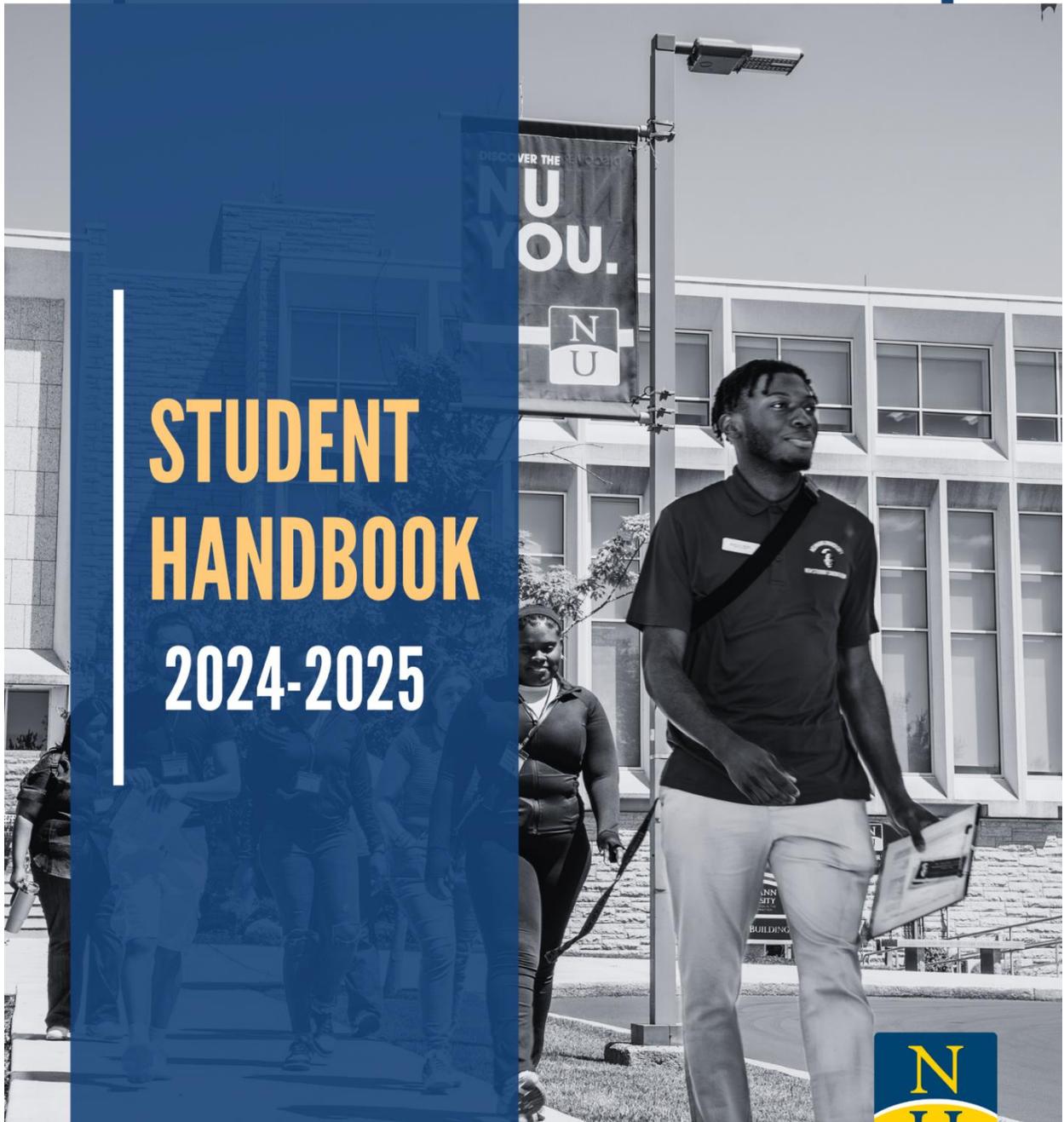


STUDENT HANDBOOK 2024-2025



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About Neumann University

Neumann University is a Catholic higher education institution in the Franciscan tradition which offers undergraduate degree programs in a broad variety of subjects, (2) two doctoral programs, (10) ten master's degree programs, and an accelerated bachelor's degree program for adults. Neumann fields 23 NCAA athletic teams is home to (8) eight arts groups and has a residential population of approximately 750 students. The student-faculty ratio of 13:1 allows professors to provide the personal attention for which Neumann is famous.

Identity

Neumann University, founded and sponsored by the Sisters of St. Francis of Philadelphia, is a Catholic institution of higher education in the Franciscan tradition.

Mission Statement

Neumann University educates a diverse community of learners based upon the belief that knowledge is a gift to be shared in the service of others and that learning is a lifelong process.

Vision Statement

Neumann University strives to be a teaching university of distinction, providing innovative, transformational education in the Catholic Franciscan tradition. Neumann RISES on the core values of Reverence, Integrity, Service, Excellence, and Stewardship and lives the actions which these values inspire. Neumann's curriculum promotes thoughtful and ethical leadership in service and response to a global and technologically complex world.

University Goals

Always and everywhere, Neumann University strives to:

- Demonstrate a firm commitment to the Catholic Franciscan tradition.
- Nurture a campus community which lives the values of Reverence, Integrity, Service, Excellence and Stewardship.
- Challenge its students to achieve personal, academic, and professional excellence.

Core Values

The way of life which Francis and Clare of Assisi and their followers embraced was modeled on the Gospel of Jesus Christ. The values which guided their lives were rooted in the Jewish and Christian Scriptures, the Old and New Testaments. These values cannot be summarized in a few words. However, institutions often highlight certain values which seem particularly relevant for their mission and the time. At this time in its history, Neumann has chosen to give special emphasis to five values: Reverence, Integrity, Service, Excellence, and Stewardship (RISES). Flowing from these values are others which are of particular significance to the university community: hospitality, compassion, care of creation, peace-making, and a commitment to justice. According to the University Vision Statement, *Neumann RISES on the values of Reverence, Integrity, Service, Excellence, and Stewardship and lives the actions these values inspire.* In "living the actions these values inspire," we seek to promote and integrate Catholic Social Teachings. In the spirit of Francis of Assisi we are invited to *Preach the Gospel always and, if necessary, use words.*

Reverence

All creation comes from God as gift. With God as Father and Jesus as brother, all women and men are sisters and brothers to one another and to the whole created universe. Having been loved unconditionally by God, we are invited to love, support, and care for life in all stages, from conception to natural death. We respect religious, ethnic, racial, and cultural diversity and seek to reconcile divisions of any kind. We promote communications which are meaningful, honest, and inclusive by listening reflectively to one another and encouraging varying points of view.

- We honor as sacred the worth and dignity of each person.
- We celebrate our relationship as sisters and brothers with one another and all creation.
- We create a compassionate, welcoming, and reconciling community.

Integrity

Integrity is the foundation for a community where people live and work, study and play, as brothers and sisters. Flowing from authenticity and rooted in sound ethical and moral principles and values, integrity requires that we never misrepresent ourselves or our work in any way. We do not use the words or works of another as if they were our own. We respect and care for the property of others.

- We speak the Truth in Love.
- We act fairly, honestly, and ethically at all times.
- We accept responsibility for the consequences of our actions.

Service

Inherent in the mission of Neumann University is the challenge to place knowledge at the service of others. The call to service invites us to be attentive to the needs of all, especially the least among us. Service flows from compassion, love and respect, and leads to identification with and understanding of those whom we serve. We serve those within our own community and reach out to others in service that is respectful and mutually enriching. We seek concrete opportunities to serve others through volunteer and outreach activities and through academic service –learning.

- We serve with humility, compassion, and love.
- We challenge unjust structures and work for social transformation.
- We embrace service as a life-long commitment.

Excellence

At Neumann University, we recognize that every service within the community is essential and helps to further our mission. We are committed to quality education that is holistic and value oriented. We invite each student to participate actively and responsibly in classes and to invest fully and maturely in curricular and co-curricular programs. We challenge our graduates to take their place in society as competent, educated persons ready to accept the challenge of bringing the values of society into harmony with Gospel values.

- We perform to the best of our ability the responsibilities entrusted to us.

- We practice cooperation, rather than competition, in the quest for excellence.
- We foster academic achievement through a strong teaching-learning community.

Stewardship

Everything we have, including our education, has been given to us by a loving and all good God. Our response to this goodness and love is gratitude and a sense of responsibility as citizens of the local and global community and sisters and brothers to all, especially the least among us. All our resources are actually on loan to us to be cared for, to be used in service for all, and to be preserved for future use. Therefore, we consider the impact of our decisions on one another and on the common good.

- We receive gratefully, use carefully, and share generously the resources available to us.
- We care for creation as a sacred Gift from God.
- We promote Catholic Social Teaching by working for peace with justice for all.

Family Educational Rights and Privacy Act of 1974 (Policy # NE 1.03)

In accordance with the *Family Educational Rights and Privacy Act of 1974 (FERPA)*, Neumann University requires that every student who chooses to have the University release Education Records, such as copies of grades, transcripts, or any other information relative to academic performance to either parents, guardians, bill-payers, prospective employers, governmental agencies, or others, first authorize the University to do so. The following is a summary of Neumann University's FERPA Policy. The full policy can be found on the [University Policy Library](#).

Educational Records

Education records include any records maintained by Neumann University that are directly related to a student, with the following exceptions:

- A. Personal records maintained by University employees which are in the sole possession of the maker and are not accessible or revealed to any other persona except a temporary substitute;
- B. Employment records unless the employment records are contingent on the fact that the employee is a student;
- C. Records maintained by Campus Safety solely for law enforcement purposes;
- D. Records on a student who is 18 years of age or older that are made or maintained by a physician, psychiatrist, or other recognized professional or paraprofessional acting in his or her professional capacity and that are created and used only for the treatment of the student and disclosed only to individuals providing the treatment;
- E. Records created or received by the University after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; and
- F. Grades on peer-graded papers before they are collected and recorded by a teacher.

Disclosure of Information from Records

All requests either to secure or release Education Records must be accompanied by written authorization which has been signed by the student. Without such authorization, the University will not release such information. This policy extends and applies to parents who request access and disclosure of their child's educational records. The student's written consent shall:

- A. Specify the records that may be disclosed.
- B. State the purpose of the disclosure.
- C. Identify the party or class of parties who the disclosure may be made.

Documentation Retention

Records will be kept in accordance with the law and the [JP 1.05 Omnibus Record Retention Policy](#).

Notification of FERPA Rights

Students are notified each year of their rights under FERPA through the annual edition of the *University's Undergraduate and Graduate Catalogs*. Further information regarding the *Family Educational Rights Privacy Act of 1974* may be obtained from the Registrar's Office.

Community Expectations and Student Responsibility (Policy # SA 4.02)

Any community is born of a shared commitment to core values. The Franciscan tradition and our core *RISES* values guide Neumann University ("University" or "Neumann"). Membership in the University community brings the responsibility to conduct oneself in ways that promote these goals, and build up the community, and refrain from activity inconsistent with the University's mission and our shared goals and commitments.

Purpose

The Student Conduct Process Policy at Neumann University is designed to facilitate reasonable and equitable action to further student learning, healing, and development. This Policy provides a summary of the University's Student Conduct Process for alleged violations of University policies, except that to the extent there is any conflict, this Policy is superseded by the University's Title IX Sexual Harassment and Community Standards Sexual Misconduct Policy and Procedures SA 4.05. All alleged violations of Title IX Sexual Harassment are processed through the University's Title IX Sexual Harassment and Community Standards Sexual Misconduct Policy and Procedures SA 4.05.

