



NEUMANN UNIVERSITY

STUDENT CODE OF CONDUCT

STUDENT CONDUCT PROCESS AND PROCEDURES

COMMUNITY STANDARDS

January, 2016

TABLE OF CONTENTS

STUDENT CODE OF CONDUCT

STUDENT CODE OF CONDUCT PROCESS AND PROCEDURES

COMMUNITY STANDARDS

STUDENT CONDUCT PROCESS AND PROCEDURES

Student Code of Conduct and Franciscan Values 1
Student Conduct Process and Procedures 1
Jurisdiction 2
Student Conduct Records 2
Violations of the Law and University Policy 2
Burden of Proof 3
The Charge 3
Student Hearings 3
Informal Resolution 3
Administrative Hearing 4
Student Conduct Hearing 5
Student Sexual Misconduct Hearing 6
Student Hearing Board 6
Procedures for Student Conduct Hearings 7
Procedures for Student Sexual Misconduct Hearing 8
The Determination 8
Burden of Proof 8
Procedures for Appeal 8
Administrative Hearing Appeal 9
Student Conduct Hearing Appeal 9
Interim Suspension 10
Authority of the President of the University 10
Sanctions for Violations of the Student Code of Conduct 11

COMMUNITY STANDARDS

Abuse of the Student Conduct Process 14
Complicity Policy 14
Academic Honesty 14
Alcohol Policy 14
Alcohol Violations: General Sanctioning Guidelines 16
Good Samaritan Policy 16
Bullying Policy 17
Computer/Acceptable Use Policy 18
Dangerous Practices/Reckless Behavior 20
Destruction of Attempted Destruction of Property 20
Dishonesty 20

Disorderly or Disruptive Conduct..... 20
Drug Policy 21
Drug Violations: General Sanctioning Guidelines..... 21
Failure to Comply With an Appropriate Directive or Disciplinary Decision 22
Fire Safety/Fire Drills/Fire Equipment 22
Fireworks Policy 22
Gambling..... 22
Harassment – General 22
Harassment – Sexual 23
Hazing 24
Key Misuse, Duplication/Use or Possession of Master Key..... 25
Physical Violence of Threatened Violence 25
Posting..... 25
Projectiles 25
Residence Halls Regulations and Policies 25
Sexual Misconduct and Sexual Violence 25
Skates, Skateboards, Bicycles 28
Sledding..... 29
Smoking 29
Theft or Attempted Theft 29
Trespassing..... 29
Utterance of Threats 29
Violation of Federal, State, or Local Law 29
Weapons 29
Windows, Balconies, Rooftops 29

CODE OF CONDUCT

STUDENT CONDUCT PROCESS AND PROCEDURES

STUDENT CODE OF CONDUCT AND FRANCISCAN VALUES

Neumann University, following the Franciscan tradition, embraces the profound reverence Francis had for all creation and especially for the human dignity of each person regardless of their social status or economic conditions. Because Christ is our brother, Francis believed all men and women are brother and sister to one another. In the same tradition, Neumann University expects all students and members of the University community to revere the other and act in such a way that this reverence is apparent to all.

Neumann University is founded on the belief that the individual spiritual, emotional, intellectual, physical, and social growth, complement and fulfill one another. Recognizing these multi-dimensional aspects of human growth throughout a lifetime, the University strives to encourage learning in such a way that this development may take place. Conduct is the behavioral aspect of the growth process. The University, therefore, intends its policies in regard to conduct to be developmental: that is, to engender learning and all aspects of human growth.

All students are subject to, and expected to familiarize themselves with, the *Neumann University Student Handbook*, including this Student Code of Conduct which is comprised of the Student Conduct Process and Procedures and Community Standards.

Student conduct, whether on or off campus, is expected to reflect favorably on students and the University alike. Neumann University, therefore, expects that students act responsibly and in accord with University values and policies.

The Code of Conduct is a statement of community standards built on the values espoused by Neumann University in an effort to create a caring learning community based on Neumann's Franciscan tradition of respect, peacemaking and joy.

STUDENT CONDUCT PROCESS AND PROCEDURES

Disciplinary authority for all non-academic matters has been conferred by the President of the University upon the Vice President for Student Affairs. The Vice President for Student Affairs can delegate this authority to University administrators acting in the capacity of Student Conduct Officers. The Vice President for Student Affairs has designated the Dean of Students as the University's Chief Student Conduct Officer. Other University Student Conduct Officers appointed by the Vice President for Student Affairs include the Director of Residence Life and the Residence Life Coordinators. The Dean of Students has the responsibility of administering this policy. The Dean of Students or designee is responsible for reviewing all incident reports and assigning all charges. Any question of interpretation regarding it shall be referred to the Dean of Students. In cases where students or student organizations contest the charges, following consultation with a Student Conduct Officer, the officer may convene and delegate authority to the Student Conduct Board.

In all student conduct cases, principles of fair practice will prevail. Fair practices require that students be informed of the nature of the charges against them, that they be given an opportunity to respond to the charges, that the University not be arbitrary or capricious in its actions or decisions, and that there be provision for appeal of any decision.

Student Conduct cases and their outcomes, including any subsequent sanctions or penalties, are recorded in the Office of the Dean of Students. If a student is expelled from the College for disciplinary reasons, it is noted on the student's academic transcript.

JURISDICTION

Cases of alleged violations of the University's Student Code of Conduct are handled through the Student Conduct Process for the following:

- Full-time or part-time undergraduate university students
- All students on a study abroad program, whether the program is conducted by Neumann, an institutional partner, such as another college or university, or a private contractor
- Graduate and Adult students
- Students taking courses on line through Neumann University or an institutional partner, such as another college or university, or a private contractor
- All recognized student organizations,
- Behaviors occurring on and off campus.

If a student engages in prohibited activity on behalf of or while participating in their student organization, both the student and the student organization may be charged with a violation(s) of the Student Code of Conduct.

Students will be held accountable for the behaviors of their guests through the Student Conduct Process. Student hosts must escort their guests at all times while on campus. Students are responsible for the behaviors of their guests at all campus locations and events.

No student is approved for graduation until all Student Conduct Process proceedings have been completed.

STUDENT CONDUCT RECORDS

The University will retain physical student conduct records for seven years after the graduation of the student or the expected graduation for inactive students. The University reserves the right to keep records for a longer period of time if deemed necessary. In cases of expulsion, the University will retain records indefinitely. The University may disclose the final results of a student conduct proceeding against a student found in violation of a University policy, rule, regulation or standard of conduct involving any crime of violence or a non-forcible sex offense. In such cases, the University will only release the name of the student found in violation, the violation committed and any sanctions imposed on the student.

VIOLATIONS OF THE LAW AND UNIVERSITY POLICY

University disciplinary action may be instituted against a student charged with a violation of the law that is also a violation of the University's Student Code of Conduct. The Student Conduct

Process will proceed without regard to pending civil litigation or criminal arrest and prosecution. Such proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Because the University reserves the authority to require different and/or higher standards of conduct than may be required by law, the Student Conduct Process will not be subject to challenge on the ground that external charges or litigation involving the same incident have been dismissed or reduced.

BURDEN OF PROOF

The determination “in violation” requires “a clear preponderance of evidence” that would lead a reasonable person to conclude that it is more likely than not that the accused student or student organization violated the Student Code of Conduct.

THE CHARGE

Any member of the University community can report an alleged violation of the Student Code of Conduct to a Student Conduct Officer. The Student Conduct Officer determines whether the complaint is sufficient for a formal charge to be made or for the complaint to be dismissed. It is in the Student Conduct Officer’s sole judgment to proceed with a complaint.

Students alleged to have committed violations of the Student Code of Conduct will receive a notice of charge, which shall state:

- The nature of the alleged offense stating the place and time of the occurrence.
- Notification of the obligation to attend the scheduled Administrative Hearing by the date designated in the notice of charge letter.
- The deadline can be extended solely at the discretion of the Student Conduct Officer.

