



# CABRINI COLLEGE

## **Community Standards for Student Conduct**

**2012–2013**

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## Community Standards for Cabrini College

1. Treat each person with respect and courtesy.
2. Uphold a high level of honesty and integrity.
3. Promote the peace, health and safety of the community.
4. Demonstrate respect for property.
5. Comply with College policies.

### Overview

#### “Education of the Heart” and Community Standards

The students, faculty and staff of Cabrini College are all members of an educational community with the mission of “education of the heart.” Each member of the community has both rights and responsibilities. To ensure that this educational mission is fulfilled, members of this unique institution must learn to use their rights and responsibilities well. Over the years, community standards that represent both the rights and responsibilities of individual members of the Cabrini community and the good of the community have evolved. These standards make it possible for a diverse student body to live, interact and learn together in ways that promote Cabrini’s core values.

#### Purpose of Cabrini’s Community Standards

1. Community Standards help motivate good behavior, enhance respect for individual differences and emphasize a commitment to the common good.
2. Community Standards represent limits and describe examples of behaviors that are unacceptable conduct of students at Cabrini College.
3. Community Standards assist students in learning how to assume public responsibilities beyond the campus and in society.

#### Communications About Disciplinary Status

Cabrini College expects dependent students to initiate communication with their parents/legal guardians when enrollment or housing status is threatened or discontinued or when circumstances exist that seriously jeopardize the student.

Cabrini College reserves the right to notify parents/legal guardians about the disciplinary status of their son/daughter/ward to the extent consistent with the provisions of the Family Educational Rights and Privacy Act (FERPA).

In addition, Cabrini College reserves the right to communicate with parents or guardians of students of any age when there are violations of the Community Standards which involve the use of alcohol and/or drugs, or behavior which could have or do result in a student physically harming him/herself or physically harming another member of the College community or there are violations which threatened the peace, health and safety of the community.

If a dependent student receives a sanction of probation, suspension or expulsion, the College may forward a copy of the letter of notification to his/her parents/legal guardians.

## **Responsibilities for Community Standards**

### **Student Responsibilities**

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As members of the Cabrini College community, students are responsible for reading and ensuring that they understand the policies in this Community Standards Handbook, as well as policies outlined in the Student Handbook and College Catalog, and for behaving in ways that are consistent with the policies contained in each.

Students who are in a situation where these standards are being violated are expected to make a reasonable, positive effort to remove themselves from the environment. In addition to their personal responsibility for these standards, students are also accountable for the behavior of their guests and ensuring that the guests comply with the community standards and College policies.

Members of student organizations are expected to conduct themselves in accordance with the community standards. If a student organization engages in an alleged act of misconduct, the College may initiate disciplinary proceedings against the organization, as well as students involved who are members of the organization. An organization (and its members and/or guests) may be subject to all of the approved sanctions in addition to loss of College recognition for a specified period of time.

Students also may be considered in violation of the community standards for actions occurring off campus. In cases where local, commonwealth or federal law may apply, students may be subject to civil or criminal liability. In certain cases where the College's interests as an academic community are affected, College disciplinary proceedings may be instituted against a student charged with a violation of a law that is also a violation of the community standards: thus, both institutional violations and civil or criminal charges may result from the same situation. College proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

### **Administrative Responsibilities**

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The execution and enforcement of community standards and policies in support of the standards reside with the President of the College and her designated representative, the Dean of Students, who is charged with conducting an annual review of student conduct and policies. The College Conduct Officer is designated by the Dean of Students, and is responsible for making public any changes, additions or corrections to the Cabrini Community Standards.

While individual faculty and staff members also may enforce College regulations for student conduct, the following individuals are, by nature of their positions, charged with the responsibility of upholding community standards: Dean of Students, Director of Residence Life, Assistant Director of Residence Life, Area Coordinators, Resident Assistants, Director of Public Safety and Public Safety Officers.

## **Philosophy of Discipline**

The basic philosophy of student discipline at Cabrini College is one of education. Throughout the disciplinary process, the College attempts to teach moral and ethical values and in doing so maintain the orderly operation of the College. By encouraging individual responsibility and by fostering a respect for the rights of others, the disciplinary process is intended to result in the protection of the rights of members of the College community and the redirection of a student's behavior into patterns consistent with community standards.

Any student who commits, aids or attempts to commit any violation of the community standards towards any member of the College community or any other person on College premises or at any College sponsored or supervised events will be subject to disciplinary proceedings.

## **Violations of Community Standards**

Examples of unacceptable behaviors that are violations of the Community Standards set forth in the following statements are intended to be illustrative only. The list is not intended to be all inclusive. Other misconduct, irresponsible behavior or behavior which is disruptive to the community, including without limitation, violations of published College policies, rules or regulations or criminal statutes violates Community Standards whether or not a specific description of such misbehavior is listed.

## **Standard 1:** **Treat every person in this community with respect**

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### **A. Discrimination**

Cabrini College is dedicated to educating students of diverse racial and ethnic origins and to fostering broad appreciation for cultural and ancestral diversity. Discrimination against any person on the basis of race, disability, age, sex, color, creed, religion, sexual orientation, or national origin is against the law and the College's Community Standards. Cabrini College finds such conduct offensive and encourages students who feel that their rights as members of the community may have been restricted to seek remedy through the Community Standards, Dean of Students, Director of Student Diversity Initiatives, and/or Director for Residence Life. Students who engage in acts of discrimination are subject to the full range of sanctions outlined in the Community Standards.

### **B. Bias-Related Behavior**

Violations of College policy are considered to be of a unique nature when characterized by a bias towards the personal characteristics of other individuals. When violations of College policy are committed and it can be shown that these violations had the purpose of substantially interfering with an individual's academic or work performance, or created an intimidating, hostile or demeaning educational or employment environment, the violator may be subject to the full range of sanctions outlined in the Community Standards.