Applicability

The *Student Code of Conduct* applies to all Neumann University students in their conduct on and off-campus during their time as an enrolled student. If a student engages in prohibited activity on behalf of or while participating in a student organization, both the student and the organization may be charged with a violation(s) of the applicable University policy.

The University may investigate and/or resolve any report of alleged misconduct from when an individual first attends the University until the individual graduates or otherwise completes a University program, permanently withdraws or is permanently dismissed, even if the conduct occurs between

academic terms. When a student requests to withdraw or take an academic leave while a student conduct action is pending, the University reserves the right to proceed with the student conduct process or keep the matter open, at the University's discretion. The University may place an administrative hold on the student's account at any time preventing future registration. Unresolved matters under this Code will be adjudicated. If a student seeks to re-enroll after withdrawing or taking an academic leave.

Authority

Ultimate authority over student conduct is vested in the President of the University, who may take immediate action at his/her discretion for any violation of University policies or procedures. Action taken by the President is final and closes the matter.

As an ordinary matter, the President has delegated authority over student conduct to the Dean of Students who may exercise it consistent with these procedures. The Dean of Students or Dean of Students' designee reserves the authority to take immediate, necessary, and appropriate action to protect an individual's health, safety, and well-being.

The Assistant Dean of Students, with direction and guidance from the Dean of Students, is responsible for administering the student conduct system and ensuring that all student conduct proceedings are carried out in accordance with University policies and procedures.

Accommodations

Just as students with disabilities may be eligible for accommodations in their classes, reasonable accommodations may be available for the student conduct process. Students with disabilities who are requesting accommodations or services during the student conduct process are required to present a current accommodation document or letter from the Disability Services office. The request for accommodation must be received by the Office of the Dean of Students at least two (2) business days prior to the scheduled student conduct meeting or hearing.

Interim Measures

In certain circumstances, the University may intermly suspend a student from the University, housing, or specific University operations 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 University's judgment, the student poses a definite threat of disruption or interference with the normal operations of the University.
- If the University determines that the interim suspension is in the best interests of the University community.

During the interim suspension, students or student organizations may 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. In the case of a student organization, the

organization's activities and participation in University events may be limited as specified by the University. 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.

A student or student organization on interim suspension can appeal the interim suspension within two business days from the effective date of the interim suspension. Appeals of interim measures University should be made to the Dean of Students or their designee. Appeals must be made in writing via letter or through the student's Neumann University e-mail account. The decision of the Dean of Students or their designee as to whether or not to impose an interim suspension will hold as final.

Student Code of Conduct

The following behaviors and activities are prohibited and may result in student conduct action under this *Student Code of Conduct*. Commission of or attempts to commit these acts, condoning, supporting, or encouraging others in commission of these acts, or failure to prevent one's guests from committing these acts may lead to the University treating them as violations of this *Code*.

- A. Dangerous Conduct:** Intentionally or carelessly engaging in conduct that threatens or endangers the health or safety or causes physical harm, including the violator.
 - 1. Placing a person in fear of imminent physical danger or bodily harm.
 - 2. Causing bodily harm to a person or engaging in harmful physical contact that would likely have caused bodily harm despite the lack of measurable harm.
 - 3. **Hazing:** Any action which endangers the mental or physical health of a student, or which encourages the student to engage in illegal or inappropriate conduct for the initiation, admission into, affiliation with, or as a condition of continued membership in, a recognized or unrecognized group or organization.
 - 4. Engaging in reckless behavior which creates a potentially unsafe situation for community members.

- B. Harassment:** Any actions, threats, gestures, images, and/or words directed toward another person or group via any medium which have the purpose, or which tend to incite a breach of the peace, create a hostile, offensive, or demeaning environment, or cause emotional distress to that person because of the humiliating, degrading, intimidating, insulting, coercive, ridiculing, and/or alarming nature of the conduct. It frequently, but not always, involves a pattern of conduct.
 - 1. Discriminatory harassment includes offensive, unwelcome conduct or language that is based on an individual's race, color, religion, sex, national origin, age, marital status, personal appearance, family responsibilities, physical or mental disability, political affiliation, status as a veteran, or any other basis protected by Federal, state, and/or local laws.
 - 2. Personal harassment includes offensive, unwelcome conduct or language that is not based on a protected class.

- C. Dangerous Items:** The use, possession, or storage of any firearms, explosives, other weapons, fireworks, or dangerous chemicals.

1. **Firearms and ammunition:** Firearms are defined as any gun, rifle, pistol, or handgun designed to fire bullets, BBS, pellets, or shots (including paint balls or gel beads), regardless of the propellant used.
2. Explosives and fireworks including, but not limited to, firecrackers, cherry bombs, smoke bombs, and similar devices.
3. Knives that are longer than 3 inches, or other weapons, or objects that could be construed as weapons or items that pose a potential hazard to the safety or health of others. Other weapons are defined as any instrument of combat, or any object not designed as an instrument of combat but carried or used for the purpose of inflicting or threatening bodily injury or damaging/destroying University property or the property of others.
4. Unauthorized hazardous materials or chemicals.

D. Interfering with Fire Safety

1. Misusing, tampering, or damaging fire safety equipment including, but not limited to, fire extinguishers, smoke alarms, sprinkler systems, emergency exit doors, or exit signs.
2. Unauthorized burning of any material in any University building, on University property or on areas adjacent to University property.
3. Disregarding a fire alarm signal or refusing to evacuate a building or section of a building when a fire alarm is activated.
4. Recklessly or intentionally activating an alarm when an emergency situation does not exist.

E. Alcohol: The abuse of alcohol is prohibited. The use, possession, or distribution of alcohol is prohibited, except as permitted by law and University policy. Therefore, students of legal age may possess and consume alcoholic beverages consistent with this policy.

1. Possession of containers that previously contained alcoholic beverages by persons under 21 years of age.
2. Possession of common source containers of alcohol such as kegs or alcoholic punch (e.g., jungle juice).
3. Possession of alcoholic beverages by persons under 21 years of age.
4. Possession or consumption of alcohol outside of the University's reasonable consumption policy permitting the consumption of beer or wine in residence hall rooms or alcohol at university-approved events. The University's reasonable consumption policy restricts the possession or consumption of liquor on campus.
5. Consumption of alcoholic beverages, including:
 - a. Consumption of alcoholic beverages by persons under 21 years of age.
 - b. Consumption of alcoholic beverages by persons 21 years of age or older in any public area, including public space within a residence hall, unless it is an

official University approved event or University venue licensed to serve alcohol. Persons 21 years of age or older may only possess or consume reasonable quantities of alcohol.

6. Regardless of age, the abusive or dangerous use of alcohol is prohibited on and off the campus, including but not limited to:
 - a. Intoxication resulting in impaired motor skills or balance, slurred speech, disorientation, vomiting, blacking out, passing out, or other similar behavior.
 - b. Disruptive, disorderly, or dangerous conduct related to the consumption of alcohol.
 - c. Driving on or off the campus while under the influence of alcohol.
 - d. Sale, distribution, or attempts to sell, distribute or provide alcoholic beverages to anyone under 21 years of age. This also applies to those hosting social gatherings where alcohol is available for consumption to persons under the age of 21.

F. Drugs: The use, possession, and/or distribution of any drugs and/or drug paraphernalia. Drugs include any controlled substances as defined by law, including those without a valid prescription, and/or other recreational substances. The University does not permit cannabis or marijuana products for any purpose; students who qualify under local law to use cannabis or marijuana products may not possess, store, use, or share products on university-owned or controlled property or during university-sponsored events.

1. Possession of paraphernalia including, but not limited to, any item typically used to inhale/inject/ingest/mask drugs, regardless of whether the items has been used for illegal purposes.
2. Possession of drugs.
3. Use of drugs.
4. Distribution (any form of exchange, gift, transfer, or sale) of drugs.

G. Theft/Unauthorized Possession of Property

1. Theft of property or services or possession of stolen property.
2. Unauthorized possession of university property (including residence hall lounge furniture) or the property of others.

H. Damage to or Misuse of Property

1. Damaging or defacing University property or the property of others.
2. Unauthorized entry into university property or the property of others.
3. Unauthorized use or misuse of university property or the property of others.

I. Disorderly Conduct: Acting in a manner which disturbs, interferes with, obstructs, or is offensive to another/others.

1. Shouting or making excessive noise either inside or outside a building to the annoyance or disturbance of others.
2. Verbally abusing University officials (including students appointed to act as representatives of the University such as Resident Assistants) acting in performance of their duties.
3. Behaving in a lewd or indecent manner.
4. Engaging in, leading or inciting others in a breach of peace that is disruptive to the community.

J. Non-academic Dishonesty

1. Knowingly furnishing false information to the University or a member of the University community, including at university student conduct proceedings.
2. Forgery, misuse, or unauthorized alteration/creation of documents, records, University ID cards, keys, or other objects.
3. Fraud, through act or omission, committed against a member of the campus community or others.

K. Interfering with University Events: Interfering with any normal University of University-sponsored events, including but not limited to studying, teaching, research, sponsored social programs, and University administration, or emergency services.

L. Smoking: Smoking in a building or within 25 feet of an entrance or window of any University building.

M. M. Violating Other University Policies: Any violation of other published University regulations including but not limited to Residence Life policies and procedures, rules published in other University publications, and those available on the [University Policy Library](#) and other University websites.

N. Non-compliance: Failure to comply with reasonable directives of university official, including students appointed to act as representatives of the University, acting in performance of their duties. Directives to provide identification and/or participate in a university student conduct process are included in the scope of this provision.

O. Sanction Violation: Violating the terms of any student conduct sanction as imposed in accordance with student conduct procedures, including failure to complete sanctions by the stated deadline.

P. Gambling: Participation in any form of illegal gambling as defined by local, state, or federal law.

Q. Violation of Law: Violation of local, state, or federal laws, regulations or ordinances, or international laws.

R. Community Standards Sexual Misconduct: An umbrella term encompassing a range of behaviors, including Sex Discrimination, Sexual Harassment, Gender-Based Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking (as each term is further defined below), where such conduct is alleged to be by an individual or University recognized group that (a) has continuing adverse effects on or creates a hostile environment for individuals

participating or attempting to participate in Neumann University's education program or activity, or otherwise has a reasonable connection to Neumann University; and (b) constitutes one of the following:

- a. **Sex Discrimination:** Discrimination on the basis of sex.
- b. **Sexual Harassment:** Conduct on the basis of sex that involves an employee of Neumann University conditioning the provision of an aid, benefit, or service of Neumann University on an individual's participation in unwelcome sexual conduct; or an individual engaging in unwelcome conduct determined by a reasonable person to be so severe, pervasive or objectively offensive that it effectively denies a person equal access to Neumann University's education program or activity.
- c. **Gender-Based Harassment:** Unwelcome conduct (whether or not of a sexual nature), including acts of aggression, intimidation and hostility, and other verbal, nonverbal, graphic, or physical conduct based on or motivated by a student's actual or perceived gender, sexual orientation, gender identity, gender expression, or nonconformity with gender stereotypes.
- d. **Sexual Assault:** Penetration or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration or attempted penetration by a sex organ of another person, without the consent of the alleged victim. Community Standards Sexual Assault also includes, but is not limited to, the following identified below as well as other forms of Sexual Assault prohibited by the Commonwealth of Pennsylvania state law or Pennsylvania State Crime Code.
- e. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the alleged victim.
- f. **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- g. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- h. **Dating Violence:** Violence, including sexual or physical abuse or the threat of such abuse, committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the alleged victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.
- i. **Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of the Commonwealth of Pennsylvania, or by any other person against an adult or

youth alleged victim who is protected from that person's acts under the domestic or family violence laws of the Commonwealth of Pennsylvania.