STUDENT HEARINGS

INFORMAL RESOLUTION

An accuser who wishes to file an official complaint within the University’s Student Conduct Process but who does not wish to pursue the formal Student Conduct Process may request a less formal proceeding, known as Informal Resolution. Informal Resolution is an adjudicative process; it is not mediation.

Informal Resolution provides an opportunity for the accuser to confront the accused in the presence of and facilitated by a Student Conduct Officer, and to communicate his or her feelings and perceptions regarding the incident, the impact of the incident and his or her wishes and expectations regarding protection in the future. The accused will have an opportunity to respond.

Both the accuser and the accused may each choose one member of the University Community (faculty, staff, or student) to accompany them throughout the Informal Resolution process.

The Student Conduct Officer, and may elect to be assisted by another Student Conduct Officer or a member of the Student Hearing Board.

Informal Resolution cannot result in a formal sanctions as described in the Sanctions section of this Policy. Informal Resolution may, however, result in the Student Conduct Officer imposing protective actions agreed upon by the parties. Without such agreement, the Student Conduct Officer may impose protective actions based on information derived from the proceedings, taken together with any other relevant information known to the University at the time of the Informal Resolution.

The University or the accuser may, at any time prior to the conclusion of the Informal Resolution, elect to end such proceedings and initiate the formal Student Conduct Process instead. In such cases, statements or disclosures made by the parties in the course of the Informal Resolution may not be used as evidence in the formal Student Conduct Process. However, the Student Conduct Officer may consider such statements and impose protective actions as deemed necessary until all formal Student Conduct Process procedures are completed including the Appeals Process.

In order to promote honest, direct communication, information disclosed during Informal Resolution will remain confidential while the Informal Resolution is pending, except where disclosure may be required by law or authorized in connection with duties on behalf of the University.

ADMINISTRATIVE HEARING

At the Administrative Hearing the student will:

- have the student conduct process for the University explained
- have the charges explained
- be given the opportunity to respond to the charge(s)

The accused student may:

- choose not to contest the charge(s) by signing a form verifying this decision
- contest the charge(s)

If a student fails to attend an Administrative Hearing within the prescribed period of time, the facts will be reviewed by the Student Conduct Officer and a decision will be rendered in the student's absence.

In cases where the accused student or student organization pleads in violation, the Student Conduct Officer will conduct the Administrative Hearing. In the Administrative Hearing, the Student Conduct Officer will discuss the specifics of the case, the University's behavioral expectations, and possible sanctions.

The Student Conduct Officer may choose to consult with the Dean of Students, before imposing sanctions. The student or student organization will be notified of the sanctions in writing to their University email address. In cases where an Administrative Hearing is held, the accused student or student organization can appeal only on the ground of severity of sanction. See Procedures for Appeal in this process for more information.

STUDENT CONDUCT HEARING

In cases where the accused student or student organization pleads not in violation, a Student Conduct Hearing will be scheduled.

Student Conduct Hearings are not formal legal proceedings; that is, neither the rules of evidence nor the procedures of a court of law apply to these proceedings. Rather, the purpose of these proceedings is for a community of learners to pass judgment on the behavior of one or more of its members in terms of its Catholic Franciscan values, policies, and mission.

The Student Conduct Hearing is a formal process. The accuser(s) will appear in order to present her/his/ written complaint. Witnesses may be called to testify by the accuser, by the accused and/or the Chair of the Student Conduct Board. The Chair of the Student Conduct Board may reasonably limit the number of witnesses.

Whenever possible, the accused shall have the right to hear or read all evidence presented at the Student Conduct Hearing.

The accused shall have the opportunity to respond to all charges and all evidence and to call a reasonable number of witnesses on her/his behalf or to submit their statements. However, the accused does not have the right to receive copies of such statements or evidence. The accused does not have the right to confront or cross-examine the accuser or witnesses. Under rare circumstances, the Student Conduct Board Advisor may determine that the identity of certain witnesses should be withheld. Character witnesses are not permissible.

The accused may choose to be accompanied to the Student Conduct Hearing by an advisor of his/her choice. In keeping with the educational goals of the University the advisor must be a member of the University community (faculty, staff or student). The student advisor may advise the accused during the hearing. The student advisor may not address the Student Conduct Board during the course of the proceedings, question witnesses or participate directly in the hearing proceedings.

Attorneys are not permitted at Student Conduct Hearing except in cases where criminal charges are pending for either the accused or the accuser. In cases where attorneys are present, the lawyer may advise the accused during the hearing. The attorney may not address the Student Conduct Board during the course of the proceedings, question witnesses or participate directly in the hearing proceedings.

Student Conduct Hearing will be scheduled such that the timing does not negatively affect the student's ability to fulfill his/her academic obligations at the University and such that the accused and the accuser have a reasonable amount of time to prepare the case.

In either case, the accused will have ample opportunity at the Student Conduct Hearing to make any statements written or oral relevant to the case and to identify possible witnesses. The Student Conduct Board will review all available evidence, reserve the opportunity to contact witnesses not present, determine a finding of in violation or not in violation based on the evidence, and in the case of a finding of in violation recommend sanctions to the Dean of

Students. The student or student organization can appeal the sanction(s) per the Procedures for Appeal as stated in this Policy.

STUDENT SEXUAL MISCONDUCT HEARING

In cases where the accused student or student organization pleads not in violation to the University's Sexual Assault and Sexual Violence policy a Student Sexual Misconduct Hearing will be scheduled. The Sexual Misconduct Board hears all such cases.

The Sexual Misconduct Board consists of three non-student members of the College's Student Conduct Board. These members are specially selected and trained to appreciate the complexities and legal implications of violations of this policy. The Dean of Students or designee serves as advisor to the Sexual Misconduct Board. This board follows the same procedures as the Student Conduct Board except as noted below.

STUDENT HEARING BOARD

The Student Hearing Board consists of the Chief Justice, an elected member of Student Government Board who chairs all Student Board Hearings, three students, three faculty members and three administrative staff members. All are voting members.

The Student Hearing Board hears cases of alleged violations of the Student Code of Conduct/ Student Conduct Hearings and Appeal Hearings/Student Appeal Hearings, whether the appeal is the result of an Administrative Hearing or Student Conduct Hearing.

The Chief Justice in collaboration with the Dean of Students will recruit and interview interested students and recommend three students to the Student Government Board for approval and appointment to the Student Hearing Board.

The Vice President for Academic Affairs will appoint the three faculty members to the Board. The Vice President for Student Affairs will appoint the three administrative staff to the Board.

A quorum of three or five is required to hear a student conduct case or an appeal, with students always being the majority. A quorum of three will consist of two students and one faculty member or one administrative staff member. A quorum of five will consist three students and two faculty or administrative staff members. The Dean of Student or designee will decide if a conduct hearing requires a quorum of three or five. Conduct hearings involving violations of significant severity will typically require a quorum of five.

The Dean of Students or designee serves as advisor to the Student Hearing Board. As advisor the Dean of Students is an ex-officio member of the Student Hearing Board and is not a voting member. An accused may request that a member of the Student Hearing Board recuse her/himself from a Student Conduct Hearing for cause. In the event of a disagreement about such a request, the final determination shall be made by the advisor. A member of the Student Hearing Board may also recuse her/himself from the case for any cause. In either case, an appropriate substitution will be made by the advisor.

The Dean of Students or designee as advisor is present throughout the Student Conduct and Appeal Hearing proceedings and is responsible for ensuring that University procedures and policies are followed.