### **C. Hazing**

Hazing is absolutely prohibited. The term "hazing" means any action or situation which recklessly or intentionally endangers the mental or physical health or safety of an individual or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by the College. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health and safety of the individual, or an willful destruction or removal of public or private property. For the purpose of the Community Standards, any activity

as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

In the case of individuals, sanctions may range from fines, probation, suspension or expulsion. In the case of organizations, sanctions may range from fines, probation, or suspension of recognition, to withdrawal of recognition status. The prohibition against hazing applies to acts conducted on or off campus whenever such acts are deemed by the College to constitute hazing.

### **D. Physical Harm**

1. Intentionally inflicting, attempting to inflict, or conspiring to inflict bodily harm upon any person or threatening to do the same; or
2. Taking any action for the purpose of inflicting bodily harm; or
3. Taking any reckless, but not accidental, action which results in bodily harm or could result in bodily harm to any person will result in a range of sanctions from disciplinary probation up to and including expulsion.

### **E. Psychological Harm**

1. Intentionally inflicting, attempting to inflict, or conspiring to inflict mental harm upon any person; or
2. Taking any action for the purpose of inflicting mental harm; or
3. Taking any reckless, but not accidental, action which could result in mental harm to any person; or
4. Causing a person to believe that the offender may cause mental or bodily harm; or
5. Any act which demeans, degrades, or disgraces any person is likely to result in a range of sanctions from disciplinary probation up to and including expulsion.

### **F. Sexual Assault and Sexual Harassment**

Sexual assault and sexual harassment will not be tolerated. See Sexual Assault and Sexual Harassment Policies in this publication.

## **Standard 2: Uphold a high level of honesty and integrity**

### **A. Theft, Attempted Theft**

1. Theft of property, attempted theft of property, possession of stolen property, or conspiracy to steal will result in sanction(s) ranging from suspension up to and including possible expulsion from the College.
2. The appropriation of, attempting to appropriate, or conspiracy to appropriate College property for private use, including but not limited to such items as laboratory equipment, furniture and/or library books may result in sanction(s) ranging from disciplinary probation up to and including suspension.
3. The unauthorized use of or attempted use of student identification, credit card, debit card, telephone card, check, authorization codes or the like to purchase goods or services or to obtain property will result in sanctions ranging from probation up to and including expulsion from the College.

### **B. Dishonesty**

1. Furnishing or conspiring to furnish false information to the College by forgery, alteration or misuse of, among other things, College documents or records may result in suspension or expulsion.
2. Furnishing or conspiring to furnish to the College or its representatives, including but not limited to College Administrators or College Conduct Board members, a written or oral false statement may result in suspension.

### **C. Identification**

1. In an effort to provide adequate security for the members of the College community, every student must carry an identification card issued by the College.
2. Upon request, students must surrender their Cabrini College ID card to authorized personnel (e.g. Public Safety Officers, Residence Life Staff, or other College Officials). Students must provide accurate information and must comply with the directions of such officials in the performance of their duties. Giving false identification to a College official may result in a minimum sanction of disciplinary probation.
3. Tampering with or falsifying Cabrini College ID is a violation of the Community Standards. Students found responsible for such a violation are subject to a disciplinary warning and fine up to disciplinary probation. Flagrant violations may result in suspension.

4. Students may not lend their ID to other students for purposes of meal exchange, library usage or residence hall access. Students found in violation are subject to sanctions ranging from disciplinary warning and a fine up to residence hall removal.
5. Possession of an identification card that falsely identifies a student by name, age, date of birth, or photograph as being 21 years of age or over may result in disciplinary probation up to and including suspension.

### **D. Use of Parking Facilities**

College parking privileges are non-transferable. The fraudulent use or attempted fraudulent use of parking permits is likely to result in disciplinary probation, fine and/or suspension of privileges. See Public Safety publications for additional details.

### **E. Compliance with Dining Services Contract**

Failure to abide by dining regulations, including but not limited to engaging in food fights, other disruptive or disrespectful behavior, transferring meal cards, and/or removal of food or utensils from the dining hall will result in a range of sanctions involving suspension of dining privileges up to and including suspension from the College.

### **F. Compliance with Housing Contract**

Violations of the College's housing contract or published rules and regulations for residence halls are subject to disciplinary action. Students for whom those contracts apply are responsible for understanding their rights and obligations as outlined in the housing contract, this publication and the Student Handbook.

### **G. Academic Integrity**

Failure to abide by the ethical standards of the College, including but not limited to cheating, plagiarism, abuse of library materials and other conduct as defined in the College's Academic Honesty Policy may result in a range of sanctions. For more details please refer to the Cabrini College Academic Honesty Policy as published in the College Catalog and the Student Handbook.

### **H. Electronic Communication**

1. Sending abusive, harassing, obscene or threatening messages through email, cell phone or posting on the Internet may result in a disciplinary warning up to and including expulsion.

2. The use of a webcam to monitor behavior within a residence hall room is not permitted without consent from all residents of the room. Violations will result in disciplinary probation up to and including removal from residency.
3. Students who engage in behavior that violates the community standards and place evidence of that behavior on a public website or other public medium may be held accountable by the College for their actions.
4. Unauthorized entry into a voice mailbox, unauthorized use of another individual's identification and authorization code, or use of the College telephone system to send abusive, harassing or obscene messages may result in disciplinary probation up to and including expulsion.
5. The illegal downloading of copyrighted material is prohibited. Violations will result in a minimum sanction of temporary loss of Internet access.
6. The Office of Information Technology and Resources maintains a variety of policies governing the use of College computing and communication resources, that are fully outlined in the Student Handbook. Every member of the College community is bound by them and is expected to be familiar with them.