- j. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. For purposes of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish
- S. **Title IX:** Any violation of the University's published [Title IX Policy](#).
- T. **Solicitation:** Unauthorized solicitation, sale, or promotion of any goods or services in University owned or operated property, including residence halls, or at University-sponsored events.
- U. **Complicity:** Being present or otherwise involved, in such a way as to condone, support, or encourage any acts which would violate this *Code*. Students who observe acts in violation of this *Code* are expected to remove themselves and are encouraged to report the matter.

Student Conduct System & Procedures

The following sections provide an overview of the various student conduct resolution processes and procedures as part of the student conduct process. These guidelines are intended to provide general notice of rights and responsibilities during the student conduct process. The *Student Code of Conduct* does not afford the same due process rights of criminal or civil statutes or procedures.

Case Referrals

Any person, including those outside of Neumann University, may refer a student suspected of violating the *Code of Conduct* to the Assistant Dean of Students. The referral will be reviewed to determine if student conduct action may be taken. In the event that there is insufficient evidence to support formal disciplinary action, the incident will be closed with no additional action taken.

Referrals should be made within a reasonable timeframe after the alleged incident. Individuals may report allegations of misconduct at any time but are encouraged to report promptly in order to maximize the University's ability to obtain evidence, identify potential witnesses, and conduct a thorough, prompt, and impartial investigation.

Administrative action, in lieu of formal student conduct action, may be taken at the discretion of the University, in an appropriate and reasonable manner, to address student behavior.

Student Conduct Proceedings

A student potentially subject to formal sanctions other than eviction from residence, suspension or expulsion, is entitled to a **disciplinary conference**, which will normally consist of an informal meeting between the student responding to allegations ("respondent") and an administrator who serves as a conduct hearing officer.

Students meeting the criteria of a disciplinary conference are eligible to participate in a **restorative resolution**. Restorative resolution, through a process that reflects Neumann University's mission and Catholic, Franciscan core values, may be an acceptable means of resolving a student conduct matter. During the student conduct process, Complainants may request a restorative resolution to the incident or the Student Conduct Officer may refer the incident to restorative resolution if appropriate. The purpose of a restorative resolution process is to promote reconciliation and create an agreement among the involved parties. This process promotes an opportunity for discussion of varying points of view, requires involved parties to consider perspectives of all involved, and encourages individuals to seek means to resolve the incident and prevent the occurrence of future incidents. The following are expectations for a restorative resolution at Neumann University:

- Restorative resolution can be used only when all involved parties agree to the process as an option of resolving the incident.
- If a mutually agreeable restorative outcome is reached, the terms will be drafted by the Student Conduct Officer and signed by the involved parties.
 - The document will be kept in student's confidential student conduct file. Each party receives a copy of the agreement.
- If the matter cannot be resolved during the restorative resolution process, or parties do not comply with the agreed restorative outcome, the matter will be referred for further student conduct action.
- Neumann University reserves the right to deem an incident as inappropriate for the restorative resolution process.

A student subject to eviction from residence, suspension, or expulsion from the University is entitled to an **Administrative Hearing**, which will normally consist of a formal meeting between the respondent and the Assistant Dean of Students or the Assistant Dean's designee.

Allegations of Community Standards Sexual Misconduct or Title IX violations will be resolved under Neumann University's established [Title IX Procedures](#).

A student who accepts responsibility for violations of this *Code* (prior to a student conduct proceeding) may meet with the Assistant Dean or Case Manager in an administrative meeting to discuss position sanction(s), in lieu of attending a hearing. This acceptance must be in writing, affirming the acceptance of responsibility for the charge(s) and acknowledging that the full range of sanctions may be imposed. A student who accepts responsibility in writing forfeits all rights to an appeal process.

Guidelines for Student Conduct Proceedings

The following procedural guidelines shall be applicable in student conduct proceedings. Formal rules of process, procedure, and technical rules of evidence used in criminal or civil court are not used in student conduct proceedings. Deviations from prescribed procedures shall not necessarily invalidate a decision, unless significant prejudice to an accused student, complainant or the University results.

- A. The respondent shall receive advanced written notification of the specific charges and the date, time, and location of the scheduled proceeding. Notice will most often take the form of a letter delivered to a student's University email account.

- B. The respondent may request a reasonable extension of time to prepare for the proceeding. Requests for an extension will not be granted for a period to exceed two (2) business days except in unusual circumstances where the respondent can demonstrate the necessity for a longer delay. All requests for extension of time should be made in writing at least one (1) business day prior to the scheduled proceeding, except in cases of documented serious illness or emergency.
- C. The respondent shall be afforded reasonable access to review the case file prior to and during the proceeding and may request a copy of a redacted incident report from the conduct officer. Names and other information of students may also be redacted in the incident report as appropriate for confidentiality. "Case file" means the file contained those materials pursuant to the Family Educational Rights and Privacy Act (FERPA) of 1974. The notes of University staff members and investigators are not included in the case file and thus are not accessible.
- D. The respondent may provide the names of witnesses from the University community who have relevant and material information pertaining to the incident. Names of witnesses must be submitted in writing to the conduct officer at least two (2) business days prior to the proceeding. Ordinarily, witnesses who are not a member of the Neumann University community will not be invited to serve as a witness in the proceeding.
- E. Proceedings will be closed to non-participants and to the public, including friends and University personnel without an official interest in the case.
- F. A respondent may be accompanied by one (1) advisor. The role of the advisor shall be limited to support and consultation; the advisor may not speak during any student conduct proceeding except privately to the respondent, nor shall the advisor question or address witnesses. Violation of this expectation will result in the advisor being removed from a proceeding at the discretion of the student conduct administrator. In consideration of the limited role of an advisor, and of the interest of the University to conclude the matter in a timely manner, a proceeding will not normally be delayed if an advisor is unavailable.
- G. During the proceeding, the respondent shall have the opportunity to respond to the information related to the alleged violation of the *Code*.
- H. Information that does not directly relate to the facts of the case, but are instead reflections of character, reputation, personality, qualities, or habits of the respondent may be excluded.
- I. Proceeding outcomes must be supported by a preponderance of evidence. Preponderance of evidence means that it is more likely than not that the allegation of student misconduct is true in order to find the student/organization responsible for the policy violation. A preponderance of the evidence does not necessarily mean the greater amount of evidence, but rather the greater quality of evidence making it more likely than not the matter in question is true. The preponderance of the evidence standard is used by Neumann University in all of its student conduct processes and procedures.
- J. A respondent may be found responsible for any prohibited conduct, including sections of the *Code* which he or she was not originally charged for when behavior not previously known is disclosed during the conduct proceeding or if it is determined another portion of the *Code* is more applicable.

- K. The outcome of the proceeding shall be communicated to the student in writing.
- L. An audio or audiovisual recording may be made by the conduct officer. No other individuals present at the proceeding are permitted to make a recording. The recording is property of the University and will remain in the Dean of Students Office. A party that is preparing an appeal may listen to the recording but may not duplicate it. The recording will be preserved until the conclusion of the appeals process. The conduct officer will facilitate the recording, if applicable; however, issues that result in no recording, a limited recording, or inaudible recording are not considered procedural errors for the purpose of an appeal.

Sanctions

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

- A. **Written Warning:** The student or student organization is given a written warning and warned that further misconduct shall result in more severe disciplinary action. A written warning is maintained in the student or student organization's conduct file.
- B. **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 most likely 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.
- C. **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.
- D. **Education or Restorative Assignment:** A student is required to complete an assignment that benefits the individual and/or the University community. Examples include, but are not limited to, performing contributory service, writing restorative reflections or research papers, and attending programs, lectures, or other educational events deemed appropriate by the Student Conduct Officer.
- E. **Notification of Parent or Legal Guardian:** The University may 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. All notice requirements shall be consistent with FERPA obligations.
- F. **Housing Reassignment:** A student shall be reassigned or removed from a residence hall room if a determination is made that student is a disruptive influence within the residential community or may create a safety violation for themselves or other.

- G. Loss of Residence Hall Visitation and Guest Privileges:** The residence hall visitation and guest privileges of students are revoked for a designated period of time. In repeat offenses, residence hall visitation and guest privilege may be permanently revoked.
- H. Loss of University Housing:** The student will be suspended from University housing when there is a determination that a student has been a disruptive influence on the residential community. 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. The resident may be liable for room and board charges as specified in the University's published refund policy. The sanction will stipulate a specific time period for the suspension of residency privileges and may include specific requirements that must be fulfilled before reinstatement into residence life will be considered. Readmission to University housing is at the discretion of the Dean of Students in conjunction with the Director of Housing and Residence Life.
- I. Delayed/Deferred Loss of University Housing:** Due to specific circumstances within the case, the student's housing contract is not immediately voided. The date in which move out is required will be determined by the Dean of Students in consultation with the Director of Residence Life.
- J. Suspension:** The student or student organization will be suspended from the University when a determination is made that a student or student organization has been a disruptive influence on the University or a threat to the safety of the University community. 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 Campus Safety 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 Assistant Dean of Students for Community Standards and Student Support and Director of Student Engagement & Leadership, or the Athletic Director.
- K. Delayed/Deferred Suspension:** Due to specific circumstances within the case, the student's suspension is not immediately in effect. The date in which the suspension begins will be determined by the Dean of Students or their designee.
- L. Expulsion:** The student will be expelled from the University when there is a determination that a student has been a disruptive influence on the University community, a threat to the safety of 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 University's published refund policy. A record of the expulsion is entered and remains on the student's academic and student conduct files. In the case of a student organization, the organization will lose its official recognition, allocated funding, and all other privileges.

Appeals

The Respondent, if found to be in violation of university policy by the conduct officer has the right to appeal the decision of responsibility and any sanction within five business days of the issuance of the hearing officer's decision. The appeal must be made in writing to the Dean of Students, whose decision is final. Appeal hearings are limited to case related documents.

Appeals are limited to the following:

- A. Substantial procedural error(s) that had a material impact on the outcome of the process; and/or
- B. New, material evidence not reasonably available at the time of the hearing.

Dissatisfaction with a finding of in violation or a sanction is not grounds for appeal.

In cases in which an appeal is requested, a stay of sanctions may be granted. Sanctions may be held in abeyance pending the outcome of the appeal, at the discretion of the University. However, the Dean of Students reserves the right to deny a stay of sanctions in cases in which he/she deems appropriate. The Dean of Students will issue his/her decision to the appealing Respondent within five (5) business days.

The Dean of Students' decision is final, and may include:

- A. A determination that the Respondent's request for an appeal is denied. If the appeal is denied, the matter is closed, and the hearing officer's decision and any sanctions stand.
- B. A modification of the in-violation decision and/or sanction consistent with his/her decision to grant the appeal. The modified in violation decision and/or sanction will be final and not subject to further appeal.
- C. Remand the case to the original hearing officer and provide instructions to reconsider the matter inconsistent with those instructions. Following reconsideration, the finding of the Student Conduct Board and/or the sanction(s) imposed will be final and not subject to further appeal.

Student Affairs Hold on Records

The enforcement of the Student Conduct Process Policy and other University policies may necessitate placing a Student Affairs hold on the student's record. This hold will be placed in the event that the student leaves Neumann University with pending student conduct matter that has not been resolved. This hold will also be applied in instances of suspension or expulsion. Other circumstance requiring a hold include, but are not limited to, incomplete sanctions and failure to comply with the directives of a university official. This hold will prevent a student from accessing grades, registering for classes, receiving a diploma and in some instances receiving transcripts.