Additional duties of the Dean of Students as Student Hearing Board Advisor are as follows:

- assist in the selection of student hearing board members
- train all Student Hearing Board members
- schedule an organizational meeting of the Student Hearing Board at the beginning of each academic year
- schedule an end of year meeting to review all Student Hearing Board activities and suggestions for improvement and change
- schedule all Student Conduct Hearings
- schedule all Appeal Hearings
- review and approve or amend all Board recommended sanctions
- communicate all Hearing Board decisions to the accused and the accuser as required

PROCEDURES FOR STUDENT CONDUCT HEARINGS

The Chief Justice as chair of the hearing conducts the proceedings. The procedure for hearings is as follows:

1. The hearing will begin with all who are participating in the hearing in one room where the University's Mission Statement is read, the responsibilities of the Student Hearing Board are shared and a statement of confidentiality is read that all agree to abide by.
2. The accused or the accuser may request that a member of the Student Hearing Board recuse her/himself from a Student Conduct Hearing for cause.
3. Witnesses will be asked to leave and wait at another location until they are called by the Chair to give testimony. Each of the parties and/or the Chair of the Student Conduct Hearing shall have the right to call witnesses. Witnesses must be named in the previously submitted written statements. Anonymous testimony is not admissible.
4. Character witness are not permissible in hearings.
5. The Chair may place time limits on testimony and rule on relevance of such testimony.
6. The accused is expected to be present at all sessions of the hearing except during Board deliberations.
7. The members of the Board shall maintain confidentiality except as prescribed by law, or permitted by FERPA.
8. The hearing shall be tape-recorded with the exception of the Board deliberation, with recordings maintained for one year in the office of the Dean of Students.
9. The Student Hearing Board shall deliberate regarding the information presented and a simple majority vote shall determine the Board's final decision of in violation or not in

violation. If found in violation the Board must recommend sanctions to the Dean of Students or designee who acted as Hearing Board advisor.

10. The decision of the Student Hearing Board and sanctions shall be reported in writing within three class days after the close of the hearing by the Dean of Students or designee to the accused and the accuser.

PROCEDURES FOR STUDENT SEXUAL MISCONDUCT HEARING

In cases of Sexual Misconduct or Sexual Violence, the accuser and the accused have the right to appeal a decision of in violation whether it has been decided by the Sexual Misconduct Hearing Board or a Student Conduct Officer. Any appeal of either a decision of in violation and/or severity sanction(s) or both must be submitted in writing, including a detailed explanation of the basis for the appeal, no more than five (5) business days of the date of the letter informing the accused and the accuser of the outcome of the hearing. In the case of new information, the appeal must be submitted within five (5) business days of when the new information becomes available. Appeal hearings are document hearings only and in the case of a Sexual Misconduct Board Hearing the verbatim tape recording. The accuser or the accused do not appear in Appeal Hearings.

THE DETERMINATION

The decision of the Student Hearing Board is not delivered at the hearing. All evidence is reviewed and any deliberations take place in private followed by a vote of the Student Hearing Board members. If desired the Board can vote confidentially. In such cases the advisor will read and tally all votes.

The accused is found in violation or not in violation by a simple majority vote. The advisor is present for all deliberations but does not vote. In cases in which the accused is found in violation, the Student Hearing Board discusses possible sanctions and recommends sanctions to the Dean of Students or designee. The Board must consider prior disciplinary history before recommending sanctions to the Dean of Students or designee acting as advisor. The Dean of Students retains final approval for all sanctions recommended.

As soon as possible after the hearing the Dean of Students notifies the accused student or student organization of the Board's decision(s) in writing to campus or home address, with a copy by email. If found in violation the accused is notified of all sanctions and appeal procedures. The advisor retains a written record of all charges, pleas, statements, decisions, the verbatim tape and sanction recommendation(s) of the Student Hearing Board.

BURDEN OF PROOF

The determination "in violation" requires "a preponderance of evidence" that would lead a reasonable person to conclude that it is more likely than not that the accused student or student organization violated the Student Code of Conduct.

PROCEDURES FOR APPEAL

The appeal process is available only to the accused student or accused student organization that has been found in violation. Appeal hearings are limited to case related documents and verbatim

tapes. Appeal Hearings are not in person hearings. Appeals are heard by the Dean of Students or designee or a Student Appeal Hearing Board. All appeal decisions are final.

An appeal hearing quorum consists of three or five, with students being the majority. A quorum of three will consist of two students and one faculty member or one administrative staff member. A quorum of five will consist three students and two faculty or administrative staff members. The Dean of Students or designee will decide if an appeal hearing requires a quorum of three or five, Appeal Hearings involving sanctions of significant severity will typically require a quorum of five.

ADMINISTRATIVE HEARING APPEAL

In cases where a student or student organization plead in violation they can appeal only on the basis of severity of sanction. If the appeal is upheld, the Student Conduct Officer or the Student Conduct Board can amend the sanction(s).

STUDENT CONDUCT HEARING APPEAL

Students and student organizations have the right to an appeal. All appeals must be submitted in writing, including a detailed explanation of the basis for the appeal, no more than five (5) class days of the date of the letter informing the student or student organization of the outcome of the hearing. In the case of new information, the appeal must be submitted within five (5) class days of when the new information becomes available. Appeal hearings are document hearings only and in the case of a Student Board Hearing the verbatim tape recording. Students do not appear in Appeal Hearings.

Any appeal must be based upon at least one of three criteria:

Severity of Sanctions: To determine whether the sanction(s) imposed was appropriate for the violation of the Student Code of Conduct the student or student organization was found responsible for violating. Specifically, the sanction imposed is not consistent with those imposed for similar violations that occurred under similar circumstances.

Improper Procedure: To determine whether the original hearing was conducted fairly in light of the charges and information presented and in conformity with prescribed procedures giving the accuser a reasonable opportunity to prepare and present information that the Code of Conduct was violated and giving the accused student or student organization a reasonable opportunity to prepare and present a rebuttal of those allegations.

New Information: Information that has become available but was not available at the time of the hearing. To consider new information sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the student or student organization appealing at the time of the original hearing. In the case of new information, the appeal must be submitted within five (5) days of when the new information becomes available.

In cases in which an appeal is requested, a stay of sanctions will normally be granted. Sanctions will be held in abeyance pending the outcome of the appeal. However, the Student Conduct Officer reserves the right to deny a stay of sanctions in cases in which he/she deems appropriate.

If the Student Conduct Officer or Student Conduct Board grants an appeal for a reason other than severity of sanction, the matter shall be returned to the original Student Conduct Officer or the

Student Conduct Board to allow reconsideration of the original decision. In reopening all cases, the decision of the Student Conduct Officer or the Student Conduct Board regarding sanctioning may not result in more severe sanctioning for the accused.

INTERIM SUSPENSION

In certain circumstances, the Dean of Students or a designee may interim suspend a student from residence or from the University pending the outcome of the Student Conduct Process.

Interim suspension may be imposed:

- to ensure the safety and well-being of members of the University community or preservation of University property.
- to ensure the student's own physical or emotional safety and well-being.
- if, in the judgment of the Dean of Students or designee, the student poses a definite threat of disruption or interference with the normal operations of the University.
- if the Dean of Students or designee determines that the interim suspension is in the best interests of the University community.

During the interim suspension, students or student organizations shall be denied access to University housing and/or attending class and other University activities or privileges for which the student or student organization might otherwise be eligible, as deemed appropriate by the Dean of Students or designee.

In the case of a student organization, the organization's activities and participation in University events may be limited as specified by the Dean of Students or designee. If appropriate, interim suspension may include the cessation of all activities and the withdrawal of recognition and allocated funding by the University, pending the final outcome of the proceedings.

In cases of interim suspension, the Student Conduct Process will be implemented as soon as possible to determine the outcome of the case.

A student or student organization on interim suspension can request an opportunity to appear personally before the Vice President for Student Affairs within five class days from the effective date of the interim suspension to discuss the suspension. This request should be made to the Vice President for Student Affairs in writing. The decision of the Vice President for Student Affairs as to whether or not to impose an interim suspension will hold as final.

AUTHORITY OF THE PRESIDENT OF THE UNIVERSITY

In all matters of student conduct, the President reserves the right to overturn a student conduct decision, including a decision of appeal, if in his/her sole judgment the safety or well-being of a campus community member, a student organization, the community in general or University property are at risk.

