

STANDARDS OF CONDUCT – STUDENT BEHAVIOR

COLLEGE POLICY STATEMENT

It is the policy of St. Francis College (the “College”) to establish the Standards of Conduct Expected of Students, to be administered by the Office of the Dean of Students, for the purpose of maintaining a campus environment that is conducive to learning, protects the College’s educational purposes, maintains reasonable order on campus, and protects the rights of all members of the College community. The College’s Standards of Conduct Expected of Students and the accompanying student disciplinary processes are intended to foster moral and ethical development, personal accountability, and civility toward others. Our student affairs and resident life creed, *Living the Franciscan Spirit*, sets forth our expectations for all students of St. Francis College.

COLLEGE PRACTICE

The Standards of Conduct Expected of Students, below, outlines the practices to be utilized in administering the student disciplinary system at College.

SECTION I: PURPOSE

The Standards of Conduct Expected of Students embraces several core philosophies: preservation of the rights of free speech and peaceable assembly; respect for freedom of inquiry and constructive criticism; a conviction that honesty and integrity are key values to the College community; and the belief that all members of the College should be part of a Franciscan campus environment that respects differences of culture, gender, religion, race, age, lifestyle, or ability. These expectations are communicated in our creed, *Living the Franciscan Spirit*.

SECTION II: RESPONSIBILITY FOR IMPLEMENTATION

The President, as Chief Executive Officer of the College, has overall responsibility for implementation of the Standards of Conduct Expected of Students and the student disciplinary process. The President has delegated its overall management to the Dean of Students. The Office of the Dean of Students is directly responsible for the daily administration of the College’s student judicial system.

All authority concerning discipline resides with the Dean of Students, or a designee appointed at the discretion of the Dean of Students, who will take whatever action the Dean of Students deems necessary after having investigated all the facts in any case brought to his or her attention.

SECTION III: STUDENT JUDICIAL PROCESS

All students have the right to due process, which shall include: a specification of the misconduct which is alleged; an opportunity to confront the student’s accuser; an opportunity to present the student’s version of the facts; an opportunity to call witnesses on the student’s behalf; and an expectation that the truth of the allegation(s) against the student will be decided solely on the basis of the facts presented.

Upon a finding that a student has violated the Standards of Conduct Expected of Students, the Dean of Students, or a designee appointed at the discretion of the Dean of Students, is

empowered to render, among other sanctions, the following disciplinary penalties: oral reprimand; written reprimand; deprivation of services or loss of specific privileges; disciplinary probation; suspension; expulsion; community service; or reimbursement for damage to, or loss of, College property.

A student may appeal a decision made by the Dean of Students, or a designee appointed at the discretion of the Dean of Students, by submitting a written request to the Chairman of the Faculty Committee on Student Behavior. A student may appeal the decision of the Dean of Students on the following grounds: (i) there is new evidence that was not reasonably available at the time the decision of the Dean of Students was rendered, or (ii) the sanctions are not consistent with past practices or the severity of the misconduct. Contact information for the Faculty Committee on Student Behavior can be found at the Dean of Students Office (Room 3307) and the Office of Academic Affairs (Room 8312). The request for an appeal must be made within five class days following receipt of the original decision of the Dean of Students. The Faculty Committee on Student Behavior's decision regarding the appeal shall be considered final.

RIGHT OF SUMMARY SUSPENSION

Subject to prompt review, the President of the College, or a designee appointed by the President, may summarily suspend a student from the College for a period of up to five class days if, in the President's judgment, such action is necessary for the protection of the health and safety of any member of the College community or the welfare of the College as a whole. Decisions regarding summary suspensions must be reviewed by the Faculty Committee on Student Behavior within five class days following the student's return to campus. Persons under summary suspension shall not be allowed on the College's property, including student occupied housing, or any other property on which a College activity takes place.

SECTION IV: JURISDICTION

The College maintains jurisdiction over misconduct that occurs on the College's property, including student occupied housing, or any other property on which a College activity takes place. The College may also address off-campus behavior if the College determines that the behavior or the continued presence of the student impairs, obstructs, interferes with, or adversely affects the mission, processes, or functions of the College.

A student may be subject to discipline if the student commits a criminal offense off campus and the offense in question also constitutes a violation of the Standards of Conduct Expected of Students. The College may pursue disciplinary action against a student irrespective of any pending criminal charges, criminal prosecution, or any other potential action taken by law enforcement agencies. The College may impose sanctions when the criminal proceeding is dismissed or the charges have been reduced.