### **I. Gambling Policy**

Students are expected to abide by the federal laws and the laws of the commonwealth of Pennsylvania prohibiting illegal gambling. Gambling for money or other things of value on campus or at College-sponsored activities is prohibited. This includes blackjack, poker, craps, roulette, as well as any other card game, and other comparable games when they are played for money or any other thing of value (including prizes).

Any requests for events at which games of skill or chance will be played must be approved by the Center for Student Engagement and Leadership by filling out of an event request form.

### **Standard 3:**

### **Promote the peace, health and safety of the community**

#### **A. Alcohol**

The legal age for the possession and consumption of alcoholic beverages is 21 years of age in the commonwealth of Pennsylvania. The following guidelines are to be observed by all students at Cabrini:

1. Students who are 21 years of age or older are allowed to consume and possess moderate amounts of alcoholic beverages for their own personal use in their own residence hall room or apartment.
  - a. Moderate amounts means that the amount of alcohol cannot exceed the following:
    - Per student room/apartment: One cases of beer or malt beverage; or one (0.75 liters) bottle of distilled spirits (e.g. whiskey, bourbon, vodka); or one bottle of wine.
2. Residents from other buildings and non-resident guests or commuters are not permitted to enter the residence halls with alcoholic beverages, regardless of age.
3. Students who ARE NOT 21 years of age or older are not allowed to have, drink or be in the presence of alcoholic beverages while on campus.
4. Those students who ARE NOT 21 years of age or older MAY NOT have anyone including individuals who are 21 years of age or older have or drink alcoholic beverages in their residence hall room or apartment.
5. The drinking of alcoholic beverages or having open containers of alcoholic beverages in public areas, including hallways, lounges, buildings or on College grounds is prohibited.
6. Beer kegs, beer balls, and any similar type of common source, container and their equivalents in volume of beer and/or alcohol content are not permitted in the residence halls, houses, apartments or on campus.
7. For personal safety reasons, using or having paraphernalia (e.g. funnels, beer pong tables) specifically associated with the rapid ingestion of alcohol and/or drinking games on campus is prohibited.
8. The use or possession of grain alcohol, regardless of age, is prohibited.
9. Displays involving alcohol containers (boxes, bottles, cans, cups, etc.) are not permitted in campus housing.
10. Using or having alcohol in a College owned or a contracted vehicle is not permitted.
11. Public intoxication, disorderliness or offensive behavior resulting from the use of alcoholic beverages and/or drinking games are inappropriate and therefore subject to disciplinary action.
12. Driving on campus or in the local community while intoxicated may result in suspension from the College.

## **Recommended Sanctions for Violating Alcohol Policy**

The following are recommended sanctions for violation of the alcohol policy.

**Minimum: Disciplinary Warning**

**Maximum: Suspension**

### **Recommended for First Violation**

- \$100 fine
- Disciplinary warning
- Parental notification
- Participation in alcohol education program  
(*N.B. First violations involving common sources such as beer kegs, beer balls or rapid ingestion paraphernalia may result in more serious consequences*)

### **Recommended for Second Violation**

- \$200 fine
- Disciplinary probation for one semester
- Participation in alcohol education program
- Parental meeting and parental notification
- Residence hall access restriction

### **Recommended for Third Violation**

- Suspension from housing or the College for a minimum of one semester
- Parental notification
- Successful completion of a mandatory substance abuse evaluation

### **Recommended for Fourth Violation**

- Suspension from the College

The College reserves the right to sanction the residents of a room or apartment where a violation occurs whether or not the resident is present at the time of the violation.

When a student is placed on disciplinary probation for an alcohol violation, the College reserves the right to notify parents/legal guardian(s) about the student's disciplinary status consistent with the provisions of the Family Educational Rights and Privacy Act (FERPA).

## **B. Drugs**

Cabrini College is concerned with illegal and unauthorized drug use and views it as detrimental to the achievement of institutional and individual goals, and inconsistent with the proper functioning of an academic community. Persons involved in this type of activity, either on or off the Cabrini campus, are subject to disciplinary action. Drugs, paraphernalia and the names of those involved may be turned over to the proper authorities. The College will not shield students from possible legal consequences of drug possession and use.

Students engaging in the following behaviors will be considered in violation of Community Standards.

1. Using, possessing, or being under the influence of cocaine and its derivatives, hallucinogens, barbiturates, amphetamines, controlled substances except as permitted by law.
2. Using, possessing, or being under the influence of marijuana.
3. The sale, production and/or distribution of, as well as attempt and conspiracy to sell, produce, and/or distribute cocaine and its derivatives, marijuana, barbiturates, amphetamines, hallucinogens, other addictive or illegal substances, or prescription medications on College property will result in suspension or expulsion.
4. Possession of drug paraphernalia (bongs, pipes, rolling papers, etc.)

## **Recommended Sanctions for Violating the Drug Policy**

The following are recommended sanctions for violation of the drug policy.

### **Marijuana**

**Minimum: Disciplinary Warning**

**Maximum: Suspension**

### **Recommended for First Violation**

- \$250 fine
- Disciplinary probation for one year
- Parental notification
- Participation in a drug education program
- Residence hall access restriction

### **Recommended for Second Violation**

- Suspension from the housing for a minimum of one semester
- Parental notification
- Residence hall access restriction
- Mandatory substance abuse assessment

### **Recommended for Third Violation**

- Suspension from the College for a minimum of one semester
- Parental notification
- Residence hall access restriction

### **Other Drugs**

**Minimum: Suspension**

**Maximum: Expulsion**

### **Recommended for First Violation**

- Suspension from the College for a minimum of one semester
- Parental notification
- Residence hall access restriction
- Mandatory substance abuse assessment

### **Recommended for Second Violation**

- Expulsion from the College
- Parental notification
- Residence hall access restriction

The College reserves the right to sanction both the residents of the room where the violation occurs and/or those present at the time of the violation. The College reserves the right to sanction students in cases where indicia of use may include, but are not limited to: the odor of marijuana, the presence of drug paraphernalia, lack of cooperation or attempts to mask odors upon confrontation, deliberate attempts to block airways or other such similar behavior designed to avoid detection.