SANCTIONS FOR VIOLATIONS OF THE STUDENT CODE OF CONDUCT

The following sanctions are typical of what may be imposed. More than one sanction may be imposed for a single violation.

WRITTEN WARNING

The student or student organization is given a written warning and warned that further misconduct shall result in more severe disciplinary action.

DISCIPLINARY PROBATION

Disciplinary Probation is a specific period of time during which the University provides the student or student organization with the opportunity to prove that he/she/it will contribute in a positive manner to the University community. Should a student or student organization violate University policies while on Disciplinary Probation, more severe sanctions will be imposed. Specific restrictions of disciplinary probation can include, but are not limited to prohibiting a student from representing the University in any intercollegiate or club sports competition, holding any elected or appointed office on the campus and may in some cases be banned from attendance at or participation in organized University functions, whether athletic, social, or institutional, during this period. Other specific restrictions may be added as conditions of probation in individual cases.

EVALUATION AND COUNSELING

The student may be referred to the University's Counseling Center for Wellness for evaluation and counseling.

RESTITUTION

The student or student organization is required to make monetary reimbursement for repair or replacement of property, for services rendered to the University or to other persons, groups, or organizations for a specified amount by a date designated by the Student Conduct Officer.

MONETARY FINE

A monetary fine may be assessed for certain infractions.

ASSIGNMENT OF A CONTRIBUTORY SERVICE OR CONSTRUCTIVE/ EDUCATIONAL TASK

A student is required to complete a task that benefits the individual and/or the University community. Examples include, but are not limited to, performing contributory service, writing reflections or research papers, and attending programs, lectures, or other educational events deemed appropriate by the Student Conduct Officer.

STUDENT AFFAIRS HOLD ON RECORDS

The enforcement of policies may necessitate placing a Student Affairs hold on the student's record. This hold will prevent a student from accessing grades, registering for classes, receiving a diploma and in some instances receiving transcripts.

NOTIFICATION OF PARENT OR LEGAL GUARDIAN

The University will inform a student's parent(s) or legal guardian(s) that the student has been found in violation of the University policies on alcohol, other drugs, or violence or separated from the University or the University's residence halls.

HOUSING REASSIGNMENT

A student may be involuntarily reassigned to a new residence hall room assignment.

STAY AWAY/NO CONTACT ORDER

A student is not to contact, communicate or interact with another individual(s) through, but not limited to, any of the following means: in person, in writing, by phone, by email, by texts or other electronic messaging, through social media, or through a third-party.

BAN FROM RESIDENCE HALLS

A student is prohibited from entering all residence halls or a specific residence hall(s) for a designated period of time. Students who are banned from the University residence halls cannot go beyond the residence hall lobbies

LOSS OF RESIDENCE HALL VISITATION AND/OR GUEST PRIVILEGES

The residence hall visitation and /or guest privileges of students are revoked for a designated period of time. Additionally, the student must sign in and out of his/her assigned residence hall each time the student enters or exits the building.

SUSPENSION OF RESIDENCE LIFE PRIVILEGES

The student will be suspended from residency when there is reason to believe that a student will continue to have a disruptive influence on the residential community unless or until certain conditions are met. (E.g. attend counseling, rehabilitation, or resolution of a dispute) or when a student has seriously abused his/her privilege of residency. Readmission is usually at the discretion of the Dean of Students in conjunction with the Director of Residence Life. The sanction will stipulate a specific time period for the suspension of residency privileges and may include specific requirements must be fulfilled before reinstatement into residence life will be considered. Suspension of residence life privileges means the student must properly check out of his/her room in accordance with existing University procedures within the time constraints established by the Student Conduct Officer. As indicated in the Residence Halls Agreement the resident will be liable for the full room charges.

LOSS OF RESIDENCE LIFE PRIVILEGES

The student will lose residency privileges when there is reason to believe that a student will continue to have a disruptive influence on the residential community or when violations are so severe that they merit permanent removal of the privilege of residency. Loss of residence life privileges means the student must properly check out of his/her room in accordance with existing University procedures within the time constraints established by the Student Conduct Officer. As indicated in the Residence Halls Agreement, the resident will be liable for the full room charges.

SUSPENSION FROM THE UNIVERSITY

The student or student organization will be suspended from the University when there is reason to believe that a student or student organization will continue to have a disruptive influence on the University. Suspension is a separation of the student from the University for a specified period of time. A suspended student will be withdrawn from all courses and may not attend classes, take exams, receive grades, maintain a leadership position, or be on University premises without the written authorization of the Dean of Students or designee throughout the entire duration of the suspension period. A suspended student must surrender his/her University-issued identification card to Dean of Students for the duration of the suspension. Should a financial refund be due to the student, it will be made in accordance with the University's published refund policy.

In the case of a student organization, suspension will result in the loss of recognition which includes loss of privileges including, but not limited to, loss of the use of campus facilities and allocated student government funds, inability to participate in University activities or sponsor official activities. Future recognition is at the discretion of the Dean of Students in consultation with the Director of Student Activities, or the Director of Athletes and Recreation.

EXPULSION FROM THE UNIVERSITY

The student will be expelled from the University when there is reason to believe that a student will continue to have a disruptive influence on the University community and/or when the nature of the violation is so serious that permanent separation from the University community is in order. Expulsion is permanent. An expelled student shall not be permitted on University property. An expelled student cannot be re-admitted to the University. Any refunds of tuition, fees, room and board are subject to the refund policy as stated in the Undergraduate Student Catalog. A record of the expulsion is entered and remains on the student's academic transcript. In the case of a student organization, the organization will lose its official recognition allocated funding, and all other privileges.

STUDENT CODE OF CONDUCT

COMMUNITY STANDARDS

Neumann University' Code of Conduct includes a statement of community standards built on the values espoused by Neumann University in an effort to create a caring learning community based on Neumann's Franciscan tradition of respect, peacemaking and joy. Specific policies follow from these community standards.

ABUSE OF THE STUDENT CONDUCT PROCESS

Violations of this policy include but not limited to:

- failure to obey the summons of a University official
- falsification, distortion, or misrepresentation of information before a Student Conduct Officer or the Student Conduct Board
- disruption or interference with the orderly conduct of a procedure
- knowingly making a false accusation
- attempting to discourage an individual's proper participation in or use of the Student Conduct System
- attempting to influence the impartiality of a Student Conduct Officer, the Student Conduct or Appeal Boards prior to, during, and/or after a student conduct proceeding

COMPLICITY POLICY

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

ACADEMIC HONESTY

The University's Academic Honesty Policy and other Academic Policies can be found in Section Five of the Student Handbook.

ALCOHOL POLICY

Neumann University's alcohol policy and illegal drug policy strive to provide educational opportunities for students as they transition from adolescence to young adulthood and to enable them to grow and develop as mature and productive citizens in all aspects of their lives.

As part of Neumann's culture of caring, and its status as a Catholic institution of higher education, students are expected to conduct themselves in a manner consistent with university values and to be mindful of personal well-being and the well-being of others.

The university is required to enforce its own policies in cooperation with local, state, and federal laws pertaining to alcohol and illegal drug possession or use. The university cooperates with these government authorities to ensure the safety and security of the university community. Additionally, all NCAA guidelines are required to be followed with respect to athletic events.

ALCOHOL POLICY

Neumann educates students regarding the use and the abuse of alcohol by providing programs, counseling and alcohol related information. The university monitors the use of alcohol in order to provide students with a safe and healthy learning environment.

Neumann adheres to Pennsylvania State law as generally outlined below.