SECTION V: STANDARDS OF CONDUCT EXPECTED OF STUDENTS

The following behavior is subject to disciplinary action as a violation of the Standards of Conduct Expected of Students. An individual, a group of individuals, or a student organization may be charged with violations of the Standards of Conduct Expected of Students. In cases where a violation is committed by an individual member of a student organization, the entire organization may be held responsible, when other members of the organization participate in the activity by encouraging, witnessing, or condoning the act in any manner.

Standards of Conduct Expected of Students

- A. St. Francis College has a duty and the disciplinary powers to protect its educational purpose. The College exercises these powers by setting standards of academic performance and conduct for its students and enforcing such principles where necessary. In the event these powers need be used, proper procedural safeguards will be observed to protect the student from the unfair imposition of serious penalties.
- B. Students who violate the law in a manner that also violates College rules and regulations, may be subject to College penalties in addition to any legal penalties which may be assessed by civil or criminal authorities for the same offense(s).
- C. The conduct listed below constitutes grounds for disciplinary action.

In addition to the prohibited conduct listed below, the College may, from time to time, promulgate regulations or policies that pertain to specific situations. Prohibited conduct includes, but is not limited to, the following:

1. Plagiarism, cheating, and other academic irregularities.
2. The submission of a falsified, forged, or modified document or record to a campus agency or official; this includes, but is not limited to, identification cards, absence excuses, transcripts, applications, other academic documents, service applications, and agreements.
3. Unauthorized use of the College name by any person, persons, or organization; this includes, but is not limited to, identification cards, absence excuses, transcripts, applications, other academic documents, service applications, and agreements.
4. Failure to meet a financial obligation to the College; this includes, but is not limited to, issuing bad or fraudulent checks in exchange for cash by the College or any check cashing facility on the campus, refusal to pay delinquent accounts and/or use of bad or fraudulent checks or money orders in payment of College tuition, library fines, or other fees.
5. Possession or distribution of alcoholic beverages.
6. The manufacture, possession, sale, distribution, or use of illegal drugs.
7. Behavior which jeopardizes the safety or well-being of other persons; this includes, but is not limited to, harassment or physical or verbal abuse of, or interference with, firemen, policemen, or other persons engaged in the performance of their official duties; harassment, verbal abuse, or threatened or actual physical abuse of persons on College property; forcible detention of any person on College property; unauthorized use or possession of firearms or other dangerous weapons; hazing or loud and disorderly conduct; and willful indecent exposure.
8. A violation(s) of fire, health, safety, security, and traffic regulations, this includes, but is not limited to, failure to comply with evacuation procedures; the mishandling of, or tampering with, a fire-prevention apparatus; unauthorized or improper use of electrical equipment; the use or possession of fireworks, open flame devices, or combustible materials which may endanger persons or property; and any other action which endangers or impairs the health, safety, or security of a member(s) of the College community or other person(s) on College property.
9. Destruction, theft, attempted theft, impairment, abuse, misuse, or unauthorized use or possession of private property, College property, or College facilities. This regulation is intended to safeguard the personal property rights of members of the College community as well as the general public. In addition, it is intended to protect the facilities and equipment provided for the benefit of the College community, which includes, but is not limited to, telephones, vending machines, lockers, elevators, laundry equipment, keys, and locks.
10. Unauthorized entry into or presence in any College building or facility. This regulation

applies to all classrooms, and administrative, recreational, and service facilities. The scheduled hours of authorized public access to any building or facility, or permission for special use of any building or facility, may be obtained from the academic or administrative officer normally having control over such building or facility.

11. Actions which obstruct, disrupt, or interfere with any College activity or with a properly scheduled non-College activity occurring on College property. Such actions include, but are not limited to, disorderly or disruptive actions within or near any classroom, laboratory, research facility, administrative office, or other College space, as well as during athletic events and entertainment programs held on the College premises. This also includes the possession or use of bombs or other explosive devices of any character, and the threat, oral or written, that any bomb or explosive device has been, or may be, implanted in or upon any property or building of the College.

12. A violation(s) of state or federal law in a manner that hampers the College's pursuit of its educational purposes.

13. Failure to appear at a conduct review board or appeal board hearing following proper notification to appear, either as a party or as a witness.

14. Knowingly giving false information or testimony during the investigation or hearing of a disciplinary matter.

15. Any action or situation which recklessly or intentionally endangers the mental or physical health of a member of the College community or which involves the forced consumption of liquor or drugs for the purpose of initiation into, or affiliation with, any organization sponsored by, or in any way affiliated with, the College.

16. Behavior which intentionally disrupts the academic process, including failure to comply with the directives of a faculty member in the faculty member's class.