When a student is placed on disciplinary probation for a drug relation violation, the College reserves the right to notify the parents/legal guardian(s) about the student's disciplinary status consistent with the provisions of the Family Educational Rights and Privacy Act (FERPA).

### **C. Disorderly Conduct**

Unruly gatherings, excessive noise, public drunkenness and other such behaviors which are disruptive of the life of the College community or which disregard the rights of members of the community are likely to result in disciplinary probation up to and including suspension.

### **D. Indecent Conduct**

Conduct not in keeping with College community standards, including but not limited to, conduct which is lewd or indecent or inconsistent with criminal statutes is likely to result in suspension or possible expulsion from the College.

### **E. Dangerous Practices**

1. No student shall engage in any activity which shall endanger the health, safety, well being, or property of another member of the College community. Such behavior will result in sanctions ranging from disciplinary probation up to and including suspension.
2. The sale, possession, production, purchase or use of any explosives, fireworks, incendiary devices, weapons or reasonable facsimile thereof on College property are prohibited as are conspiracies or attempted activities of this nature and will result in sanctions ranging from disciplinary probation to expulsion.

### **F. Fire Safety**

1. The intentional misuse of any fire alarm system may result in suspension from the College.
2. Tampering with, misuse of, attempt to or conspiracy to misuse fire safety equipment (extinguishers, smoke detectors, alarms, or exit signs) may result in loss of campus residency and an automatic \$100 fine.
3. Propping, otherwise tampering with the proper operation of fire doors, or exiting through "emergency exit only" doors in non-emergencies may result in sanction(s) ranging from disciplinary warning up to and including suspension.
4. Refusing to vacate buildings and other areas of College property when a fire alarm sounds and/or when directions to evacuate are issued by a College official or other lawful authority is a violation that may result in sanctions up to and including suspension.

## **Standard 4: Demonstrate respect for property**

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### **A. Destruction of Property**

Intentionally, recklessly or negligently destroying, defacing or tampering with College property or the property of another is prohibited, as is the attempt to or conspiracy to damage, destroy, etc. Such behavior may result in disciplinary action up to and including suspension, loss of campus residency, community service, fines and/or responsibility for restitution.

### **B. Unauthorized Usage**

1. Unauthorized entry or attempt to enter upon and/or use any College facility may result in sanction(s) ranging from disciplinary warning up to and including suspension, community service and fines.
2. Unauthorized possession, duplication, use or distribution of keys and access codes to College facilities will result in sanction(s) ranging from disciplinary warning up to and including expulsion, loss of campus residency, fines and/or responsibility for restitution.
3. Unauthorized solicitation, conducting of or sponsorship of commercial activity or venture on College premises or at College sponsored and/or scheduled events may result in sanction(s) ranging from disciplinary warning up to and including suspension, community service and fines.

## **Standard 5: Comply with College policies**

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### **A. Failure to Comply**

1. Failure to identify oneself or comply with written or verbal directions of duly authorized College personnel in performance of their official duties may result in sanction(s) ranging from disciplinary warning up to and including suspension.
2. Failure to comply with College policies in the Student Handbook and other College publications, including but not limited to the Cabrini Dining Service Policy, College Catalog, Public Safety Policies and Procedures and Residence Hall Agreement may result in sanction(s) ranging from disciplinary warning up to and including expulsion.
3. Failure to appear for a scheduled conduct hearing without prior notification and permission of the designated hearing officer will result in an automatic finding of responsibility for the alleged violation(s) and the imposition of additional sanctions up to and including the loss of campus residency and suspension.

### **B. Abuse of the Student Conduct System**

1. Knowingly instituting a conduct proceeding without cause may result in disciplinary probation up to and including suspension.
2. Attempting to discourage an individual's proper participation, or use of the conduct process may result in disciplinary probation up to and including expulsion.
3. Attempting to influence the impartiality of a member of the College's conduct system prior to or during the course of conduct proceedings may result in disciplinary probation up to and including expulsion.
4. Harassment (verbal, physical or written) and/or intimidation of a member of the College's conduct system prior to, during and/or after any conduct proceeding may result in suspension or expulsion.
5. Failure to comply with the sanctions imposed as a result of a conduct proceeding may result in the imposition of additional sanction(s) up to and including the loss of campus residency and suspension.

### **C. Interference with College Operations**

Intentional obstruction of teaching, research, administration, disciplinary proceedings or other activities which occur on College premises or at College sponsored or supervised events may result in sanction(s) ranging from disciplinary warning, up to and including suspension.

## Student Conduct System Procedures

The following procedures describe the College's response to all violations of the Community Standards with the exception of the Academic Honesty Policy. The procedures for addressing violations of this nature are described in the Academic Honesty Policy, which can be found in the Cabrini College Student Handbook.

Alleged violations of Community Standards may be filed with any of the following administrators: Public Safety Department, Area Coordinators, Assistant Director of Residence Life, Director of Residence Life or Dean of Students. Any of these administrators may bring the charge himself/herself based on direct knowledge of an event. However, if the administrator brings the charge, he/she may not conduct an investigation. The investigation will be conducted by an administrator designated by the College Conduct Officer.

### Filing a Complaint

Any member of the College Community who feels he/she has been wronged due to a violation of the Community Standards may file a complaint with the Public Safety Department, Area Coordinators, Assistant Directors of Residence Life or Dean of Students. The College itself may act as the complainant through a designated staff member or members. After the complaint has been filed, the College Conduct Officer will review the complaint and determine whether or not, if proven, the allegations would constitute a violation of the Community Standards. If so, the individual complainant will meet with the College Conduct Officer or his/her designate to review the complaint and to discuss the procedures available.