Pennsylvania law prohibits the sale, purchase, possession or consumption of alcohol by any person under the age of 21. It also prohibits:

- misrepresenting age to secure alcoholic beverages
- carrying a false ID card
- misrepresenting to another that a minor is of legal age
- inducing a minor to purchase, or offering to purchase alcohol for a minor
- manufacturing or selling false ID cards
- Neumann adheres to and enforces the Codified Ordinances of Aston Township (Section 608.1(a)) which provides for an open container law: *No person shall carry or possess an open container of beer, wine, liquor or other alcoholic beverage on the streets or other public ways of the Township, or on private property in the Township without the express permission of the owner or lessee of such private property.*

Students 21 years of age, who reside in the Buoni Building and the Buoni Building, may consume alcohol in their rooms in accordance with the guidelines below:

- Moderate amounts of alcohol may be consumed responsibly; moderate is defined as no more than one 12 pack of beer per student, per week, cans only, or one bottle of wine per student, per week not to exceed 2 liters.
- Students must register their alcohol at the front desk at the time of entrance with the Resident Assistant on duty, if the Resident Assistant is not available, the front desk campus security officer will register the alcohol.
- Students can only register alcohol into their assigned rooms.
- Regardless of age, guests cannot bring alcohol into the Buoni Building.
- Guests who are under 21 may not be present in a room where there are open containers of alcohol.
- Drinking and open containers in public areas including hallways, lounges, stairwells etc. are prohibited.
- Intoxication, disorderliness or offensive behavior will be sanctioned and may result in individuals being removed from the Buoni Building and/or revocation of a student's alcohol registration privileges.
- Students who consume or distribute alcohol are solely responsible for their behavior and agree to indemnify and hold harmless the University for related damages or losses to property or person.
- Paraphernalia associated with the rapid ingestion of alcohol and/or drinking games, funnels, beer pong tables etc. are not permissible and constitute a violation of the university's Alcohol Policy.

Students under 21 years of age:

- May not drink or be in the possession of alcohol or alcohol paraphernalia (as described above) while on campus, excepting for university authorized events and activities where students' presence are approved by the president, a vice president, or a director/dean. Students under 21 years of age may not consume alcohol at these events.
- May not permit individuals who are of legal drinking age to consume alcohol in their rooms or apartments.
- Students who, in violation of this policy, consume or distribute alcohol are solely responsible for their behavior, are subject to sanctions, and agree to indemnify and hold harmless the University for related damages or losses to property or person.

LLC1, LLC 2 and LLC3 (LLC Living Learning Centers) are alcohol free residence halls. Alcohol is not permitted in these residence halls regardless of the age of students. Alcohol found in a student's room will be considered the responsibility of everyone in the room at the time the alcohol is found.

The university reserves the right to confiscate and dispose of any and all items, that in its sole discretion, contribute to the use and misuse of alcohol when found on its premises.

The university expects that all of its students, whether on or off campus, will abide by the university's regulations concerning alcohol and other drug use. When a student engages in conduct off-campus that violates the university's regulations concerning alcohol and drug use and such violation results in behavior which, in the university's sole judgment, is destructive, abusive, or detrimental to the university in any way, the university's Code of Student Conduct process shall apply and such matters will be processed accordingly.

ALCOHOL VIOLATIONS: GENERAL SANCTIONING GUIDELINES

The university imposes a range of sanctions when adjudicating alcohol policy violations. Each incident is reviewed on a case-by-case basis. For students determined responsible, sanctions are imposed according to the severity of the incident and the student's past disciplinary record. Sanctions range from a written warning, up to and including expulsion from the university and will usually include alcohol education, a reflection and contributory/community service. Depending on the specifics of the incident counseling and/or a counseling assessment may be mandated. In incidents involving a violation of the university's Alcohol Policy the student's parents/guardians may receive a letter from the university describing the incident and sanctions, where permitted by law.

GOOD SAMARITAN POLICY

In case of intoxication and/or alcohol poisoning, the primary concern is for the health and safety of individual(s) at risk. **Students and student organizations are strongly encouraged to call for medical assistance for themselves, organization members, friends or acquaintances who are dangerously intoxicated.** Students and student organizations who seek emergency medical attention for themselves, friends, organization members or acquaintances related to consumption of drugs or alcohol will not be charged with violations of the University's Code of Conduct related to that consumption. This is provided that the student meets with the appropriate

University official, subsequently completes the recommended appropriate educational program and any recommended treatment at the University's Counseling Center or externally within a reasonable time frame to be determined by the University. Such educational programs or treatment will not be noted in the student's disciplinary file. Failure to complete this educational program, evaluation/treatment may result in student conduct charges being filed against the student.

This policy applies only to those students or organizations who seek emergency medical assistance in connection with an alcohol or drug-related medical emergency and does not apply to individuals experiencing an alcohol or drug-related medical emergency who are found by University employees. (i.e. security staff, faculty, administrative staff, residence hall staff).

The University's Good Samaritan Policy is not intended to shield or protect those students or organizations that repeatedly violate the Code of Conduct. In cases where repeated violations of the University's Code of Conduct occur, the University reserves the right to take student conduct action on a case by case basis regardless of the manner in which the incident was reported. Additionally the University reserves the right to adjudicate any case in which the violations are egregious.

This policy only provides amnesty from violations of the University's Code of Conduct. It does not grant amnesty for criminal, civil, or legal consequences for violations of Federal, State, or Local law.

The University reserves the right to contact any student to discuss an incident whether or not the University's Good Samaritan Policy is in effect.

FOR ASSISTANCE IN AN EMERGENCY SITUATION CONTACT CAMPUS SAFETY
AT 610-558-5555 or ext. 5555 or call 911

BULLYING POLICY

Bullying is defined as the intentional act of one or more individuals intimidating, threatening, or humiliating one or more persons through verbal, physical, mental, graphical, electronic or written interactions. Bullying need not include intent to harm, be directed at a specific individual, or involve repeated incidents to constitute a violation of University policy and/or federal, state, or local law.

Verbal bullying includes, but is not limited to, directly or anonymously teasing, taunting, name-calling, spreading malicious rumors, threatening to cause harm, and/or persuading or encouraging another person to engage in such activities.

Physical bullying includes, but is not limited to throwing objects, removing and hiding belongings, spitting, poking, assault, pulling clothing, menacing stares, obscene or threatening gestures, surrounding a person so that they cannot escape, and threatening to cause such harm and/or intentionally placing another person in fear of being touched or struck. Relational/social status bullying includes, but is not limited to an individual trying to hurt a peer, peers standing within a particular peer group and forming alliances against someone, spreading rumors,

embarrassing someone, excluding someone, and/or persuading others to engage in such activities.

Cyberbullying is the misuse of communications technology to harass, tease, intimidate, harm, threaten, terrorize, or otherwise victimize another person. Cyberbullying includes, but is not limited to sending or posting offensive, derogatory or rumor spreading texts, e-mails, instant messages, digital pictures or images, videos cruelly mocking others posted to video sharing sites (for example YouTube), the creation of social media pages that humiliate others (for example Facebook), and forwarding “sexts”, private messages, or intimate images from one person to another to others or even to the entire university.

COMPUTER/ACCEPTABLE USE POLICY

Declaration of Computing and Information Rights and Responsibilities (DCIRR)

In response to the needs of its students, staff, faculty, and administration, Neumann University provides an extensive array of computer and information resources. Members of the community are encouraged to assist one another in the exploration and responsible use of these resources as they engage in learning, working, teaching, and research related to the University’s mission. In general, responsible use of these resources must conform with and is subject to the standards and policies defined in the *Student Handbook*, the *Faculty Manual*, and the *General Administration Policy and Procedure Manual* as well as local, state, and federal laws. To help the members of the community enjoy the benefits of these resources, the University further establishes the following Declaration of Computing and Information Rights and Responsibilities (DCIRR) and a corresponding ethic that reflects its Catholic Franciscan mission.

The Neumann Network is provided to support Neumann University business and its mission of education, service, and research. Any other use jeopardizes the integrity of the Neumann Network, the privacy or safety of other users, or are otherwise illegal and are prohibited.