17. Failure to show one's College Identification Card when requested by a security officer, faculty member, or administrator.

18. Physical or verbal attacks against an individual whereby the victim is intentionally selected in whole, or in substantial part, because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of the victim.

Disruptive Conduct Includes, but it is not Limited to:

1. Any action that impairs, interferes with, or obstructs the normal operations of the College and/or interferes with the rights of any other member(s) of the College community, including a visitor(s) to the College. This includes intentional occupation of, or blocking the entry or exit to, College facilities, including, but not limited to, buildings, classrooms, offices, hallways, entryways, conference rooms, and campus grounds.

2. Any action that impairs, interferes with, or obstructs the orderly conduct, processes, and functions of any classroom or other instructional setting. This includes interfering with a faculty member's or instructor's ability to carry out the normal academic or educational functions of the faculty member's or instructor's class.

3. Participating or leading in the disruption of, or inciting others to disrupt, scheduled and/or normal campus activities, events, and programs.

4. Intentional obstruction of the free flow of pedestrian or vehicular traffic on College premises or at a College-sponsored or supervised functions.

5. Disturbance of any member of the College community, including a visitor to the College.

6. Solicitation on campus without prior approval from appropriate College officials. This includes, but is not limited to, the disbursement of any forms of promotional or informational material, requests for donations, or the selling or vending of any merchandise or services on College property, including student occupied housing, or any other property on which a

College activity takes place.

Discrimination by Student Organizations

Discrimination by a student organization occurs when the organization selects its membership upon the basis of a prospective member's, race, religion, color, national origin, gender, age, sexual orientation or disability, unless any given student organization's membership restriction is shown to be specifically allowed by law.

Hazing

1. Any action or activity committed by either active members, associate members, or pledges of an organization which inflicts or intends to cause physical or mental harm or anxieties that may demean, degrade, or disgrace any person, regardless of location, intent, or consent of participants. Hazing includes, but is not limited to:

- a. Interference with a student's academic or work performance.
- b. Forced consumption of any food, alcohol, drugs, or any other substance.
- c. Forced physical activity.
- d. Deprivation of food or sleep.
- e. Physical acts such as branding or paddling.
- f. Requiring participation in any activity that violates College policies or any local, state, or federal law.
- g. Any forced activity that adversely affects a person's self-esteem or academic welfare.

2. Any action or situation which intentionally or unintentionally endangers a student who is attempting admission into, or affiliation with, any student organization.

3. In cases where the activity is performed by an individual member of a student organization, the entire organization may be held responsible, when other members of the organization participate in said activity by encouraging, witnessing, or condoning the act in any manner.

4. Any individual and/or organization found guilty of hazing will be subject to a minimum penalty of suspension.

Sexual Misconduct

St. Francis College is committed to maintaining a community free from all forms of sex discrimination, including sexual misconduct. Sexual misconduct includes a broad range of behaviors that will not be tolerated in the College's education programs or activities. The College strictly prohibits sexual harassment and sexual violence, including the offenses of sexual assault, sexual coercion, sexual exploitation, dating violence, domestic violence, and stalking. Any allegations of sexual misconduct will be investigated in accordance with the College's Policy and Procedures for Reports of Student Sexual Misconduct. For additional information about such policy, or to report incident of sexual misconduct, please contact the College's Title IX Coordinator:

Linda Werbel Dashefsky
St. Francis College
180 Remsen Street
Room 7304
Brooklyn, NY 11201
lwerbel@sfc.edu
718-489-5370

SECTION VI: SANCTIONS FOR MISCONDUCT

College-imposed sanctions are meant to be corrective and educational as well as punitive. The disciplinary process is intended to clarify the limits of acceptable behavior and give students who violate the rules an opportunity to more fully understand the rules and incorporate the experience into the student's overall development. Assigned discipline may include a combination of sanctions for a particular incident. The sanctions which may be incurred include, but are not limited to, the following:

