks.com, ncaahazing.com or a similar site.
5. Students could face discipline and even dismissal for violations of athletic team, Academic Department, College and/or NCAA policies.
6. False statements made about someone may result in a legal claim.
7. Posted information can be used as part of a criminal proceeding or a campus judicial proceeding.

Prohibitions

1. Students will be held responsible for any actions that compromise the integrity of the College and/or their sport and/or academic program as well as any behaviors that violate the College's Student Conduct Code, federal, state and local law, and NCAA/athletic league rules and regulations. For example, photos or statements placed on these social networks that depict harassment (including sexual harassment), vandalism, underage drinking or consumption of alcohol in violation of Nazareth College's alcohol policy, hazing, selling possessing or using controlled substances can be used by Nazareth College administrators in connection with student conduct code proceedings and Athletic Department decisions regarding athletic eligibility. Student-athletes should review the Athletic Department's Policy regarding social networking sites.

Policy Regarding Elected Officials and Candidates for Public Office

As an education institution, Nazareth College encourages opportunities for candidates running for political office to visit the campus. These visits often provide our students with information and a view of the political process, which can be uniquely described by candidates. It is important, however, for all members of the campus to be aware of, and to abide by, the College's guidelines concerning political activities on campus. These guidelines stipulate the types of events and activities that are permissible, the kinds of activities that are proscribed, and the appropriate institutional office that must be involved and consulted in the planning of any activities in which elected officials and or candidates for public office are involved.

Federal regulations pertaining to the College's status as a tax-exempt organization restrict persons acting on its behalf from certain activities. Individual members of the faculty, staff, and student body of Nazareth College are entirely free to support candidates of their choice for elective office, or to express their personal views on political issues as long as they are not acting in an official capacity as a representative of Nazareth College. These regulations preclude the use of Nazareth College letterhead, telephones, e-mail or use of any other property owned by Nazareth College on behalf of any political party or candidate for public office. With appropriate organization sponsorship and/or faculty vision, the use of college facilities for political discussion or debates is encouraged. Student organizations, for example, may sponsor such an event on campus or conduct a voter registration drive. Classroom activity may also include discussion or debates on political issues as a legitimate part of the educational process.

College facilities may be used for public events such as legislative hearings and topics of general or educational interest. College facilities may not be used for partisan political functions such as fund raising events or similar activities that could be construed as an endorsement of a particular candidate or political party.

Whenever there are plans for an elected official or a candidate for public office to visit the Nazareth campus, the Vice President for Institutional Advancement should be notified during the planning time. This includes academic conferences, tours, and any type of meeting, as well as student-sponsored events. This will enable the Office of the Vice President for Institutional Advancement to assist in determining that the College is following the federal guidelines. Details regarding the event, such as a copy of the invitation to the public, who is paying for the event and the content of the program should be outlined briefly.

No outside groups may rent any Nazareth facilities for activities that are part of a campaign for public office. If you have any questions about restrictions that apply please contact the Vice President for Institutional Advancement.

Guidelines for Posting

Notices, posters, or signs may be placed only on bulletin boards, approved posting areas on walls, or similar locations designated for such purposes. Notices, posters, or signs may not be placed on poles, posts, signs, trees, walls or building, doors, windows, glass, transparent partitions or painted surfaces not marked as posting areas. Notices, posters, signs, etc., shall not be placed in manner or location that may obscure or mark exit signs, fire alarm boxes, safety rails, fire extinguisher cases, hand rails and like devices installed as safety equipment in a building.

Banners may not be hung outdoors without the permission of the Director of Student Activities or the Director of Residential Life. Banners may not be hung in a manner which damages or defaces trees, shrubs, or buildings. Banners may not be placed on the exterior of buildings without specific approval of the building manager. It is the responsibility of the individual or organization hanging the banner to take it down by the date agreed upon.

Smoking Policy

Nazareth College has the responsibility of providing and maintaining a safe and healthy work environment. Effective May 10, 1993, Nazareth College adopted the following policy.

Smoking is prohibited in all college vehicles and buildings. In addition, smoking is prohibited in the tunnel system as well as the Cloister Walk between Smyth Hall and the Shults Center or within 20 feet of exterior building doors. In March of 2003, New York State passed new legislation that increases the prohibitions on smoking. The policies of the College will change as necessary to comply with the law.

Posting Requirements

Signs are posted at all College building entrances or as required by local regulations, advising that smoking is prohibited in all areas of the facility. Departments should post this policy, and provide a copy of the detailed policy statement to prospective staff or faculty members.

Responsibilities

Self-enforcement is expected in complying with these regulations; if necessary, supervision and management are responsible for the administration of this policy. Questions or additional information concerning the smoking policy should be referred to the Human Resources Department.

Disciplinary Process

Faculty, staff and students who fail to comply with the smoking requirements of both Monroe County and Nazareth College will be subject to appropriate disciplinary procedures.

Harassment Statement

The Nazareth College community is dedicated not only to learning but also to the development of sensitive and responsible persons. Because the College prepares individuals for participation in an increasingly diverse world and its institutions, the climate of college life must be one in which academic freedom prevails along with respect for and tolerance of cultural, ethnic and racial differences; religious preferences; sexual orientation; variations in age and people with disabilities.