Title IX Sexual Harassment and Community Standards Sexual Misconduct Policy Statement

Neumann University committed to fostering a living, learning and working environment free of discrimination and harassment. Neumann University is subject to Title IX of the Educational Amendments of 1972 (“Title IX”), 20 U.S.C. §§1681, *et seq.*, which states that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Neumann University does not discriminate on the basis of sex and will not tolerate sexual misconduct in any form, including as defined by Title IX or Neumann University’s community standards. Neumann University’s complete Notice of Non-discrimination is available at <https://www.neumann.edu/about/nondiscriminationstatement.asp>.

Scope of Policy

Neumann University’s Title IX Sexual Harassment and Community Standards Sexual Misconduct Policy and Procedures (“Policy”) applies to all Neumann University community members, including students, faculty, staff and third parties, such as volunteers, contractors, and visitors. Alleged misconduct subject to this Policy (“Prohibited Conduct”) includes both Title IX Sexual Harassment (which is defined by law) and Community Standards Sexual Misconduct (which includes allegations that do not meet the definitions under Title IX, but nonetheless violate Neumann University’s community standards), as discussed further in the Definitions (Section IV) below.

Community Standards Sexual Misconduct that does not constitute Title IX Sexual Harassment and involves students will be resolved as outlined in SA 4.02 the Student Conduct Process Policy and SA 4.04 Bullying, Harassment, Disorderly and Disruptive Conduct, and Violence Policy. Community Standards Sexual Misconduct that does not constitute Title IX Sexual Harassment and involves employees as Respondents will be resolved as outlined in IP 1.03 Harassment Policy and Procedures. The procedures beginning in Section X below apply only to Title IX Sexual Harassment, regardless of whether students or employees are involved.

Title IX and the Title IX Co-Coordinator

The following individuals are responsible for coordinating Neumann University’s efforts to comply with Title IX and this Policy:

Ms. Linda Harvey

Director of Human Resources and Title IX Co-Coordinator (Primary for faculty & staff)

Room 404, Rocco Abessinio Building, Fourth Floor

Email: harveyl@neumann.edu

Phone: 610-558-5628

Dr. Sarah W. Williamson

Dean of Students and Title IX Co-Coordinator (Primary for students)

Room 125, Bachmann Main Building, First Floor

Email: willsar@neumann.edu

Phone: 610-579-6678

Please contact either the above with questions regarding Title IX or this Policy. Questions may also be directed to:

Assistant Secretary for Civil Rights

U.S. Department of Education

Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Email: ocr@ed.gov
Phone: 800-421-3481

Definitions

Terms used in this Policy have the following meanings:

- A. **Advisor:** An Advisor is a person who has agreed to provide support and advice to a Complainant or Respondent in matters involving Title IX Sexual Harassment, subject to the provisions of Section X(C).
- B. **Appeal Officer:** The individual responsible for determining an appeal under Section XII. The Appeal Officer may be Neumann University's employee or an external contractor. The Appeal Officer shall not be the Institution's Title IX Co-Coordinator, nor the Investigator or Hearing Officer who were assigned to the matter that is the subject of the Appeal.
- C. **Community Standards Sexual Misconduct:** An umbrella term encompassing a range of behaviors, including Sex Discrimination, Sexual Harassment, Gender-Based Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking (as each term is further defined below), where such conduct is alleged to be by an individual or University recognized group that (a) has continuing adverse effects on or creates a hostile environment for individuals participating or attempting to participate in Neumann University's education program or activity, or otherwise has a reasonable connection to Neumann University; and (b) constitutes one of the following:
 - a. **Community Standards Sex Discrimination:** Discrimination on the basis of sex.
 - b. **Community Standards Sexual Harassment:** Conduct on the basis of sex that involves an employee of Neumann University conditioning the provision of an aid, benefit, or service of Neumann University on an individual's participation in unwelcome sexual conduct; or an individual engaging in unwelcome conduct determined by a reasonable person to be so severe, pervasive or objectively offensive that it effectively denies a person equal access to Neumann University's education program or activity.
 - c. **Community Standards Gender-Based Harassment:** Unwelcome conduct (whether or not of a sexual nature), including acts of aggression, intimidation and hostility, and other verbal, nonverbal, graphic, or physical conduct based on or motivated by a student's actual or perceived gender, sexual orientation, gender identity, gender expression, or nonconformity with gender stereotypes.
 - d. **Community Standards Sexual Assault:** Penetration or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration or attempted penetration by a sex organ of another person, without the consent of the alleged victim. Community Standards Sexual Assault also includes, but is not limited to, the following identified below as well as other forms of Sexual Assault prohibited by the Commonwealth of Pennsylvania state law or Pennsylvania State Crime Code.
 - e. **Community Standards Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the alleged victim.
 - f. **Community Standards Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - g. **Community Standards Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

- h. **Community Standards Dating Violence:** Violence, including sexual or physical abuse or the threat of such abuse, committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the alleged victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.
 - i. **Community Standards Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of the Commonwealth of Pennsylvania, or by any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of the Commonwealth of Pennsylvania.
 - j. **Community Standards Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. For purposes of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- D. **Hearing Officer:** The individual responsible for conducting the Hearing under Section XI(D), reaching a decision on responsibility and assigning sanctions, if appropriate. The Hearing Officer may be Neumann University's employee or an external contractor. The Hearing Officer shall not be the Institution's Title IX Co-Coordinators, nor the Investigator who investigated the matter that is the subject of the Hearing.
 - E. **Informal Resolution Facilitator:** The individual responsible for facilitating Informal Resolution, as discussed in Section X(D). The Informal Resolution Facilitator may be Neumann University's employee or an external contractor.
 - F. **Investigator:** The individual responsible for conducting the investigation of alleged Title IX Sexual Harassment, as discussed in Section XI(A). The Investigator may be Neumann University's employee or an external contractor. The Title IX Co-Coordinators may serve as the Investigators.
 - G. **Party or Parties:** Party refers to a Complainant or a Respondent. Parties refer to Complainant and Respondent collectively.
 - H. **Prohibited Conduct:** Prohibited Conduct includes Title IX Sexual Harassment and Community Standards Sexual Misconduct.
 - I. **Respondent:** An individual who has been reported to have engaged in any form of Prohibited Conduct or an organization that has been reported to have engaged in Community Standards Sexual Misconduct.
 - J. **Title IX Sexual Harassment:** Title IX Sexual Harassment means conduct on the basis of sex that involves an employee of Neumann University conditioning the provision of an aid, benefit, or service of Neumann University on an individual's participation in unwelcome sexual conduct; or an individual engaging in unwelcome conduct determined by a reasonable person to be so

severe, pervasive and objectively offensive that it effectively denies a person equal access to Neuman University's education program or activity. Title IX Sexual Harassment also includes the following:

- a. **Title IX Sexual Assault:** Sexual assault includes any of the following Prohibited Conduct:
 - i. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the alleged victim.
 - ii. The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the alleged victim.
 - iii. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - iv. Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- b. **Title IX Dating Violence:** Violence, including sexual or physical abuse or the threat of such abuse, committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the alleged victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.
- c. **Title IX Domestic Violence:** Violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of the Commonwealth of Pennsylvania, or by any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of the Commonwealth of Pennsylvania.
- d. **Title IX Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. For purposes of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Jurisdiction

In order to constitute Title IX Sexual Harassment, the alleged misconduct must have occurred (i) in the United States, and (ii) in Neumann University's education program or activity, which is defined as locations, events or circumstances over which Neumann University exercised substantial control over both Respondent and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by the University.

Retaliation

Retaliation against an individual for participating in any way in a report, investigation, hearing or other proceeding under this Policy is strictly prohibited. No one may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. In evaluating whether retaliation has occurred, Neumann University may consider whether the conduct in question constituted the exercise of rights protected under the First Amendment or was covered by another Institution policy, including with respect to freedom of expression or academic freedom. Retaliation by students is a violation of the *Student Code of Conduct* and will be addressed as outlined in SA 4.02 Student Conduct Process Policy. Retaliation by employees is violation of institutional policy and will be addressed as outlined in IP 1.03 Harassment Policy and Procedures.

Consent

A person who wants to engage in a specific sexual activity is responsible for obtaining Consent for that activity. Silence or lack of resistance, in and of itself, does not constitute Consent. Consent can be given by words or actions, provided that those words or actions clearly communicate willingness to engage in the sexual activity. Consent cannot be obtained through coercion. For purposes of this Policy, coercion is the use of threats (*i.e.*, words or actions) or intimidation (*i.e.*, implied threats) that would cause a reasonable person to engage in unwelcome sexual activity against their will.

Consent cannot be obtained from an individual who is incapacitated, where a reasonable, sober person initiating sexual activity would have known or reasonably should have known that the individual was incapacitated. An individual who is under the influence of alcohol and/or other drugs may be incapacitated, and therefore unable to Consent. However, consumption of alcohol or other drugs alone is insufficient to establish incapacitation. Incapacitation is a state beyond drunkenness or intoxication, where an individual cannot make a knowing and deliberate choice to engage in the sexual activity. Individuals who are asleep, unresponsive or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, the inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. An individual also may be incapacitated due to a temporary or permanent physical or mental health condition.

Consent may be withdrawn by any party at any time. An individual who seeks to withdraw Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Consent is automatically withdrawn when a party is no longer capable of consenting. Once Consent is withdrawn, the sexual activity must cease immediately. Consent must be re-established before resuming any sexual activity. Consent to one form of sexual activity does not, by itself, constitute Consent to another form of sexual activity. Consent to sexual activity on one occasion does not constitute Consent to sexual activity on other occasions. An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain Consent.

Reporting

Any person may report conduct constituting possible Prohibited Conduct to a Title IX Co-Coordinator in person, by mail, by telephone, by email or on-line by visiting <https://www.neumann.edu/titlenine/>. A Title IX Co-Coordinator will promptly contact the Complainant

to discuss the availability of Supportive Measures (see Section IX) and to explain the process for filing a Formal Complaint where conduct that may constitute Title IX Sexual Harassment is involved.

Complainants are encouraged, but not required, to proceed with a Formal Complaint. If the Complainant desires to proceed with a Formal Complaint, the Title IX Co-Coordinator or designee will begin the Formal Complaint Processes (see Section XI). If the Complainant decides not to submit a Formal Complaint, the Title IX Co-Coordinator may sign a Formal Complaint when the Title IX Co-Coordinator deems doing so necessary to address the possible Prohibited Conduct, including in order to provide a safe and nondiscriminatory environment for all members of Neumann University's community. In deciding whether to sign a Complaint if the Complainant elects not to do so, the Title IX Co-Coordinator may, but is not required to, consider factors such as whether the conduct alleged included threats, violence, serial predation or weapons. A Complainant is not required to submit a Formal Complaint in order to receive Supportive Measures.

Anonymous Reporting

With the exception of Authorized and Responsible Employees, discussed in Section VII(B), any individual may anonymously report allegations of Prohibited Conduct by using the online incident report form found at <https://www.neumann.edu/titlenine/>. Depending on the information provided, Neumann University's ability to take action in response to an anonymous report may be limited.