A. Sanctions for Students and/or Student Groups

1. *Verbal Warning*: Notice that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
2. *Formal Reprimand*: An official written statement informing the student of the College's disapproval of the student's actions and a warning that any future violation(s) will be dealt with more severely.
3. *Disciplinary Probation*: An official notice that the student's conduct is in violation of the Standards of Conduct Expected of Students, but does not warrant suspension or permanent dismissal. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if, during the probationary period, the student commits another violation of the Standards of Conduct Expected of Students. During the probationary period, a student will be considered "not in good standing" and may be excluded from some programs and curricular or extracurricular activities, including, but not limited to, running for and/or holding office in any student organization.
4. *Suspension*: An involuntary separation of the student from the College for a definite period of time and/or until the student meets certain conditions for readmission. The student is not guaranteed readmission at the end of such period of time, but is guaranteed a review of the case and a decision regarding eligibility for readmission. Suspension requires administrative review and approval by the President or a designee appointed by the President.
5. *Deferred Suspension*: The sanction of suspension may be placed in deferred status provided that the student completes other assigned sanctions by the specified deadline(s). Failure to complete all sanctions and provide proof of completion by the deadline(s) will result in the automatic enactment of the suspension without charges or a hearing. If a student is found responsible for another violation of the Standards of Conduct Expected of Students during the period of deferred suspension, the student may be permanently dismissed from the College.
6. *Permanent Dismissal*: An involuntary permanent separation from the College. Permanent dismissal requires administrative review and approval by the President or a designee appointed by the President.
7. *Delay and/or Denial of Degree Award*: During the period disciplinary charges are pending against a student the College may deny and/or delay issuance of a degree. Further, the College may refuse to issue a degree to a student who is serving a suspension or has been permanently dismissed from the College.
8. *Revocation of Degree*: An awarded degree may be revoked for a violation(s) of the Standards of Conduct Expected of Students that occurred prior to the award of the degree, but is discovered after the degree has been awarded, and where the violation is sufficient to justify the suspension or permanent dismissal of the student. Revocation of a degree requires administrative review and approval by the President or a designee appointed by the President.
9. *Other Secondary Sanctions* may be imposed instead of, or in addition to, those specified above. Secondary sanctions include, but are not limited to:

- a. *Restitution* (compensation for loss, damage or injury)
- b. *Fines* for alcohol or drug violations (First Offense =\$100; Second Offense =\$200; Third Offense =\$300)
- c. *Community Service*
- d. *Educational activities*, such as a reflective writing assignment or attendance at an event directly related to the violation committed (e.g., alcohol/drug workshop; diversity awareness training; ethics workshop)
- e. *Restrictions* (temporary or permanent loss of privileges, including the use of certain College facilities or services)

Enhanced Sanctions

Any violation of the Standards of Conduct Expected of Students against any individual, group, or student organization which is shown to be motivated by the individual's, group's, or student organization's racial identity, religion, or religious beliefs, disability, national origin, gender, sexual orientation, or other personal characteristic will subject a student and/or student organization to a more severe sanction than would ordinarily accompany that violation.

SECTION VII: REVIEW OF THE STUDENT JUDICIAL SYSTEM

- A. The Office of the Dean of Students will convene a committee for a Student Judicial System Review with the Faculty Committee on Student Behavior at least every four years ("Review Committee"). The Review Committee will be responsible for carrying out the following tasks:
 - 1. Reviewing the goals and effectiveness of the College's disciplinary system;
 - 2. Reviewing the effectiveness of the types of sanctions issued;
 - 3. Recommending changes to the Standards of Conduct Expected of Students;
 - 4. Recommending changes in the judicial processes and procedures established and followed by the Office of the Dean of Students; and
 - 5. Recommending training sessions and publications on topics related to student conduct and the campus judicial processes.
- B. The Review Committee will be chaired by the Dean of Students and will include one representative from the following areas: Residence Life, Health Services, Counseling Services, Student Government, and Student Activities.
- C. Amendments to the Standards of Conduct Expected of Students that receive the support of the Review Committee will be reviewed with the Vice President & Provost of Academic Affairs.

SECTION VIII: SCOPE OF POLICY COVERAGE

This policy applies to all students, student groups, and student organizations as defined in Section V of the Standards of Conduct Expected of Students.

SECTION IX: CAMPUS SAFETY

The Advisory Committee on Campus Safety: In accordance with New York State Education Law Article 129-A and section 1092(f) of Title 20 of the United States Code, the Advisory Committee on Campus Safety will provide, upon request, all campus crime statistics as reported to the United States Department of Education, www.ope.ed.gov/security. To request this information, please contact the Office of Community Partnerships and Special Events at (718) 489-5372.

The President has appointed the Advisory Committee on Campus Safety in accordance with New York State Education Law 129-A section 6431. The Committee is tasked with reviewing

current campus security policies and procedures and making recommendations for their improvement. Such review includes the College's policies and procedures for:

1. Educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault, domestic violence and stalking offenses;
2. Educating the campus community about personal safety and crime prevention;
3. Reporting sexual assaults, domestic violence and stalking incidents and assisting victims during investigations;
4. Referring complaints to appropriate authorities;
5. Counseling victims; and
6. Responding to inquiries from concerned persons.

The Committee reports in writing to the College President at least once each academic year. This report is available upon request.