General Guidelines for acceptable use of the Neumann Network are based on the following principles:

Users are expected to:

- Behave responsibly with respect to the Neumann Network at all times.
- Respect the integrity and the security of the Neumann Network.
- Behave in a manner consistent with Neumann’s mission and to comply with all applicable laws, regulations, and Neumann policies.
- Be considerate of the needs of other users by making every reasonable effort not to impede the ability of others to use the Neumann Network and to show restraint in the consumption of shared resources.
- Respect Neumann’s principles regarding freedom of thought, inquiry, and expression.
- Respect the rights and property of others, including intellectual property rights.
- Respect the rights of others, specifically the right of privacy and of confidentiality.

The following activities are specifically prohibited:

- Use of the Neumann Network for private business, commercial or political activities, fundraising, advertising on behalf of non-Neumann organizations, unlawful activities or uses that violate other Neumann University policies.
- Disruption of or interference with the Neumann Network, including the distribution of chain mail, mail reflectors, listservs, mass emails, email bombs, or any activities that create or propagate viruses, waste system resources, or overload the Neumann Network with excessive data.
- Forging, altering, or destroying communications, accessing or intercepting the accounts of other users, or intentionally compromising the privacy or security of electronic information passing through the Neumann Network.
- Intentionally or negligently revealing one's password or otherwise permitting another to use one's personal account.
- The intentional infringing upon the intellectual property rights of others or the unauthorized copying or distributing of Neumann owned or Neumann licensed software
- Illegal downloading or sharing copyrighted material without the copyright owner's permission as prohibited by the Digital Millennium Copyright Act (DMCA) of 1998

Illegal Downloading

If the University is notified that a user on its network is illegally downloading or sharing copyrighted material without the copyright owner's permission, the Digital Millennium Copyright Act (DMCA) of 1998 requires the University to act expeditiously to remove or block access to material. We fulfill that obligation by blocking Internet access to the allegedly infringing material upon receipt of a complaint, while still permitting access to some local resources. Since this alleged copyright violation is also a potential violation of the College's Acceptable Use Policy, the student is then referred for potential disciplinary action where the student may dispute the charge at a hearing. If the student is found in violation, in addition to whatever sanction is imposed by the Student Conduct Officer or the Student Conduct Board, the student must remove the file sharing program from their machine and have it inspected by Computer Services before network access is restored. This action by the University however, does not necessarily guarantee that the RIAA (or any other copyright holder) will not pursue civil or criminal charges.

Penalties for violating this policy may include restricted access or loss of access to the Neumann Network, termination and/or expulsion from the University, and in some cases civil and/or criminal liability

User Ethic and Responsibilities:

As a diverse community of people, Neumann University encourages its members to embrace the Franciscan values of love, respect, reverence, integrity, and excellence. These communal values determine that which constitutes insensitive, abusive, harassing, offensive, and otherwise inappropriate behavior on the university systems and network. When sending email messages and downloading or using information, users are encouraged to ask themselves, "Is this material reflective of the mission and values of the university," and are responsible for acting accordingly.

DANGEROUS PRACTICES/RECKLESS BEHAVIOR

No student shall engage in activities that endanger the lives or safety of one's self or others in any building or on any property owned or operated by the University. This includes, but is not limited to reckless driving, climbing on roofs, hanging from ceilings and ledges, hanging out of windows, propping exterior doors open in residence halls, leaving doors propped open, throwing objects from windows or balconies, disclosing or giving residence hall door access to unauthorized persons, setting or causing a fire, failing to immediately exit any facility or building when a fire alarm has been sounded, or hindering or impairing the orderly evacuation of any University facility or building, or disobeying a command by any University official or faculty member in connection with a fire, alarm, or other safety-related matter.

DESTRUCTION OR ATTEMPTED DESTRUCTION OF PROPERTY

No student shall intentionally or negligently damage, attempt to damage, or participate in the damage of property belonging to the University, its students, employees, officers or organizations or that of any individual or organization visiting or passing through the campus. Acts of vandalism are a violation of this policy. Tampering with or misuse of doors or emergency phones is a violation of this policy.

DISHONESTY

No student shall:

- furnish false information to or knowingly make a false accusation against any University official, faculty member, student, or office,
- alter, or enter any false information on any official document including, but not limited to identification cards, grade change forms, academic transcripts, admissions applications, evaluations or course withdrawal forms
- possess, or sell any parking decal, ID card, key, or official University document or property issued by the University to or for another individual, lending ID cards is considered a violation of this policy
- tamper with the election of any University recognized student organization
- counterfeit, forge or provide false information or fail to provide current information for the purpose of defrauding the University

DISORDERLY OR DISRUPTIVE CONDUCT

Conduct that a reasonable person would view as substantially or repeatedly interfering with the normal functioning of a class, clinical setting, internship setting, residence hall or other setting is prohibited. Such conduct includes, but is not limited to, repeatedly leaving and entering a classroom without authorization, making loud or distracting noises, persisting in speaking without being recognized, or resorting to physical threats or personal insults. Students are responsible to comply with a request from a professor, instructor, supervisor, or other official regarding appropriate behavior. Additionally, conduct that interferes with, impairs, or obstructs the orderly conduct, processes and functions of the University or which may adversely and unreasonably impinge on the legitimate interest of others is prohibited. Such conduct includes, but is not limited to, excessive noise, public intoxication, loud or indecent conduct, interference with the ability of others to enter, use, or exit any University facility, service, or activity, intentionally interfering with the freedom of expression or movement of others, interfering with University activity such as teaching, research, recreation, meetings, and public events, physical

violence, causing reasonable apprehension of harm, or threat of violence against oneself or any member or guest of the University. This prohibition extends to off-campus conduct that, in the University's sole judgment, is detrimental to its mission and interests.

DRUG POLICY

The possession and/or use of narcotics or drugs is prohibited, except for those medically prescribed, properly used, and in the original container. All prescription drugs must be labeled with the student name, prescription ID, date, name of physician and pharmacy so that proper use can be identified by Neumann University staff and/or campus safety personnel.

Possession, use, distribution, or sale of narcotics or drugs is inconsistent with the University's policies and values, and is prohibited for all students. The University reserves the right to invoke the Student Code of Conduct process to the extent that drug use leads to behavior that in the university's sole judgment is harmful, destructive, abusive, or detrimental to the University's mission and interests. Any and all types of drug paraphernalia including, but not limited to, bongos, pipes, hookahs, water pipes, or any items modified or adapted for drug use, are not permitted on university property. Drugs and drug paraphernalia will be confiscated when found on University property. Students who are knowingly present where illegal substances are kept, are in the company of a person, knowing said person is illegally in possession of a controlled substance are, by their presence in violation of the Code of Conduct. A violation of this policy is grounds for separation from the university.

Violations of the university's drug policy include, but are not limited to:

- Knowing presence
- Possession of drug paraphernalia
- Possession or use of illegal drugs
- Sharing, distributing or using prescription drugs not prescribed for user
- Sale, manufacturing, and/or distribution of illegal drugs

DRUG VIOLATIONS: GENERAL SANCTIONING GUIDELINES

The University imposes a range of sanctions when adjudicating drug policy violations. Each incident is reviewed on a case-by-case basis. For students found responsible, sanctions are imposed according to the severity of the incident. Repeat violators are subject to more severe sanctioning. Sanctions range from a disciplinary probation up to and including expulsion from the University and will usually include drug education, a reflection and contributory/community service. Depending on the specifics of the incident counseling and/or a counseling assessment may be mandated. In incidents involving a violation of the university's Drug Policy the student's parents/guardians may receive a letter from the university describing the incident and sanctions, where permitted by law.

In accordance with federal law, students convicted of certain crimes, including without limitation, drug crimes, are likely face revocation of all federal financial aid. The University cannot and will not protect any individual who violates these laws.

FAILURE TO COMPLY WITH AN APPROPRIATE DIRECTIVE OR DISCIPLINARY DECISION

No student shall fail to comply with any appropriate directive, identify him or herself, or fail to show respect to security personnel, residence hall staff, other University officials or law enforcement officers in the performance of their duties or fail to comply with any disciplinary conditions imposed by an authorized University official or group.