Reports to Authorized and Responsible Employees

There may be instances when a student or employee discloses alleged Prohibited Conduct to an employee of Neumann University. Whether that disclosure constitutes actual notice to Neumann University, triggering its response obligations under this Policy, depends on the role of the employee to whom the disclosure is made, as follows:

- **Authorized Employees:** A disclosure of Prohibited Conduct made to an Authorized Employee (regardless of whether the disclosure is made by the Complainant or a third party) constitutes a report to the University (*i.e.*, actual knowledge), triggering a response under this Policy. All Authorized Employees are required to promptly report disclosures of Prohibited Conduct to the Title IX Co-Coordinator, including all information that has been disclosed to the Authorized Employee, such as the names of those involved, the location of the incident, the alleged Prohibited Conduct, etc. The following are Authorized Employees:
 - Title IX Co-Coordinator which are the Director for Human Resources and Dean of Students.
 - University Vice Presidents
 - Academic Deans
- **Responsible Employees:** A disclosure or report of Prohibited Conduct made to a Responsible Employee (regardless of whether the disclosure is made by the Complainant or a third party) does not constitute a report to the University (*i.e.*, is not "actual knowledge") triggering a response under this Policy. Neumann University, as a matter of policy, requires Responsible Employees to promptly report disclosures of Prohibited Conduct to the Title IX Co-Coordinator, including all information that has been disclosed to the Responsible Employee, such as the names of those involved, the location of the incident, the alleged Prohibited Conduct, etc. With the limited exceptions of confidential resources as outlined later in the policy, the University has designated all employees, including faculty, adjunct and visiting faculty, administrators, staff, and student-employees (*e.g.*, Resident Assistants) as Responsible Employees.

- All students and employees, even if not Authorized or Responsible Employees, are encouraged to report instances of possible Prohibited Conduct to the Title IX Co-Coordinator(s).

Privacy and Confidentiality

Neumann University respects the privacy of individuals involved in any report of alleged Prohibited Conduct, meaning the Title IX Co-Coordinator and others responsible for carrying out this Policy will disclose information only as required to implement this Policy or by law. If a Complainant requests that a report of Prohibited Conduct remain confidential (*i.e.*, with the Complainant's identity not being disclosed to the Respondent and an investigation not being commenced), the Title IX Co-Coordinator will evaluate that request in the context of Neumann University's responsibility to provide a safe and nondiscriminatory environment for all members of its community. Neumann University may question an employee-Respondent about alleged Prohibited Conduct without disclosing the identity of the Complainant, provided that it does not take disciplinary action against that Respondent without implementing the Formal Complaint Processes.

The Complainant is not required to file a Formal Complaint to receive Supportive Measures (*see* Section IX), but there may be instances when disclosing the Complainant's identity is necessary to provide certain Supportive Measures (*e.g.*, where the Respondent would need to know the identity of the Complainant in order to comply with a no-contact order). Neumann University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair its ability to provide the Supportive Measures.

Only certain professionals at Neumann University are legally required to keep information shared by an individual truly confidential, without reporting it to the Title IX Co-Coordinator. Those confidential resources and support services are discussed further.

False Reports and Other False Information

The submission of knowingly false information is prohibited and will be addressed under Neumann University's *Code of Conduct* for students and employment policies for faculty and staff. This provision does not apply to reports made and other information submitted in good faith, even if the facts alleged are not substantiated by an investigation and/or Hearing decision.

Emergency Removals

If at any point following the receipt of a report of Prohibited Conduct, Neumann University determines that the Respondent poses an immediate threat to the physical health or safety of the Complainant or any other person(s), including the Respondent, Neumann University may temporarily remove the Respondent from any or all of its programs or activities. The imposition of an Emergency Removal does not suggest a finding of responsibility for any Prohibited Conduct.

Before imposing an Emergency Removal, the University's Threat Assessment Team will undertake an individualized safety and risk analysis concerning Respondent at the request of the Title IX Co-Coordinator. An Emergency Removal will be imposed only if the Threat Assessment Team concludes that the threat to physical health or safety arises from the allegations of Prohibited Conduct and warrants the removal.

An Emergency Removal may involve the denial of access to some or all of Neumann University's campus facilities, academic program, or other programs or activities. While Neumann University may provide alternative academic or employment opportunities during an Emergency Removal, it is not required to do so. Non-punitive actions taken as Supportive Measures (*e.g.*, changes in housing) do not constitute Emergency Removals.

The Title IX Co-Coordinator will notify the Respondent of the terms imposed in connection with an Emergency Removal. Respondent has the opportunity to challenge the Emergency Removal upon receipt of that notice. In order to challenge the Emergency Removal, the Respondent shall submit an appeal via e-mail to the Dean of Students for students and the Director of Human Resources for employees, within three (3) calendar days from the date of the notice of Emergency Removal, explaining why Emergency Removal is not appropriate. In evaluating the appeal, the Dean of Students or Director of Human Resources as appropriate, may seek additional information from Respondent or any other individual. The Emergency Removal will remain in place while the appeal is pending. The Dean of Students or Director of Human Resources shall issue a decision as soon as reasonably possible under the circumstances. The decision is final and not subject to further appeal.

Separate from the Emergency Removal process, the Title IX Co-Coordinator may request that Human Resources place an employee-Respondent on administrative leave, with or without pay.

Supportive Measures

Supportive Measures are non-disciplinary, non-punitive individualized services that may be provided to Complainants or Respondents upon request, when deemed by the Title IX Co-Coordinator to be appropriate and reasonably available. Supportive Measures may also be imposed at the initiative and in the sole discretion of the Title IX Co-Coordinator. Supportive Measures are available beginning at any time after the submission of a report of Prohibited Conduct.

A Complainant may seek and be provided Supportive Measures prior to or without ever filing a Formal Complaint.

Supportive Measures are designed to restore or preserve equal access to Neumann University's educational programs and activities, without unreasonably burdening the other party. Supportive Measures may be of any duration and may be modified at the discretion of the Title IX Co-Coordinator, as circumstances warrant. Supportive Measures will be kept confidential to the extent doing so does not impair Neumann University's ability to provide them.

Supportive Measures may include, but are not limited to, the following:

- Access to counseling services;
- Extensions of deadlines or other course-related adjustments;
- Modification of work or class schedules;
- Mutual restrictions on contact between the parties (*i.e.*, "no contact" orders);
- Changes in work or housing locations;
- Leaves of absence;
- Increased security and monitoring of certain areas; or
- Any other measures deemed appropriate by the Title IX Co-Coordinator to preserve equal access to Neumann University's programs and activities.

A student or employee's failure to abide by the terms of any Supportive Measure may result in discipline and, depending on the circumstances, could be deemed to constitute Retaliation.

Formal Complaint Process

In order to commence Formal Complaint Processes for Title IX Sexual Harassment, a Complainant must file a Formal Complaint with the Title IX Co-Coordinator. The Complainant must be participating in or attempting to participate in Neumann University's education program or activity at the time the Formal Complaint is filed. Alternatively, if the Title IX Co-Coordinator has received a report of Title IX Sexual Harassment, but the Complainant elects not to submit a Formal Complaint or the Complainant is unknown, the Title IX Co-Coordinator has the discretion to sign the Complaint if the Title IX Co-Coordinator deems doing so necessary to address Title IX Sexual Harassment, including in order to provide a safe and nondiscriminatory environment for all members of its community. In doing so, the Title IX Co-Coordinator does not become the Complainant.

There is no time limit within which a Complainant must file a Formal Complaint. Pursuing a Formal Complaint does not preclude a Complainant from pursuing the filing of criminal charges. However, it is important to understand that the standard for criminal prosecution is different from that used in student and employee conduct proceedings. As a result, decisions rendered in either forum are not determinative of what will happen in the other.

If the Title IX Co-Coordinator receives Formal Complaints against more than one Respondent or by more than one Complainant against one or more Respondents, or by one Party against the other Party (i.e., "counterclaims"), where the allegations of sexual harassment arise out of the same facts or circumstances and are so intertwined that the allegations directly relate to all of the Parties, the Title IX Co-Coordinator has the discretion to consolidate the Formal Complaints. If Formal Complaints are consolidated, all Parties must receive the same version of the written determination.

- A. **Written Notice:** Upon the submission of a Formal Complaint, the Title IX Co-Coordinator will provide written notice to the Complainant and Respondent, if known, including the following:
 - a. A copy of this Policy.
 - b. Notice of the allegations of conduct that may constitute Title IX Sexual Harassment, with sufficient detail for the Respondent to prepare a response before any initial interview, including, if known, the identities of the Parties involved and the date and location of the incident.
 - c. The presumption that the Respondent is not responsible for the alleged Title IX Sexual Harassment unless a determination of responsibility is reached at the conclusion of the Formal Resolution Process.
 - d. Notice of the Parties' entitlement to an Advisor of choice at any meeting, interview or other proceeding related to the Formal Complaint, as discussed in Section X(C).
 - e. The identity of the Investigator as described in Section XI(A).
 - f. Notice that the Parties may inspect and review evidence gathered during the investigation as discussed in Section XI(B).
 - g. Notice that Neumann University's *Student Code of Conduct* and Employee Relations policies prohibit knowingly making false statements or knowingly submitting false information during the Formal Complaint Processes.

If additional allegations of conduct that might constitute Title IX Sexual Harassment are identified during the course of the investigation and will be included in the Formal Complaint

Processes, the Title IX Co-Coordinator will issue an updated notice.

- B. Dismissal for Purposes of Title IX Sexual Harassment:** If any of the following circumstances are met, the Title IX Co-Coordinator will dismiss the Formal Complaint for purposes of any form of Title IX Sexual Harassment:
- a. Even if proved, the misconduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined in Section IV;
 - b. The misconduct alleged in the Formal Complaint did not occur in Neumann University's education program or activity, which is defined as locations, events or circumstances over which Neumann University exercised substantial control over both Respondent and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by Neumann University; or
 - c. The misconduct alleged in the Formal Complaint is not alleged to have occurred in the United States.

Further, if any of the following circumstances are met, the Title IX Co-Coordinator may dismiss the Formal Complaint for purposes of any form of Title IX Sexual Harassment, in the Title IX Co-Coordinator's sole discretion:

- d. Complainant notifies the Title IX Co-Coordinator in writing that Complainant wishes to withdraw the Formal Complaint or any allegation in it;
- e. Respondent is no longer enrolled or employed at Neumann University; or
- f. Specific circumstances prevent Neumann University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegation.

The Title IX Co-Coordinator will promptly send notice of the dismissal, including the reasons for dismissal, to the Complainant and Respondent via email. The notice will advise the parties whether the Formal Complaint will proceed as possible Community Standards Sexual Misconduct. Both the Complainant and Respondent may appeal any decision to dismiss the Formal Complaint for purposes of Title IX Sexual Harassment by submitting a request for appeal to the Title IX Co-Coordinator by email within three (3) calendar days of the date of the Title IX Co-Coordinator's email. The appeal will be determined using the procedures set forth in the appeal section.

The decision whether the matter will proceed as potential Community Standards Sexual Misconduct is not subject to appeal.

- C. Advisors:** The Parties are entitled to identify an Advisor of their choice, who may accompany them to all investigative interviews, Hearings and other meetings or proceedings held in connection with a Formal Complaint ("Formal Complaint Process Proceedings"). An Advisor is a person who has agreed to provide support and advice to a Complainant or Respondent. The Parties are responsible for identifying their own Advisor, if they wish to have one. Neumann University will maintain a list of employees who have agreed to serve as Advisors at no cost to Complainants or Respondents, whom the Complainant or Respondent may, but are not required to, contact to determine whether they are available for that purpose.

As discussed in Section XI(D)(5), the Parties must have an Advisor for purposes of conducting cross-examination at a Hearing. If a Party has not identified an Advisor to

accompany them to the Hearing for purposes of conducting cross-examination, Neumann University will provide one for that limited purpose.