The individual complainant could:

1. Request the College to pursue conduct action; and/or
2. Make a statement for the record with the Dean of Students, Director of Residence Life, Public Safety Office and Assistant Director of Residence Life/Conduct Officer.

The individual complainant will have five (5) days after this meeting to decide whether or not to have the College pursue the complaint. The College reserves the right to exercise discretion on taking disciplinary action against students.

### Student Rights

If the College decides to pursue conduct action, the College Conduct Officer will schedule a conduct hearing with the accused student, except

in cases where the sanction is no greater than a disciplinary warning and/or a Disciplinary Fine that does not exceed \$50. In such cases, the College may elect to administratively sanction the student and notify him/her in writing. Upon receipt of the notice of the sanction, the student may request a conduct hearing be held if there is any objection to the imposed sanction.

At the conduct hearing, the student is notified of the alleged violation of the Community Standards and afforded the opportunity to review the factual allegations that led to the accusation. The College Conduct Officer will explain the rights and options available to the student as well as describe potential sanctions for the alleged violation(s) in question.

The accused student has the following procedural rights when charged with a violation of the Community Standards for Student Conduct:

1. The right to notification of the charge that a violation of the Community Standards has allegedly taken place;
2. The right to notification of the factual allegations which form the basis for the charge;
3. The right to notification of disciplinary proceedings;
4. The right to have the College or complainant bear the burden of the proof by a preponderance of the evidence;
5. The right to present a defense including the right to review all evidence present at a hearing and present relevant witnesses; and
6. The right of appeal consistent with the provisions of this Community Standards for Student Conduct.

The accused student has the following procedural options when charged with a violation of the Community Standards for Student Conduct:

1. If the College Conduct Officer determines that the sanction for an alleged violation may result in suspension or expulsion, the student may:
  - a. admit to the charge and have the College Conduct Officer impose the sanction (Administrative Action); or
  - b. request a hearing with the College Conduct Officer; or
  - c. request a hearing before a Conduct Review Board.
2. In all other cases where the College Conduct Officer has informed the student that a potential sanction would NOT result in suspension or expulsion, the accused student may:
  - a. admit to the violation and be sanctioned by the College Conduct Officer (Administrative Action) or;
  - b. request a hearing with the College Conduct Officer.

### **Administrative Action**

Where the facts of an incident are not in dispute, and when students suspected of a Community Standards violation wish to accept responsibility for their behavior as documented, students may waive their right to a hearing. Such students will be sanctioned accordingly and receive notice of the sanction imposed. Students selecting this option do not waive their right to appeal for review of the sanction as outlined in the Community Standards. Moreover, acceptance of responsibility as charged may be rejected by the Dean of Students in any case that warrants additional investigation.

### **Administrative Hearing**

Where responsibility for a Community Standards violation is in dispute, or the facts of a specific incident are in question, students suspected of a Community Standards violation may elect to have a hearing with the College Conduct Officer or his/her designate. The College does not permit observers, relatives or legal counsel for either the complainant or the accused to be present or participate at hearings.”

The College Conduct Officer will follow the general procedures outlined for the Conduct Review Board in conducting this hearing. The College Conduct Officer may determine that due to the nature or complexity of the facts of the case, it would be beneficial to have a hearing before the Conduct Review Board. If this were the case, a College Review Board will convene and the College Conduct Officer will notify all parties involved.

### **Conduct Review Board**

While the College Conduct Officer will ordinarily hear cases involving alleged violations of the Community Standards for Student Conduct, the Conduct Review Board has the authority to hear cases involving alleged violations of the Community Standards for Student Conduct under the following circumstances:

1. where the College Conduct Officer has determined that, because of the nature of the alleged offense, or because the pattern of behavior warrants special attention, suspension or expulsion may be the proper sanction if the charges are substantiated; and
2. the accused student requests such a hearing to appeal a suspension or expulsion; or
3. the College Conduct Officer has determined that due to the complexity of the facts of the case or due to the implications the outcome may have for the student, it would be beneficial to have a hearing before the Conduct Review Board.

The Conduct Review Board will consist of three to five members of the College community. The College Conduct Officer will serve as the non-voting Chairperson of the Conduct Review Board to assure an orderly and fair hearing.

### **Conduct Review Board General Procedures**

All hearings shall be held in College facilities designated by the College Conduct Officer and shall be private. The College does not permit observers, relatives or legal counsel for either the complainant or the accused to be present or participate at hearings.

The College Conduct Officer will inform the accused and complainant of the policies and procedures for the hearing. The students must fully cooperate with conduct review procedures.

The complainant may attend the hearing and have 10 minutes to verbally present his/her side of the case. If the complainant does not appear, the Conduct Review Board may proceed with the hearing.

The complainant may request witnesses to speak on his/her behalf provided that the College Conduct Officer is informed of the identity of the witnesses at least 24 hours prior to the hearing. The complainant is limited to two (2) witnesses to appear on his/her behalf at the hearing; who can provide firsthand accounts of the facts of the case. If the complainant chooses, other witnesses may submit written statements pertaining to the facts of the case at least 24 hours prior to the case hearing.

The accused is required to appear in person and will have 10 minutes to present his/her defense to the Conduct Review Board. If the accused does not appear, the Conduct Review Board may proceed with the hearing.

The accused may request witnesses to speak on his/her behalf provided that the College Conduct Officer is informed of the identity of the witnesses at least 24 hours prior to the hearing. The accused is limited to two (2) witnesses to appear on his/her behalf at the hearing; who can provide firsthand accounts of the facts of the case. If the accused chooses, other witnesses may submit statements pertaining to the facts of the case at least 24 hours prior to the case hearing.

The complainant and the accused may remain in the room for the case presentation. All parties present at the hearing must recognize, and honor, the fact that everything stated in the course of the hearing is to remain confidential, subject to the College’s implementation of its policies and sanctions, its obligations to its community, and legal requirements. Any violation of confidentiality may be subject to review by the Conduct Review Board.