Nazareth College seeks to achieve these goals through educational programs and policies. Harassment based on these differences is clearly in conflict with the general mission of the College, and is strictly prohibited. In addition, some forms of harassment may violate New York's criminal statutes and, depending on the situation, may violate other state and federal laws as well.

Harassment includes verbal, physical or written abuse directed toward an individual or group on the basis of race, color, creed, national origin, religious preference, sexual orientation, age or disability. This includes using remarks, language, illustrations, or electronic messages in

cyberspace that deprecate or offend a person based on his or her ethnic background, race, religion, sexual orientation, age or disability. All are damaging.

While some examples of harassment such as physical and verbal assaults are easily identified, more frequent and generalized instances such as blatant and subtle graffiti and insensitive use of language excluding epithets and humor often go unacknowledged. All types of harassment based on individual differences are unacceptable and will be subject to disciplinary sanctions.

Any member of the college community who feels he or she has been harassed should contact the Director of Human Resources, the Vice President for Student Development, or any of the College's Advisors for Concerns of Discrimination and Victimization. (see next page).

Hazing Policy

New York state law and Nazareth College polices forbid hazing, and any violations will be reviewed by the Student Conduct Office. Behavior prohibited under this law includes actions threatening substantial risk of physical or mental injury; actions exposing the individual to distressing, repulsive, or alarming situations or sensations; forced consumption of liquor or drugs; actions insulting or embarrassing another individual; and actions in the form of social pressure which might cause harm to an individual, regardless of their willingness to participate.

Generally, New York state law provides that (1) a person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he/she intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury, and (2) a person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he/she intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person.

Non-Discrimination Policy

It is the policy of Nazareth College not to discriminate on the basis of race, color, religion, sex, sexual orientation, national or ethnic origin, age, marital or veteran status, disability, carrier status, genetic predisposition or any other protected status in the admission of students to the College; in any of the rights, privileges, programs and activities generally accorded or made available to students at the College; in the administration of its educational policies, admission policies scholarship and loan programs and athletic and other programs administered by the College, or in the employment practices of the College.

Sexual Harassment Policy

It is the policy of Nazareth College, in keeping with efforts to establish an environment in which the dignity and worth of all members of the institutional community are respected, that sexual harassment of students and employees is unacceptable conduct and will not be tolerated. Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex, when the behavior falls within the following definition:

Any unwelcome sexual advances, requests for sexual favors, or other verbal, written or physical conduct of a sexual nature when:

- A. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic status, or
- B. submission to or rejection of such conduct is used as the basis for employment or academic decisions, or
- C. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic experience or performance, or living environment, or
- D. such conduct is sufficiently severe or pervasive that it creates an intimidating, hostile, or offensive working, educational or living environment.

Other Forms of Harassment

Stalking

Stalking is expressly prohibited by New York state law. In addition, it violates college policies. It occurs when a person engages in a course of conduct directed at a specific individual that is likely to cause such individual to have a reasonable fear of harm to his or her physical or emotional health, safety, or property. Under the College's policies, such conduct may include, but is not limited to: repeatedly engaging in contact or communication (including, but not limited to, face-to-face communication, telephone calls or messages, electronic mail, written letters, unwanted gifts or threatening or obscene gestures); surveillance, following; trespassing or vandalism.

Discriminatory Harassment

Harassment or intimidation of another person, limiting another person's right to equal opportunity or otherwise denying another person equal treatment because of his or her race, color, religion, sex, sexual orientation, national or ethnic origin, age, marital or veteran status, disability, carrier status, genetic predisposition or any other protected status, is prohibited.

Grievance Procedures For Discrimination, Harassment and Victimization Complaints

Faculty, staff, and students who want further information or assistance in discussing or filing a complaint of harassment or discrimination on the basis of race, color, religion, sex, sexual orientation, national or ethnic origin, age, marital or veteran status, disability, carrier status, genetic predisposition or any other protected status should contact any of the Advisors for Concerns of Discrimination and Victimization. These advisors will assist in trying to resolve the problem informally and/or explain the steps of the formal grievance procedure. You may also contact the Director of Human Resources for assistance.

Advisors for Concerns of Discrimination and Victimization

- Dr. Frederica Amstey,**
 Director of Counseling Services,
 Assistant to V.P. for Student Development.....ext. 2887
- Ms. Lisa Durant-Jones,**
 Assistant Professor,
 Communications Sciences & Disorders Department.....ext. 2775
- Mrs. Jane Kelly,**
 Director of Student Activities.....ext. 2320
- Mr. Mitchell Messina,**
 Associate Professor,
 Department of Art.....ext. 2530

Dr. Joseph Schaller,
Assistant Professor,
Religious Studies.....ext. 2764
Mrs. Gaynelle Wethers,
Director of Multicultural Affairs.....ext. 2008
Dr. Edward Wiltse,
Assistant Professor,
English Department.....ext. 2645

Inquiries concerning the application of this policy prescribed by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973 may be directed to the Director of Human Resources, Nazareth College, 4245 East Avenue, Rochester, NY, 14618-3790, (585) 389-2060, who has been named to coordinate the responsibilities under Title IX and section 504.