Except when conducting cross-examination as discussed in Section XI(D), Advisors may not speak aloud during any Formal Complaint Process Proceedings, including by addressing anyone other than the individual for whom they are an Advisor. The Advisor may confer with the individual whom they are advising quietly or by means of written notes. Parties may request a brief recess to consult with their Advisor, which may be granted at the sole discretion of the Neumann University representative conducting the Formal Complaint Process Proceeding. An Advisor whose presence is deemed at that individual's sole discretion to be improperly disruptive or inconsistent with Rules of Decorum established by Neumann University, as discussed in Section X(D)(7), will be required to leave and may be prohibited from participating in future Formal Complaint Process Proceedings.

While Neumann University may consider short delays in scheduling to reasonably accommodate an Advisor's availability, whether to grant such a request is in the sole discretion of the Neumann University representative responsible for the event in question.

Except when conducting cross-examination, Advisors may not speak aloud during any Formal Complaint Process Proceedings, including by addressing anyone other than the individual for whom they are an Advisor. The Advisor may confer with the individual whom they are advising quietly or by means of written notes. Parties may request a brief recess to consult with their Advisor, which may be granted at the sole discretion of the Neumann University representative conducting the Formal Complaint Process Proceeding. An Advisor whose presence is deemed at that individual's sole discretion to be improperly disruptive or inconsistent with Rules of Decorum established by Neumann University, as discussed in Section X(D)(7), will be required to leave and may be prohibited from participating in future Formal Complaint Process Proceedings.

- D. **Informal Resolution:** Informal Resolution presents the opportunity for the Complainant and Respondent to resolve allegations of Title IX Sexual Harassment without an investigation or hearing. Participation in Informal Resolution in lieu of the Formal Resolution Process is purely voluntary. Informal Resolution is available only when a Formal Complaint has been filed and the Parties agree to its use in writing. Informal Resolution may be used only with the approval of the Title IX Co-Coordinator, who may deem its use inappropriate based on the specific allegations involved or other factors. Informal resolution is not available to resolve a student-Complainant's allegations that an employee has engaged in Title IX Sexual Harassment. Prior to initiating Informal Resolution, the Title IX Co-Coordinator will provide the Parties with written notice disclosing the allegations, the requirements of the process, the right to withdraw from Informal Resolution to pursue formal resolution, and any consequences of participation (*e.g.*, as it relates to any subsequent formal resolution if Informal Resolution is not achieved).

Informal Resolution can be commenced at any point prior to the conclusion of a Hearing under the Formal Resolution Processes. It is conducted by an Informal Resolution Facilitator appointed by the Title IX Co-Coordinator. The Complainant, Respondent, Title IX Co-Coordinator or Facilitator may terminate Informal Resolution at any time prior to its completion. If Informal Resolution is terminated, the Formal Resolution Process will promptly commence or resume, as appropriate.

Informal Resolution may take many forms as agreed to between the Complainant, Respondent and Title IX Co-Coordinator, including, but not limited to:

- a. **Mediation:** Mediation may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Mediation typically does not require an admission of responsibility for the Title IX Sexual Harassment by the Respondent.
- b. **Restorative Justice:** Restorative Justice may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Restorative Justice typically requires an admission of responsibility for the Title IX Sexual Harassment, or certain allegations, by the Respondent.

If the Informal Resolution is terminated such that the matter resumes the Formal Resolution Processes, documents and other information produced or exchanged during the Informal Resolution can be used in the Formal Resolution Process and the Informal Resolution Facilitator may serve as a witness.

The outcome of the Informal Resolution will be documented in an agreement or other form that is signed by both the Complainant and the Respondent. If the Complainant or Respondent is a student, the documentation will be kept in the student's conduct file. If the Complainant or Respondent is an employee, the documentation will be kept in the employee's file. All documentation will be kept in accordance with Neumann University's record retention policies.

The outcome of Informal Resolution will be taken into consideration in the event of future findings of responsibility for Prohibited Conduct or other violations of the Institution's policies.

The Informal Resolution process typically should be completed within thirty (30) calendar days of the Parties documenting their agreement to participate. That period may be extended at the discretion of the Title IX Co-Coordinator.

- E. **Formal Resolution Process:** Neumann University strives to resolve Formal Complaints within ninety (90) calendar days of the submission of a Formal Complaint but balances its desire to achieve a prompt resolution with the need to conduct a thorough and complete investigation, which may delay that timeframe. Delays might also result from a number of factors, including but not limited to the appeal of a dismissal as discussed in Section X(B), impacts of concurrent criminal processes, or an attempt at Informal Resolution. The Title IX Co-Coordinator may extend the time for completion of the Formal Resolution Process for good cause as determined in the sole discretion of the Title IX Co-Coordinator and will provide written notice to the Parties of the reason for extension or delay.

At the discretion of the Title IX Co-Coordinator, possible violations of the *Student Code of Conduct* or other policies that occurred directly in connection with the alleged Title IX Sexual Harassment may be, but are not required to be, addressed under the Formal Resolution Processes here in lieu of engaging in a separate decision-making process for those possible violations.

- a. **Investigation:** The written notice described in Section X(A) will identify the appointed Investigator. Either Party may object to the Investigator on the grounds of conflict of

interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, by submitting an objection to the Title IX Co-Coordinator in writing within three (3) calendar days of receipt of the issuance of the written notice. The Title IX Co-Coordinator, in their sole discretion, shall determine whether a different Investigator should be appointed.

The Investigator will conduct an investigation of the allegations in the Formal Complaint, and is responsible for interviewing the Parties and witnesses, and gathering relevant inculpatory and exculpatory evidence. The Investigator may not access, consider, disclose or otherwise use records that are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional in connection with the provision of treatment to the Complainant or Respondent, unless the Investigator obtains the Complainant's or Respondent's, as appropriate, voluntary written consent to do so.

All Parties will have an equal opportunity to identify witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, for the Investigator. Parties will be provided with written notice of the date, time, location, participants and purpose of all investigative interviews in which they are expected to participate. Parties may be accompanied by an Advisor of their choice at any investigative interview.

- b. **Investigation Report:** The Investigator will prepare an investigation report summarizing all relevant evidence. The report will exclude all non-relevant evidence, as well as any evidence not subject to disclosure for reasons set forth herein (*e.g.*, medical records regarding which the Party has not authorized disclosure).

Prior to completing the investigation report, the Investigator will send to both Complainant and Respondent, and their Advisors, if any, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, regardless of whether it is anticipated that the evidence will be used at the hearing or in connection with any decision on responsibility. The Parties are strictly prohibited from disclosing or disseminating the evidence to any third parties and from using it for purposes other than carrying out the Formal Resolution Processes. Complainant and Respondent will have ten (10) calendar days to provide a written response concerning the evidence to the Investigator, including identifying additional evidence for the Investigator's consideration prior to completing the investigation report. The response must be by the Party, not the Party's Advisor. A Party's response will not be shared with the other Party.

After receipt of the Parties' responses concerning the evidence and at least ten (10) calendar days before the hearing, the Investigator will provide the Complainant and Respondent, and their Advisors, if any, a copy of the investigation report. The Complainant and Respondent may, but are not required to, provide written responses to the investigation report. Any response must be by the Party, not the Party's Advisor. A Party's response will not be shared with the other party.

- c. **Hearing Notice:** After the investigation report has been provided to the Parties and their Advisors, if any, and not fewer than five (5) calendar days before the hearing, the Title IX Co-Coordinator will issue a Hearing notice via email advising the Parties of the following:
 - i. The date, time and location of the Hearing.
 - ii. The specific charges of Title IX Sexual Harassment subject to disposition at the Hearing and a brief description of the conduct resulting in the charges;
 - iii. The individual to serve as the Hearing Officer; and
 - iv. That at the request of either party, the Hearing will take place with parties located in separate rooms with technology enabling the parties to simultaneously see and hear the party/witness answering questions. Requests for separate rooms must be submitted to the Title IX Co-Coordinator via email at least three (3) calendar days before the Hearing.

Any Party may object to the Hearing date or challenge the appointment of the Hearing Officer for bias or conflict of interest by submitting a written objection to the Title IX Co-Coordinator via email within three (3) calendar days of the Title IX Co-Coordinator issuing the Hearing Notice. The Title IX Co-Coordinator, in their sole discretion, shall determine whether the Hearing Officer should be removed and/or the Hearing rescheduled. Once the Hearing Officer is confirmed, the Title IX Co-Coordinator will provide the Hearing Officer with a copy of the investigation report.

- d. **Witnesses:** At least five (5) days before the Hearing, the Hearing Officer will advise the Parties which witnesses will be requested to provide testimony at the Hearing. No later than two (2) calendar days after such notice, the Parties may request that additional witnesses be requested to be present at the Hearing. The request must be submitted to the Hearing Officer in writing, including a brief description of why the information is relevant to the determination of responsibility. Whether or not to approve such request as potentially providing relevant information shall be in the sole discretion of the Hearing Officer, who will advise the requesting Party of the final decision. If the request is approved, the Hearing Officer will advise the other Party as well.
- e. **Documents:** All documentary evidence provided to the parties under Section XI(B) will be made available at the Hearing, as well as all evidence produced by the Parties in their response. The availability of such evidence does not suggest a determination on relevance, which shall be made by the Hearing Officer.
- f. **Relevance:** The Hearing Officer is responsible for making all determinations of relevance as to witnesses, questions and documentary evidence presented at the Hearing. For purposes of this Policy, “relevant” means that the evidence is probative of any material fact. Evidence that is not relevant will be excluded at the Hearing and may not form the basis for any decision by the Hearing Officer. Evidence that is duplicative of evidence already in the Hearing record may be deemed not relevant. Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct or if the questions and evidence concern a specific incident of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

- g. **Standard of Proof:** The Hearing Officer will make decisions on responsibility using a preponderance of the evidence standard of proof.
- h. **Advisors at Hearings:** The parties may be accompanied by their Advisor at the Hearing. The Advisor may not address the Title IX Co-Coordinator, Investigator, Hearing Officer, other Advisors or any other individuals participating in the Hearing. The only exception is with respect to cross-examination as discussed below. Like the parties, Advisors are required to adhere to the Rules of Decorum applicable to Hearings. An Advisor who fails to do so may, at the sole discretion of the Hearing Officer, be required to leave the Hearing.

The parties shall inform the Title IX Co-Coordinator whether they will be accompanied at the Hearing by their Advisor of choice by no later than three (3) days before the Hearing. If a party has not identified an Advisor, Neumann University will provide one for the sole purpose of conducting cross-examination as discussed below. The Parties may not conduct cross-examination themselves; cross-examination must be performed by an Advisor. If an Advisor is required to leave a Hearing for failure to adhere to the Rules of Decorum or for any other reason, the Hearing Officer shall recess the Hearing until Neumann University appoints an Advisor for purposes of cross-examination. Advisors provided by Neumann University will be adults with an understanding of the purpose of cross-examination, but will not be attorneys or have training commensurate to attorneys with respect to conducting cross-examination.

- F. **Hearing Procedures:** The procedures here provide the general framework for any Hearing. The Title IX Co-Coordinator or Hearing Officer may alter certain procedures as deemed appropriate in their sole discretion to aid in the equitable resolution of the matter.
 - a. **Recording:** The Hearing will be recorded by means of audio recording. Recesses taken or approved by the Hearing Officer, including for the Hearing Officer to consult with the Title IX Co-Coordinator, Investigator or any other Neumann University representative, will not be recorded.
 - b. **Opening Statements:** Each Party will have the opportunity to make a brief opening statement lasting no longer than five minutes. The Parties will make any statements themselves, not through their Advisor.
 - c. **Parties:** Generally, the Hearing Officer will hear from the Complainant first, followed by the Respondent. Each Party will have the opportunity to provide relevant evidence to the Hearing Officer. The Hearing Officer will ask relevant follow-up questions of each party. Each Party's Advisor will have the opportunity to ask cross-examination questions of the other Party. Advisors are reminded of the importance of adhering to the Rules of Decorum in cross-examining the Parties and any witnesses. If a Party does not submit to cross-examination, the Hearing Officer must not rely on any statement of that Party in reaching a determination regarding responsibility, regardless of where, when or in what forum the statement was made. The Hearing Officer cannot draw an inference regarding responsibility based solely on a Party's absence from the Hearing or refusal to answer questions.