The standard the Conduct Review Board shall use to determine if the accused is responsible for the reported violation shall be a preponderance of the facts; that is, whether it is more likely than not that a violation occurred given the information reviewed by the Board.

If, during the course of the hearing, further violations of the Community Standards for Student Conduct become apparent, the Board may recommend that this information be considered as a separate case. A new hearing would be scheduled to address the additional violation(s).

After hearing a case, the Conduct Review Board shall deliberate in private and decide by majority vote whether the accused is responsible, not responsible, or no violation was proved. The Board will make its decision known to the College Conduct Officer, who will inform the accused and the complainant of the decision. If no violation was proved or the accused is found not responsible, there will be a notation placed in the students' file indicating such finding. If the accused is found responsible for a violation of the Community Standards, the College Conduct Officer will determine the appropriate sanction, which may include but is not limited to one or a combination of the following or similar sanctions:

- Disciplinary warning
- Fines
- Restitution for damages
- Disciplinary probation
- Parent/guardian notification of decision
- Suspension from College housing
- Suspension from the College
- Expulsion

Prior disciplinary records of the individuals found responsible for violation of the Community Standards for Student Conduct may be considered when determining the sanctions.

In a case where the accused student has admitted responsibility for the violation but is appealing the sanction issued by the conduct officer; the Conduct Review Board shall decide whether the sanction is appropriate for the violation. If the Board finds the sanction appropriate, the student will be required to comply with the sanction. If the Board determines that the sanction was not appropriate for the offense, the Board will make its decision known to the College Conduct Officer, who will then issue a revised sanction and inform the accused and the complainant of the decision.

## Appeals

The Dean of Students or his/her designee will hear appeals regarding decisions made by an Administrative Hearing Officer or the Conduct Review Board. All decisions made by the Dean of Students or his/her designee are final.

### 1. Appeal for New Hearing

The accused student and the complainant have the right to file a written appeal to the Dean of Students or his/her designee. Appeals may be filed for the following reasons:

- a. Material procedural defect in the original hearing.
- b. Presence of new material evidence that was not available through no fault of the appealing party at the time of the original hearing.

The appealing party must file a typewritten appeal within five days of notification of the outcome of the hearing stating the specific reason and justification for the appeal. He or she must schedule an appointment to discuss the appeal with the Dean of Students or his/her designee.

### 2. Appeal for Review of Sanction

The Dean of Students or his/her designee will hear appeals in cases where the sanction is expulsion, suspension, loss of good disciplinary standing, or loss of campus residency, and the student believes that the sanction is disproportionate to the offense. Other sanctions are not subject to review. Review of the sanctions may occur only after the conduct process has been completed and a sanction has been imposed. For the purposes of this review, the Dean of Students or his/her designee will accept as binding the previous decision that the accused student has violated the Code of Student Conduct.

The accused student must file a typewritten appeal within five days of notification of the sanction stating the reason why the sanction should be reconsidered. He or she must schedule an appointment to discuss the appeal with the Dean of Students or his/her designee.

## Sanctions

The following sanctions and procedures describe the College's response to all violations of the Community Standards for Student Conduct with the exception of the Academic Honesty Policy. The sanctions and procedures for addressing violations of this nature are described in the Academic Honesty Policy, which can be found in the Cabrini College Catalog and the Student Handbook.

### **Listing of Sanctions**

The following sanctions may be applied singly or in combination for individuals found in violation of Community Standards. These sanctions need not be progressively applied but will be meted out in accordance with the gravity of the violation(s). Sanctions will be levied in full accordance with the conduct policies of the College.

- Disciplinary warning
- Community service
- Participation in a mandatory educational program
- Monetary fines
- Restitution
- Mandatory participation in alcohol and/or drug education programs
- Room reassignment
- Notification of parents or guardians of dependent students
- Notification of applicable law enforcement authorities
- Disciplinary probation
- Restricted access from Cabrini College
- Loss of residence hall privileges
- Suspension of academic privileges, including conferral of College degree
- Suspension from the College
- Expulsion

### **Withholding a Student's Diploma and/or Transcript**

Cabrini College reserves the right to withhold a student's diploma and/or transcript under the following conditions:

1. If the student's account with any College office is not paid in full;
2. If the student is under investigation for activities which would be a violation of Community Standards prior to Commencement;
3. If the student is not in compliance with the College and divisional academic regulations and has not performed up to the bona fide expectations of the faculty.

### **Definition of Terms Related to Sanctions**

**Disciplinary Warning** is an official notice to a student that a particular action or type of behavior is in violation of stated regulations or policies, and therefore, unacceptable. Continuation of similar behavior or future violations may be cause for more severe disciplinary action.

**Restitution** is defined as a compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement.

**Disciplinary Monetary Fines** is a payment by the student of monetary fines. These monetary payments may be for punitive purposes or for purposes of restitution because of damage to persons or property or misappropriation of property.

**Disciplinary Probation** is an action which may exclude a student from representing the College in intercollegiate activities or from holding any elected or appointed office in a College-recognized position or from being selected for certain committees or programs for a stated period of time. Under disciplinary probation any additional offense may cause suspension or expulsion from the College.

**Restricted Access from Cabrini Campus** is an action which restricts the student from being on a specific part of Cabrini College property for a stated period of time. This restriction may extend to any and all Cabrini College premises and attendance at College sponsored or supervised events. Only the Dean of Students or his/her designee may grant an exception to a sanction of restricted access from Cabrini campus. Violators become subject to arrest for trespassing.

**Loss of Residence Hall Privileges** is an action which excludes a student from residence on campus. A student who loses campus residency may be considered for future on-campus accommodations at the discretion of the Dean of Students.