FIRE SAFETY / FIRE DRILLS / FIRE EQUIPMENT

No student shall misuse or abuse fire safety rules/equipment by setting a fire, tampering with fire safety and/or fire-fighting equipment, or starting or reporting a false fire alarm by any means of communication. Students who fail to vacate University buildings during fire drills or other emergencies are subject to disciplinary action. Any student who deliberately disrupts the educational or social activities of the campus by means of false fire alarm, bomb threats, or other similar actions will face immediate suspension, possible expulsion, as well as prosecution under applicable laws.

FIREWORKS POLICY

The possession or discharge of fireworks on campus is strictly prohibited. Unless fireworks are discharged by licensed personnel with the permission and under the direction of a University employed professional.

GAMBLING

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

HARASSMENT – GENERAL

Neumann University affirms the right of all persons to be respected in his or her person, and to be subject to no form of harassment or pressure that interferes with the calm pursuit of education. Neumann University is guided by the principle that in no aspect of its practices or programs should there be disparate treatment of persons because of race, creed, color, national origin, gender, sexual orientation or disability or other irrelevant factor. This principle is expected to be observed in the instruction, employment, admission, housing and education of students, including co-curricular programs. This policy encompasses the goal that all members of the community are able to work, study and socialize free from harassment.

Harassment is defined as offensive and unwelcome conduct directed at an individual based on that individual's membership in a legally protected class. Harassment prohibited by this policy includes both conduct which creates an intimidating or hostile environment, and conduct which requires an individual to submit to harassment as a term or condition of employment or

participation in University activities.

Neumann University based on its Franciscan values, will not tolerate actions or words, which a reasonable person would regard as harassing or provoking. Appropriate disciplinary action will be taken against those found to have committed serious harassment, up to and including expulsion from the University for students and termination of employment for faculty and staff.

Violations of this policy include, but are not limited to, use of derogatory names; use of words or actions to place another person in reasonable fear of his/her personal safety or of harm to personal property; conduct intended to unreasonably annoy or disturb; exhibiting, distributing, posting, or advertising publicly offensive or indecent or abusive matter concerning any person or groups of persons, inappropriately directed laughter; inconsiderate or demeaning jokes; anonymous notes or phone calls or cyber messages.

Hate crimes and bias-related incidents are serious violations of this policy that will be investigated and adjudicated resulting up to and including expulsion from the University

A hate crime is any crime of violence, property damage or threat that in whole, or in part is directed toward an individual or a group because of the actual or perceived race, gender, religion, sexual orientation, ethnicity/national origin, or disability of the victim.

A bias incident is an action that is motivated, in whole or in part, by the perpetrator's bias or attitude against an individual or group on the basis of age, gender or gender identity, race, color, national origin, sexual and affectional orientation/association, military or veteran status, marital status, mental/physical disability, genetic information, ethnic origin, religion, or any other characteristic protected by law.

Examples of bias incidents include harassment, intimidating or threatening comments or messages, vandalism of personal or college property, and defacing posters or signs. Bias incidents affect not only the individual victim or target of a specific action, but often make an entire group or community feel vulnerable and unwelcome.

HARASSMENT-SEXUAL

A hostile environment can be created by many forms of harassing conduct, including but not limited to sexually charged actions or words, pictures, photographs, emails, and gestures. Any conduct, alone or in combination, has purpose or effect of making any individual feel offended and uncomfortable, or it interferes with an individual's academic or work performance, it runs the risk of creating a hostile environment.

The University will institute disciplinary action, up to and including expulsion from the University for students and discharge from employment for faculty and staff, against any person, faculty, staff, or student who imposes a requirement of sexual cooperation as a condition of employment, appointment, academic advancement, grading or other promises of reward or threats of punishment. Students who are the object of sexual harassment by any superior or supervisor should report such charges to the Dean of Students.

Examples of conduct which, if unwelcome and offensive, can contribute to a hostile environment include but are not limited to: sexual flirtations, touching, advances or propositions; verbal abuse of a sexual nature; sexually graphic or suggestive comments, gestures or noises; sexually degrading, demeaning, insulting, or suggestive words to describe an individual or his or her body; the display or dissemination on campus of sexually suggestive material, cartoons, objects, photographs or pictures; the transmission electronically of sexually suggestive materials, such as by sending or forwarding email or text messages.

Reporting

Any student or employee of Neumann University who believes that he or she has been subjected to discrimination, harassment, or retaliation, as defined in this policy, should immediately bring the matter to the attention of one of the following University officials:

- Vice President for Human Resources and Risk Management X-5628
- Vice President for Mission and Ministry X-5511;
- Vice President for Student Affairs X-2448
- Dean of Students X- 5494
- Vice President for Academic Affairs X-5507
- Director of Residence Life X-2222
- Vice President for Finance and Administration X- 5504

Additional information about University's policies which relate to this policy can be found in the following references:

- Harassment Policy and Procedures
- Equal Employment Opportunity Policy
- Sex Offenses Policy and Recommended Emergency Procedures

HAZING

Hazing, whether by an individual, group, or organization, is defined as any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student 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, an organization operating under the sanction of a recognized as an organization by an institution of higher education.

Examples of prohibited hazing include, but is not limited to: any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics or exposure to the elements; forced consumption of food, liquor, drug or other substance or any other forced physical activity which could adversely affect the physical health and safety of the individual; any activity which would subject the individual to extreme mental stress, such 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 or dignity of the individual; or any willful destruction or removal of public or private property.

For purposes of this definition, 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.

Groups and individuals accused of such offenses are subject to disciplinary action. The penalty for visitors who violate this policy is immediate ejection from the campus. The penalty for students or student organizations range up to and including expulsion from the University. Any organization which authorizes such conduct is subject to the suspension or revocation of recognition to operate on campus. All such penalties shall be in addition to any penalty pursuant to criminal law or any other laws to which a violator, group, or organization may be subject.

KEY MISUSE, DUPLICATION /USE OR POSSESSION OF MASTER KEY

The University prohibits unauthorized possession, duplication, or use of keys or master keys to any premises or unauthorized entry or unauthorized use of University premises or property.

PHYSICAL VIOLENCE OR THREATENED VIOLENCE

No student shall use physical force or violence upon any student, employee, or officer of the University or anyone visiting or passing through the campus. An expressed or implied threat of violence is a violation of this policy. No student shall engage in any form of violence directed toward another person or group of people. Responding to violence with violence is also a violation of this policy.

POSTING

Fliers and posters may be hung throughout the campus on approved bulletin boards only. All materials for posting must be stamped prior to distribution by the Office of Student Activities. Advertising, both inside/outside of buildings, electronic/print, and on/off campus, for parties or events may not refer to or promote alcoholic beverages, drugs, or tobacco products. Any materials of an explicit sexual nature are prohibited as well as materials that may be viewed as demeaning or degrading to a person or group of persons. Flyers are to follow the prescribed format to assure reasonable content and information.

PROJECTILES

No student shall throw or cause to be projected any object or substance that has potential for causing personal injury or disruption, damaging or defacing University or private property

RESIDENCE HALLS REGULATIONS AND POLICIES

Violation of residence hall regulations and policies as stated in Resident Halls Agreement and in this Handbook are considered violations of the University's Student Code of Conduct.

SEXUAL MISCONDUCT AND SEXUAL VIOLENCE

Neumann University, following the Franciscan tradition, embraces the profound reverence that Francis had for all creation and especially for the human dignity of each person.

In recognition of that reverence and the human dignity of each person, Neumann University prohibits sexual misconduct and sexual violence in any form and is committed to fostering an educational and working environment that is free from sexual misconduct and sexual violence.

Neumann University is committed to responding to and investigating reports of sexual misconduct and sexual violence experienced by any student, faculty member, administrator, staff, or visitor who believes that he or she has experienced an incident of sexual misconduct or

sexual violence. Sexual misconduct and sexual violence in any form is unacceptable and is a violation of this policy.