With respect to cross-examination, Advisors are limited to asking only relevant questions. The Hearing Officer will determine whether questions are relevant prior to the Party answering the question. If the question is deemed not relevant, the Hearing Officer will provide a brief explanation and the question will be precluded. The Hearing Officer's decision is not subject to challenge or objection during the Hearing.

- d. **Witnesses:** A similar process and the same rules that apply to Parties will apply to the testimony of witnesses. Like the Parties, any witness may appear remotely, with technology allowing the Hearing participants to simultaneously see and hear the witness.

If a witness does not submit to cross-examination, the Hearing Officer must not rely on any statement of that witness in reaching a determination regarding responsibility, regardless of where, when or in what forum the statement was made. The Hearing Officer cannot draw an inference regarding responsibility based solely on a witness's absence from the Hearing or refusal to answer questions.

The Investigator may be called as a witness. At the Hearing Officer's discretion, the Investigator may be asked to testify before the Parties to facilitate an efficient presentation of evidence.

- e. **Closing Statement:** Each Party will have the opportunity to make a brief closing statement. The Parties will make any statements themselves, not through their Advisor.

- G. **Roles of Decorum:** Rules of Decorum apply to the Complainant and Respondent, Advisors and witnesses participating in any Hearing. It is expected that all parties will follow rules of common courtesy and decency at all times. Rules of decorum include being respectful, using the names and pronouns preferred by the individuals involved, keeping cell phones off at all times, no audio or video recording other than what the University is required to record, cross examination questions must be asked from a seated position, and there will be no badgering, shouting, or yelling at individuals. Furthermore, all conduct must be consistent with Neumann University's mission and core values (Reverences, Integrity, Service, Leadership, and Stewardship). Individuals failing to follow the Rules of Decorum may be directed to leave the Hearing, at the Hearing Officer's sole discretion. Although the Hearing Officer may provide warnings or reminders of the Rules of Decorum before such removal, a pre-removal warning or reminder will not necessarily be provided depending on the nature of the conduct in question.

- H. **Hearing Outcome Letter:** Within two (2) calendar days of the conclusion of the Hearing, the Hearing Officer will issue the Hearing Outcome Letter via email to the Parties.

Bias Incident Policy

As a Catholic Franciscan University, Neumann University's Identity, Mission, Vision, and our [RISES](#) Core Values are integral to all academic programs, services, partnerships, and co-curricular activities. Neumann University promotes respectful learning environments, access, and opportunity. Members of the Neumann community are expected to conduct themselves in a manner consistent with university values. This policy applies to faculty, staff, students, and guests.

Definition

Neumann University describes a bias incident as any act (action or behavior) committed against a person or property, motivated by the offender's conscious or unconscious bias against a person or group's actual or perceived, ethnicity, gender, gender identity or expression, sexual orientation, disability, religion, socioeconomic class, nation of origin, age, veteran status, marital status, genetic information, political affiliation, or personal appearance.

Bias acts may be verbal, visual or physical in nature. These behaviors/expressions of hostility unintentional or otherwise often contribute to or create an unsafe or unwelcoming environment. Incidents qualify as bias incidents even when delivered with humorous intent or presented as a joke or a prank. Examples may include, but are not limited to: name calling, ethnic slurs, degrading language, derogatory graffiti or images, imitating a person's cultural norm, imitating someone with a disability, or using stereotypes. Any bias incident that is a violation of law is subject to referral to local or state authorities.

Reporting Bias

We encourage any campus community member who experiences or witnesses a bias incident or hate crime to report this incident utilizing the Bias Incident Reporting Form. While many bias incidents may not rise to the level of a violation of NU's *Student Code of Conduct*, Standards of Employee Conduct, and the institutional Harassment Policy, the presence of a violation *is not necessary for an occurrence to be considered a bias-related incident*. Bias, unintentional or otherwise, does not align with Neumann University's values. Even in incidents when an offender may not be identified, it is important to recognize, report, investigate and reconcile such incidents to the best of the University's ability.

Neumann University, as a matter of policy, requires Responsible Employees to promptly report disclosures of bias incidents, including all information that has been disclosed to the Responsible Employee, such as the names of those involved, the location of the incident, the alleged prohibited conduct. With the limited exceptions of confidential resources, such as the Counseling Center for Wellness for students and the Employee Assistance Program for employees, the University has designated all employees, including faculty, adjunct and visiting faculty, administrators, staff, and student-employees as Responsible Employees.

In the case of an immediate threat or emergency, call the Department of Campus Safety at 610-558-5555 or activate a blue light call phone on campus, or call local law enforcement at 911.

For non-emergency bias incident reports, to share additional information about a previously reported incident of bias activity, or to make a third-party report, use the online [Bias Incident Reporting Form](#).

Bias Incident Management and Response

When a bias incident report is received, an initial assessment of the report is conducted to determine whether the reported incident rises to the level of a hate crime* and to determine whether any immediate safety concerns should be addressed. Once the initial assessment is complete, the Bias Response Team will respond regarding the incident reported to the reporting party (if known).

Bias Response Team

The Bias Response Team includes, but is not limited to:

Ms. Linda Harvey

Director of Human Resources and Title IX Co-Coordinator (Primary for faculty & staff)
Room 404, Rocco Abessinio Building, Fourth Floor
Email: harveyl@neumann.edu
Phone: 610-558-5628

Dr. Sarah W. Williamson

Dean of Students and Title IX Co-Coordinator (Primary for students)
Room 125, Bachmann Main Building, First Floor
Email: willsar@neumann.edu
Phone: 610-579-6678

Responses to Incidents of Bias

Depending on the nature of the reported incident, the Bias Response Team may:

- Offer support and information regarding available University resources.
- Offer options on how to report an incident for investigation and resolution in accordance with applicable University policies (e.g. Title IX, Harassment, etc.)
- Inform and consult with appropriate members of the University community regarding a possible institutional response.
- Coordinate support for community healing and educational outreach
- Assess avenues for minimizing and eliminating future incidents of bias.
- Catalogue incidents

Individuals who submit a report and identify themselves will be contacted for additional detail. Anonymous reports may be submitted, however, anonymous reports should be as specific as possible as anonymity may affect and limit the University's capacity to investigate, respond to, or follow up regarding reports of bias activity. Other University offices, such as the Office of the Dean of Students, Human Resources/Risk Management, Counseling Center for Wellness, Campus Safety, or Mission and Ministry may be consulted as needed. The response team will compile and analyze data from submitted reports to inform future educational and prevention efforts for the University. As a private university, Neumann University retains the legal authority to determine the extent to which it will regulate an individual's right to free speech and expression. In analyzing any incident, Neumann University will consider whether the conduct in question constituted the exercise of rights protected under principles of freedom of speech or was covered by another Institution policy, including with respect to freedom of expression or academic freedom.

Examples of institutional responses may include:

- Removal of graffiti or flyers
- Individual outreach to an affected party
- Connecting affected parties to relevant resources
- Educational workshops, training, or seminars
- Notice to the community about the incident
- Offer of support and assistance to affected individuals/communities (typically in the form of counseling)
- Restorative resolution, through a process that reflects Neumann University's mission and Catholic, Franciscan core values, may be an acceptable means of resolving a bias incident. The reporting party or complainant may request a restorative resolution to the incident if

appropriate. The purpose of a restorative resolution process is to promote reconciliation and create an agreement among the involved parties. Restorative resolution can be used only when all involved parties agree to the process as an option of resolving the incident.

Outcomes for Acts of Bias

Violation of this policy may result in a range of appropriate measures, including (where appropriate) disciplinary action or sanctions based on the egregiousness of the violation. Responses can include, but are not limited to, restorative outcomes such as education and training, written warning, probation, suspension, or separation from the University as outlined in Neumann University policies including SA 4.02 Student Conduct Process Policy, ER 1.05 Disciplinary Action or FE 1.06 Separation Policy. Additionally, any person who is in violation of this policy is subject to referral to local and state authorities for legal sanctions for unlawful conduct.

Retaliation against an individual for participating in any way in a report, investigation, or other proceeding under the Bias Reporting Policy or process is strictly prohibited. No one may intimidate, threaten, coerce, or discriminate against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding under the Bias Reporting Policy or process. In evaluating whether retaliation has occurred, Neumann University may consider whether the conduct in question constituted the exercise of rights protected under principles of freedom of speech or was covered by another Institution policy, including with respect to freedom of expression or academic freedom. Retaliation by students is a violation of the *Student Code of Conduct* and will be addressed as outlined in SA 4.02 Student Conduct Process Policy. Retaliation by employees is **a violation** of institutional policy and will be addressed as outlined in IP 1.03 Harassment Policy and Procedures.

Differentiating Bias Incidents and Hate Crimes

Bias-related acts and hate crimes both involve behavior that is motivated by bias. However, there are important distinctions between them.

Bias related acts are essentially prejudiced behaviors toward a person because of their actual or perceived membership in a particular protected class. Even when offenders are not aware of bias or do not intend to offend others, bias may be revealed which is worthy of a response and an opportunity for education. Bias-related acts do not align with the University's Core Values of fundamental human dignity and equality and require the commitment of the University community to successfully address them. Bias-related acts may not meet the legal definition of unlawful harassment or a hate crime.

Hate crimes are also motivated by bias, however they include a definable crime such as a threat of violence, property damage, personal injury, or other illegal conduct. A hate crime is a violation of the law and will be investigated by Campus Safety and/or other law enforcement agencies.

Other University Policies

Neumann University lists in detail other University and Student Affairs policies in the [University Policy Library](#). This section contains details of some University policies from the Policy Library¹. Students are responsible for abiding by the policies and procedures fully outlined in the [University Policy Library](#).

Alcohol, Drugs, and Good Samaritan Policy

As part of Neumann University's values of Reverence, Integrity, Service, Excellence, and Stewardship (RISES), 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. This policy reinforces the University's commitment to maintaining an environment that is dedicated to the physical, emotional, spiritual, and psychological development of all persons.

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 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. The following is a summary of the policy.

Alcohol

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.

The consumption, distribution, transportation, or service of alcoholic beverages on University grounds must be in compliance with the Pennsylvania liquor and crime codes, which define the lawful consumption and service of alcohol and prescribe sanctions for violations. Pennsylvania law prohibits the sale, purchase, possession, consumption, or transport of alcoholic beverages by any person under the age of 21. It also prohibits:

- Misrepresenting age to secure alcoholic beverages;
- Carrying any form of false identification for the purpose of falsifying age in order to secure alcohol;

In addition to violations of University policies, there are state and local laws, including, but not limited to, Title 18 (Pennsylvania Crimes Code) and Title 75 (the Pennsylvania Vehicle Code) that impose significant criminal penalties if violated:

- Misrepresenting to another that a minor is of legal age;
- Inducing a minor to purchase, or offering to purchase alcohol for a minor; and/or
- Manufacturing or selling false identification cards

Additionally, 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 and 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.*

¹ Text included in this Handbook is language used in the published University policies as of July 2024.