**Interim Suspension** is the suspension of a student prior to the initiation of conduct procedures under the following conditions:

1. To ensure the safety and well being of others or preservation of College property
2. To ensure a student's own physical or emotional safety and well being
3. If the student poses a definite threat of disruption of or interference with the normal operations of the College

During the interim suspension, a student shall be denied access to the residence halls and/or the campus (including classes) and/or all other College activities for which the student might otherwise be eligible as determined by the Dean of Students or his/her designee.

**Suspension from the College** is the separation of a student from the College for a definite period of time, after which a student may be eligible to return. Conditions for readmission may be specified. This separation can exclude a student from registration, class attendance, residency on campus, and use of College facilities for a specific period of time.

Suspension includes an automatic prohibition from attending any College sponsored or supervised event. Suspended students are not permitted on the campus without prior approval of the Dean of Students or his/her designee.

Upon termination of the period of suspension, the student shall be considered for readmission if:

1. The student is academically eligible for readmission; and
2. The student has complied with all conditions for readmission placed upon the student by the Dean of Students or his/her designee.

**Expulsion** is the permanent separation of a student from the College. Expulsion carries a permanent prohibition from attending any College sponsored or supervised events.

### **Disciplinary Sanctions and Student Records**

All disciplinary files that contain cases that have suspension or expulsion from housing and/or the College as a final outcome shall be kept permanently on file. All other individual files shall be kept for five years after any sanctions expire OR five years after a student graduates.

A student may make a request to have his/her disciplinary record expunged one year after graduation. Expungement shall be at the sole discretion of the Dean of Students or his/her designee.

## **Student Life Policies**

### **Bias-Related Behavior**

The legacy of Saint Frances Xavier Cabrini is one of respect for others and the differences they embody. Actions that are characterized by bias based on an individual's race, ethnicity, religion, gender, sexual orientation, creed, national origin, ancestry, age, or disability is intrinsically opposed to the ideals of St. Frances Cabrini and Cabrini College.

Bias-related acts also have a great tendency to provoke retaliation, inflict significant emotional harm on their victims and incite community unrest and division. For all these reasons, they are not acceptable behavior on the Cabrini College campus.

In this light, violations of College policy are considered to be of a unique nature when characterized by a bias towards the personal characteristics of other individuals. When violations of College policy are committed and it can be shown that these violations had the purpose of substantially interfering with an individual's academic or work performance, or created an intimidating, hostile or demeaning educational or employment environment, the violator can be subject to additional sanctions.

Recommended minimum additional sanctions for bias-related incidents are:

- Notification of parents of dependent students
- Notification of academic advisor
- Educational training or programs in the area of individual differences
- Community service
- Academic and residential suspension
- Social and residential probation
- Disciplinary probation/loss of good disciplinary status
- Suspension from the College
- Expulsion from the College

*Repeated offenses will generally result in separation from the College.*

### **Disruptive Behavior**

The College reserves the right to reassign or revoke on-campus housing or take other appropriate action as deemed necessary, without a formal hearing, for those students whose behavior is considered disruptive or potentially detrimental to the individual, roommates, and/or others in the residential community.

### **Social Networking**

Students accessing "social networking services" such as Facebook, MySpace and Xanga must be careful to read the terms and conditions set forth by these services. Students must be aware that they are solely responsible for the content of their sites and that neither the networking services nor Cabrini College assumes any responsibility for what students place there.

Inappropriate material placed on these sites may be subject to Cabrini College's Community Standards for Student Conduct. Students should pay specific attention to the following: *Discrimination (Standard 1.A.)*, *Psychological Harm (Standard 1.E.)*, *Electronic Communication (Standard 2.A.)*, *Disorderly Conduct (Standard 3.C.)*, *Indecent Conduct (Standard 3.D.)*.

In addition to violations of College policy, the posting of inappropriate material may subject students to criminal and civil penalties. As referenced in the terms and conditions of these networking services, students should refrain from posting material that is deemed to be criminal; harassing; racially, sexually, ethnically or religiously objectionable; defamatory; obscene; invasive of another's privacy; or infringing of copyright. In particular, students using these services should become familiar with the concepts of defamation and invasion of privacy.

Elements of a defamation claim include:

1. conveying any message about a person(s) through words, images, etc. that could be reasonably understood as being factual (a statement of opinion like “I think Paul cheats on tests” could be considered factual depending upon the context);
2. the message is conveyed intentionally or inadvertently to someone other than the person(s) who is the subject of the message;
3. the message conveyed is understood by others to be about the person(s) who is the subject of the message;
4. the message conveyed would reasonably be understood as being harmful to the reputation of the person(s) who is the subject of the message
5. and the message conveyed ultimately harms the subject’s reputation.

Claims for invasion of privacy arise under different circumstances. For example, a claim for invasion of privacy may occur if one impermissibly uses the name or likeness of another person for one’s own benefit. Invasion of privacy may also occur if one makes public a matter concerning the private life of another and if the matter made public would be considered highly offensive to a reasonable person and is not of legitimate public concern. Additionally, invasion of privacy occurs when one is placed by another in a public false light. Here a violation might arise if the false light into which the person is placed would be considered highly offensive to a reasonable person and the violator had knowledge of or acted in reckless disregard as to its falsity.

## **Bullying Policy**

Cabrini College defines “bullying” as any intentional electronic, written, verbal or physical act, or series of acts directed at another student or students, that occurs in the College setting, is severe, persistent or pervasive, and has the effect of substantially interfering with a student’s education, creating a threatening environment, or substantially disrupting the orderly operation of the institution. Within this definition, “College setting” encompasses anywhere on the College’s grounds, all institutional facilities and equipment, within College-owned vehicles, and at any activity sponsored, supervised or sanctioned by the College.

Students who engage in acts of bullying are subject to the full range of sanctions outlined in the Community Standards for Student Conduct.