The University will handle all complaints of a sexual nature with due regard to the parties' concerns of confidentiality. If any occurrences of a sexual nature pose a general threat to the University community, Neumann will take steps to notify students, faculty and staff of the potential danger. As inherent to Neumann's values and culture of caring, Neumann will provide support for victims and urges victims to seek assistance using any appropriate resources. The alleged may choose to speak with the dean of students, the university nurse, counselor, director of residence life, or any University official about the matter. Any of these university personnel will assist the alleged victim in notifying authorities and getting appropriate resources. Alleged victims will also be assisted in obtaining counseling services from internal or external sources, depending on the alleged victim's desire.

The regulations and community standards of the university community and the laws of the external community outside the university overlap in many instances, but operate independently of each other.

The primary university sexual violence response team includes trained Title IX university community members and the Department of Campus Safety. The University's Title IX Coordinator is David W. Brownlee, Vice President for Human Resources and Risk Management, Rocco Abessinio Building 4th floor, dbrownle@neumann.edu, 610-558-5628

Neumann University strongly encourages the reporting of any and all instances of bullying, dating violence, domestic violence, any form of discrimination, harassment (including cyber bullying and cyber harassment), intimidation, retaliation, sexual assault, sexual violence and stalking. Neumann University faculty and staff have a legal obligation to report these crimes.

DEFINITIONS

Consent:

With all cases of a sexual nature, "consent" is defined as positive cooperation in act or behavior. The person consenting must act freely and voluntarily, have knowledge of the nature of the act and be capable of making a reasonable judgment concerning the nature of the act. Members of the community should be aware that by intoxication, youth or mental disability, a person may not be capable of valid consent. The University does not consider a lack of protest to imply consent. Further, a current or previous dating relationship is not sufficient to constitute consent. Any member of the University community who encourages, aids, assists or participates in any act of sexual misconduct against another is in violation of the Student Code of Conduct.

Sexual contact without consent and includes:

- Intentional touching, either of the victim or when the victim is forced to touch directly or through clothing another person's genitals, breast, thighs, or buttocks.
- Sexual intercourse without consent, whether by an acquaintance or stranger.
- Attempted sexual intercourse.
- Oral sex or anal intercourse without consent.
- Sexual penetration with an object without consent.

Dating Violence:

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be based on a consideration of the following factors:

1. the length of time the relationship has existed
2. the type of the relationship
3. the frequency of the interaction between the persons involved in the relationship

Dating Violence shall mean the use of abusive behaviors, including, but not limited to, internet, electronic (e-mail, text messages, social media platforms, etc.), written, verbal, sexual or physical contact by a person to harm, threaten, intimidate or control a current or former dating partner, regardless of sex, sexual orientation or gender identity.

Domestic Violence:

Domestic violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic violence or family violence laws of Pennsylvania, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

Sex-Based Harassment:

Includes sexual harassment and gender-based harassment.

Sexual Harassment:

Includes unwelcome conduct of a sexual nature, requests for sexual favors, and other gender-based verbal or physical conduct that is severe, persistent or pervasive enough to unreasonably interfere with an individual's educational experience or living conditions. Sexual harassment also occurs when submission to or rejection of such conduct denies or limits someone's ability to participate in or benefit from any College educational program or activity; or by creating an intimidating, hostile or offensive environment for another person.

Gender-Based Harassment:

Includes unwelcome conduct of a nonsexual nature based on a student's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.

Sexual Assault:

Sexual assault is any sexual physical contact that involves the use or threat of force or violence or any other form of coercion or intimidation; any sexual physical contact/indecent contact with another person without that person's consent, or any such contact with a person who is unable to consent due to incapacity or impairment, mental or physical. "Incapacity" or "impairment" normally includes, but is not limited to: being under the influence of alcohol or drugs; and any violation of the Pennsylvania Crimes Code.

Sexual Exploitation:

Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another person to benefit anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct or sexual violence offenses. Sexual exploitation includes, but is not limited to: invasion of sexual privacy; prostituting another individual; non-consensual video or audio-taping of sexual activity; going beyond the boundaries of consent; engaging in voyeurism; knowingly transmitting a sexually transmitted infection to another individual; exposing one's genitals in non-consensual circumstances; or inducing another person to expose their genitals.

Stalking:

Stalking includes any behaviors or activities occurring on more than one occasion that collectively instill fear in a victim, and/or threaten his or her safety, mental health, or physical health. Examples of stalking include, but are not limited to unwelcome and repeated visual or physical proximity to a person; repeated oral or written threats; and unwelcome/unsolicited communication of any kind including communication through a third party. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person.

Additional information about University's policies which relate to this policy can be found in the following reference:

- Sex Offenses Policy and Recommended Emergency Procedures
- Crisis Manager – Application for Smart Phones - Icons Sexual Violence and Title IX

SKATES, SKATEBOARDS, BICYCLES

The use of skates, skateboards, bicycles, and similar devices must be done without compromising the safety of pedestrians. The use of skates, skateboards, bicycles, and similar devices must be in accordance with the terms of this policy as well as the provisions of the Commonwealth of Pennsylvania Vehicle Code.

Bicycles may be ridden on bicycle routes and roadways only at the rider's own risk. Riders must walk their bicycles at all other places, specifically including, sidewalks, lawns, near entrance areas or in buildings. Bicycles cannot be parked in any building (including apartments/suites/rooms), entrance areas, automobile parking spaces, or streets, or on sidewalks or lawn areas. Bicycles must be parked in bicycle racks provided for them. The University is not liable for damage, destruction or theft of bikes stored in the bike racks. The use of skateboards, skates, or similar devices is at the users own risk. The use of skateboards, skates, or similar devices is prohibited in buildings, near entrance areas, and on lawns. Students may use skateboards, skates, or similar devices on sidewalks, provided that they yield to the right-of-way of pedestrians on foot.

Users of skateboards, skates, bicycles, and similar devices are responsible for any damage caused to University property that results from the misuse of those devices.

SLEDDING

Sledding is prohibited on any property owned or leased by Neumann University.

SMOKING

Smoking is prohibited on the Neumann University campus with the exception of “designated smoking areas” established for this purpose. Smoking is strictly prohibited in all University buildings, including residence halls, and University-owned transportation.

THEFT OR ATTEMPTED THEFT

No student shall steal, attempt to steal, or assist in the theft of the property or services, whether by means of taking, deception, misappropriation, or misuse.

TRESPASSING

Any person, who enters, attempts to enter, remains in a private room or office, enters a restricted area or refuses to leave an area as directed by a University official and any unauthorized person shall be considered trespassing. A person who has been banned from campus must have written authorization from an appropriate University official before coming onto campus for any reason or be subject to arrest for trespassing.

UTTERANCE OF THREATS

No student shall utter threats by any means of communication including but not limited to cyber threats, of physical abuse of any student, employee, officer of the University, or organization or anyone visiting or passing through the campus, or threats to destroy University property or the property of others.

VIOLATION OF FEDERAL, STATE, OR LOCAL LAW

Violations of federal, state, or local law on or off campus are considered a violation of the Student Code of Conduct.

WEAPONS

No student shall keep, use, possess, display, or transport any rifle, shotgun, handgun, pellet or BB gun, stun gun, dangerous knives, billy clubs, bows and arrows, slingshots, box cutters, make shift weapons, or any item which has been modified or adapted so that it can be used as a weapon, martial arts weapons, decorative swords, or any other lethal or dangerous devices capable of casting a projectile by air, gas, explosion or mechanical means on any property or in any building owned or operated by the University or in any vehicle on campus. Realistic facsimiles of weapons are also prohibited on campus. No student shall use or possess hazardous items/substances such as fireworks, ammunition, smoke bombs, explosives or any hazardous substances.

WINDOWS, BALCONIES, ROOFTOPS

The University prohibits access to windows, roofs, balconies, railings, ledges, and fire escapes of all University owned or operated buildings except in cases of repair by the proper University authority or in dire/life threatening emergency.