Students 21 years of age or older, who reside in the Buoni Building, Flynn Apartments, University houses, and other designated housing may consume alcohol in their rooms in accordance with the guidelines below:

- All roommates must be 21 years of age or older.
- 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. Hard liquor is not permitted.
- Students must register their alcohol at the front desk of their assigned residence halls where possible at the time of entrance with the Resident Assistant on duty. If the Resident Assistant is not available; the front desk campus safety officer will register the alcohol.
- Students can only register alcohol into their assigned rooms.
- Regardless of age, guests cannot bring alcohol into the residence halls
- Guests who are under 21 years of age 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.
- Drinking games are prohibited.
- Intoxication, disorderly, disruptive, or offensive behavior will be sanctioned and may result in individuals being subject to disciplinary action through the *Student Code of Conduct* and Student Conduct Process which may include removal from the residence halls and/or revocation of a student’s alcohol registration privileges.
- Paraphernalia associated with the rapid ingestion of alcohol and/or drinking games, funnels, beer pong tables, shot glasses, empty alcohol containers, decorated alcohol containers, mini alcohol bottles, flasks, etc. are not permissible and constitute a violation of this policy.

Except for the locations designated above, all University residence halls are alcohol free. Alcohol is not permitted in these residence halls regardless of the age of students or their guests. Residential students of legal drinking age may not bring alcohol into any building that they are not assigned as well as common areas including but not limited to hallways lounges. Alcohol found in a student’s room will be considered the responsibility of everyone in the room at the time the alcohol is found. Residents of rooms where alcohol was found may be subject to disciplinary action through the *Student Code of Conduct* and Student Conduct Process even if he/she was not present at the time the alcohol was discovered. Therefore, it is the responsibility of all residential students to maintain an alcohol-free environment within their rooms.

Violations of this policy include, but are not limited to:

- Underage possession and/or consumption of alcohol;
- Students under 21 years of age in the presence 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, a Dean, or a Director. Students under 21 years of age may not consume alcohol at these events;
- Students under 21 years of age permitting individuals who are of legal drinking age to consume alcohol in their rooms or apartments;
- Knowingly furnishing, transporting, and/or allowing minors to consume alcohol;
- Use of alcohol resulting in involuntary, erratic and/or abusive behavior;

- Possession of a keg;
- Involvement in the high-risk use of alcohol such as participating in drinking games or consuming hard liquor or grain alcohol;
- Exceptional number of persons observed in a residence on campus or off-campus when an open container of alcohol is present; or
- Possession of an open container of alcohol in a public area.
- Students who meet the criteria to have alcohol within their residential spaces may not bring alcohol outside of the spaces into any public area.
- Paraphernalia associated with alcohol and/or drinking games is prohibited, including, shot glasses, empty alcohol containers, decorated alcohol containers, mini alcohol bottles, flasks, etc. are not permissible and constitute a violation of this policy.

The University reserves the right to confiscate and dispose of any and all items, including paraphernalia, regardless of the age of the student it belongs to, 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 and all state and local laws concerning alcohol. When a student engages in conduct off-campus that violates the University's regulations concerning alcohol 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 Student Conduct Process shall apply and such matters will be processed accordingly.

Furthermore, it should be understood that the University in no way is a co-sponsor of off-campus alcoholic events where alcohol is served unless it has specifically stated prior to the event.

Drugs

The use, possession and/or distribution of illegal narcotics or other controlled substances is expressly prohibited, except for those medically prescribed, properly used, and in the original container. All prescription drugs must be labeled with the student's 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.

The University reserves the right to invoke the Student 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, rolling papers, grinders, bongs, pipes, hookahs, water pipes, scales, drug storage containers, 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 policy.

Violations of this policy include, but are not limited to:

- Illegal or improper use, possession, cultivation, distribution, manufacture, or sale of any drug(s), including prescribed medications;
- Sharing, distributing or using prescription drugs not prescribed for user;
- Possession of drug paraphernalia;
- Illegal or improper use of solvents, aerosols, or propellants;

- Administration or employment of drugs or intoxicants causing another person to become impaired without his or her knowledge.

Complicity

When a student knowingly is in the presence of a drug or alcohol violation, the University expects him or her to do one or more of the following:

- Notify University staff, ask the individual(s) in violation to stop, or
- Remove himself or herself from the situation immediately.

All students should recognize that their presence during a violation may subject them to disciplinary action.

Good Samaritan/Medical Amnesty Policy

In cases of a medical emergency or crisis, Neumann University students are expected to care for themselves or others in the Neumann community by seeking help from appropriate University staff members or medical providers. The Good Samaritan/Medical Amnesty Policy is in place to ease concerns and eliminate any reason for hesitation that Neumann students may have in seeking help for themselves or others should an emergency or crisis arise. Students are expected to immediately report conduct or activity which poses a danger to the health or safety of the community or its members.

For example, all students – even those that are underage – are expected to seek appropriate assistance for themselves or others in situations where help is needed to ensure proper care of a person who is significantly intoxicated or under the influence of drugs. All students – even those who are underage – should not hesitate to seek help because of fear of disciplinary action.

The help seeker and the student in need generally will not be charged with a policy violation involving alcohol or drug use that occurred at or immediately before the time of the incident.

Although students may be required to meet with a University official regarding the incident, the University will support and encourage this behavior by treating it as a health and safety matter, not as a disciplinary incident. In rare circumstances, such as cases of repeated, flagrant, or serious violations of University policy or policies in conjunction with the drug or alcohol violation (e.g., bodily harm, sexual misconduct, physical or verbal abuse or harassment, distribution of drugs, hazing, theft) or violations that caused the harm to another person requiring emergency response, a student's behavior, even if otherwise a "Good Samaritan" or student in need, may be considered more than a health and safety matter and subject to discipline.

Other violations of the University policies do not fall within the scope of this policy. In addition, the University may be obligated by applicable law to report all violations of the law to local law enforcement authorities and pursuant to the Clery Act and The Drug-Free Schools and Communities Act Amendments of 1989. This good Samaritan/medical amnesty program also does not preclude summons, citations, or actions by local, state, or federal authorities.

In situations involving danger to the health and safety of one or more individuals, students are required to do the following:

- To remain with individual(s) needing emergency treatment and cooperate with emergency

- personnel as long as it is safe to do so;
- To meet with appropriate University officials after the incident and cooperate with any University investigation; and
- Agree to and complete educational and/or health interventions as directed by the Dean of Students Office staff member as a condition of deferring formal student conduct sanctions. Failure to complete these interventions by the established deadlines may result in a referral for formal conduct action.

Furthermore, students are expected to contact at least one of the following parties:

- Immediately contact staff members from the Office of Residence Life, including resident assistants and/or professional staff members
- Immediately contact the Neumann University Department of Campus Safety (by dialing x5555 from any university phone or dialing 610-558-5555)
- Immediately contact the Aston Township Police Department (by dialing 911 for emergencies and 610-497-2633 for non-emergencies)

Students who abuse the protections of the policy by seeking help for others when there is no good-faith basis for doing so will not be able to claim the benefits of the policy. Students who fail to take appropriate action in situations involving danger to the health or safety of others who are part of the Neumann University community and remain liable for violations of the *Student Code of Conduct*.

Fire Safety Policy (Policy # 1.02)

Fire alarm systems, fire extinguishers, and emergency exit signs are required by the state, are for the protection of all members of the University community, and are to be used only in case of fire. Students are responsible for being familiar with the location of emergency exits, fire extinguishers and fire alarm pull stations. Tampering with fire equipment or setting off a false fire alarm is a misdemeanor under state law. Deliberately causing a fire is a felony. Disciplinary action and/or arrest will be taken against a student found tampering with fire equipment, falsely setting off the alarm system or causing a fire.

Behaviors considered examples of violating this policy include, but are not limited to:

- Initiating false alarms, which may take fire fighters from a real and dangerous situation and endangers property and lives. It is a violation of the fire safety policy to tamper in any way with fire pull stations.
- Failure to evacuate as required when an alarm sounds or when told to evacuate a building by University personnel for an emergency situation.
- Intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency.
- The creation of a fire hazard, the endangering of the safety of persons or property through negligence with an open flame of any kind or improper use and/or possession of flammable or hazardous substances.

Additional information regarding the policy can be found on the [Student Affairs Policy page](#).

Residential Student Handbook

Essential to the Catholic Franciscan world view is a way of relating to people that is grounded in faith and values. Residence Life strives to foster a community where members work together in friendship and respect, and commitment to building a world that is more just, peaceable, and humane. Neumann University, therefore, provides residential facilities to enhance the mission of the university. The university expects that resident students will maintain their environment in a caring, safe, secure, and sanitary manner. Residents themselves bear the primary responsibility for safety and security in the Living and Learning Centers and off-site Annex. Keeping doors locked, maintaining the security of outside doors, following the regulations for visitors, keeping a lookout for the safety of fellow students—all of these responsibilities rest on residents and carrying them out will contribute to an environment that enhances learning and health community living. Residential students are expected to follow the policies and procedures outlined for residential students in the [Residential Student Handbook](#).

Social Networking Policy (Policy # NE 1.04)

This policy consists of both rules and guidelines, which cover all forms and manners of online social media and social networking. For purposes of this Policy, the terms “social media” and “social networking” are synonyms. Below are **just some examples** of social networking activities. There are too many examples of social media to list here. Even though a specific social media category or example below may not be included, it is emphasized that this Policy includes all forms of online expression.

- Social networking sites: Facebook, MySpace, LinkedIn
- Video and photo sharing websites: Flickr, YouTube
- Micro-blogging sites: Twitter, FourSquare
- Weblogs or blogs: The Huffington Post, Mashable, TechCrunch
- “Wilds” or other collaborative websites designed to enable anyone with access to contribute or modify content: Wikipedia, Digg
- Online forums, discussion boards, and online learning: Yahoo! Groups, Google Groups, or Canvas course participation
- Any other website for software applications that allow individual users or entities to publish content on the Internet

Social Networking Rules

Neuman University has established the following rules for social networking. These rules apply regardless of where and how one engages in online activities. For example, these rules apply whether posting online on a personal computer off university grounds, or in Neumann’s library using Neumann computer systems. These rules are intended not just for safety, but also to raise awareness that misuse of social networking may create unnecessary liability or risk for both social network users employed by, volunteering for, or as students of Neumann (hereinafter “users”) and Neumann.

Neumann reserves the right, to monitor, access, view, copy, modify, and delete any information transmitted through and/or stored on Neumann computer information systems and networks, whether for social networking purposes or otherwise. Also, Neumann may, within the boundaries of the law, monitor, access, or view public information published on the Internet using any form of social networking, without regard to the method, means, or manner in which is published; given that information published on the Internet may be freely accessible, it does not matter whether Neumann computer systems or network were utilized in publishing this information.

Violations of the preceding Social Networking Rules in this Policy may result in discipline up to and including termination of employment or expulsion from Neumann University. Nothing in this policy shall be construed to limit or preclude concerted activity as prescribed by law, regulation, or government policy. Additional information regarding the policy can be found on the [Student Affairs Policy page](#).

Student Engagement Handbook

Neumann University recognizes that students bring a diverse range of interests that evolve over time. The University believes that students should have the freedom to create and join associations that align with their passions. The Office of Student Engagement & Orientation places significant importance on student organization based on their impact on leadership skill development, creating a vibrant campus community, and enhancing the student experience. The Student Engagement Handbook outlines policies and procedures related to student engagement and student organizations on campus. Included within the handbook is the Student Government Association constitution which serves as the governing body of undergraduate full-time students. All students are expected to abide by the policies and procedures listed in the [Student Engagement Handbook](#).