## **Sexual Harassment**

### **Policy Against Sexual Harassment**

Cabrini College seeks to create and maintain an academic environment in which all members of the College community are free from any form of harassment based on gender or sex. It also recognizes that harassment on the basis of sex is a violation of Section 703 of Title VII of the 1964 Civil Rights Act, and Title XI of the Education Amendments of 1976. In light of these realities, the College has developed the following policy on sexual harassment: Sexual harassment is a serious offense and is prohibited and unacceptable conduct that will not be tolerated.

### **Definition of Sexual Harassment**

Sexual harassment is defined as any unwelcome sexual attention, sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of sexual nature whenever:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, education or grade;
2. submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual;
3. such conduct has the purpose or effect of unreasonably interfering with an individual’s academic or work performance; or
4. such conduct has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment.

In determining whether conduct is unwelcome, interferes with performance, and/or is hostile or offensive, the standard shall be that of a reasonable person of the same sex of the alleged victim. Examples of sexual harassment include but are not limited to such things as:

1. verbal harassment, such as “dirty jokes,” sexually offensive remarks, comments, slurs or whistling;
2. visual harassment, such as sexual posters, cartoons, drawings, gestures, leering, etc.;
3. unwanted and unnecessary physical conduct such as pinching, patting, hugging or touching;
4. unwanted sexual advances or propositions.

The College regards such behavior as intolerable, and a violation of the standards of conduct required of all persons associated with this

institution. Accordingly, those inflicting such behavior on others within the College setting are subject to institutional action, which may include suspension, demotion, transfer or discharge.

### **Persons Covered**

This policy governs anyone who is enrolled at or works for or at Cabrini College, including employees of contractors, faculty members and administrators. While sexual harassment most often takes place in a situation of power differential between the persons involved, this policy also recognizes that sexual harassment may occur between persons of the same institutional status, i.e., student-student; faculty-faculty; staff-staff.

Sexual harassment complaints can be filed by persons of either gender, and sexual harassment may occur between persons of the same gender.

### **Reporting Sexual Harassment**

Students who feel they have been victims of sexual harassment are urged immediately and confidentially to contact the Vice President of Academic Affairs (ext. 8301), Dean of Students (ext. 8410), Assistant Directors of Residence Life (ext. 8410), Director of Public Safety (ext. 8246) or the Director of Human Resources (ext. 8760).

Upon receipt of a complaint alleging sexual harassment, the appropriate administrator will attempt to investigate promptly and thoroughly the charges made by the complainant. Except as required by the demands of the investigation and enforcement of the policy, the matter will be treated confidentially by the College. The alleged harasser, and all potential witnesses interviewed will be instructed as to confidentiality. Failure to cooperate with the investigation, retaliation in any form against the complainant or breach of confidentiality will be independent grounds for disciplinary action.

Complaints filed by students against other students can be resolved through a hearing before the College Conduct Review Board. The procedures for a Review Board hearing are described in this Handbook. Recommendations from the Board are forwarded to the Dean of Students or his/her designee who is responsible for the final resolution of sexual harassment claims involving student or student behavior.

If the investigator(s) conclude that a violation of this sexual harassment policy has occurred, the College will take prompt and appropriate remedial action, which may include disciplinary action against a faculty member, student or employee found in violation. The findings of the investigation and the extent of remedial action taken will be communicated to the complaining party. It is also a violation of the College's policy on sexual harassment for any person in the College community to attempt in any way to retaliate against a person who reports a claim of sexual harassment.

### **Recommended Minimum Sanctions for Sexual Harassment:**

#### **First offense:**

- notification of parents of dependent students and academic advisor
- community service program of 10–15 hours in the area of gender differences
- academic and residential suspension
- social and residential probation

#### **Second offense:**

- expulsion

*Severity of the harassment can substantially increase these sanctions.*

*Policy reviewed by Student Development Committee  
of Board of Trustees, May 17, 1996*

### **Sexual Assault Policy**

Cabrini College recognizes that sexual assault and all forms of unwanted actual or attempted sexual contact are acts that take place with an alarming frequency on college and university campuses. Sexual violence is considered to be abhorrent to the Cabrini community and will not be tolerated. In this light, and with the goal of offering equal security to all of the members of the campus community, the College has developed the following policy and practices on sexual assault.

By law, sexual assaults are classified as forcible and non-forcible sexual offenses. Forcible sexual offenses are defined as any sexual act directed against another person forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. These offenses include forcible rape, forcible sodomy, sexual assault with an object and forcible fondling.

Non-forcible sexual offenses are determined as unlawful, non-forcible sexual intercourse and include incest and statutory rape.

Victims of rape and sexual assault at Cabrini College as well as those accused of these acts, have the following rights:

1. to be treated with dignity;
2. to have all complaints investigated and adjudicated by civil and criminal authorities;
3. to receive prompt assistance from campus personnel in notifying the proper authorities;
4. to be free from any kind of pressure from campus personnel about whether or not they should report crimes to the police and how they should report such charges; and
5. to receive the full array of confidential support services available at the College.

Charges of sexual assault will be addressed through the normal College conduct review procedures.

## **Campus Sexual Assault Victims' Bill of Rights**

The United States Congress enacted the "Campus Sexual Assault Victims' Bill of Rights" in 1992 as part of the Higher Education Amendments of 1992. Below are the rights afforded to a victim of sexual assault:

- Accuser and accused must have the same opportunity to have others present during disciplinary proceedings.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be informed of their options to notify law enforcement.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic and living situations.

## **Education of the Heart**

*Cabrini College is a Catholic institution of higher education dedicated to academic excellence, leadership development, and a commitment to social justice. The College welcomes learners of all faiths, cultures, and backgrounds and prepares them to become engaged citizens of the world.*

Revised Fall 2012

For further information on College policies, please review the:

*Cabrini College Student Handbook*  
*Public Safety Policies and Procedures*  
*Cabrini College Catalog*