

# Student Conduct and Judicial System

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The Student Conduct System at Saint Peter's University is educational in nature, designed to uphold the values of the institution, redirect inappropriate behavior that is harmful or disrupts the community, and support a positive living and learning environment for all. As with classroom or academic participation, this process is centered around student learning and developing students' independent critical thinking, reflection and self-advocacy skills. As such it is not intended to include direct participation or intervention by parents or external parties.

Saint Peter's University hearings and conduct meetings are not criminal or civil judicial proceedings. Criminal courts make a determination of guilt or innocence of an accused. Civil courts resolve non-criminal disputes between parties, usually for a money judgment. Saint Peter's Student Conduct process makes a determination of responsibility, that is, whether the accused more likely than not committed the alleged act. Although the terms and procedures may be similar to criminal law or the criminal court system, they are specific to Saint Peter's University and limited to the meaning and use given them by the University. An act not criminally prosecuted may still violate University policy.

Information for a finding is based on a standard that an act was "more likely than not" to have occurred. The information does not have to be in the form of physical "evidence" nor does the alleged violation have to be witnessed. Circumstantial information can be sufficient in some instances for the University to determine that an act was "more likely than not" to have occurred. The University's standard for determining whether a violation has occurred is different from criminal law.

The Student Life & Development Staff is responsible for the implementation of the Student Conduct System at the University. Members of the Student Life & Development Staff will hear student conduct cases and outcomes may be imposed as outlined below. The Assistant Vice President/Dean of Students, the Chief Judicial Officer or her/his/their designee may utilize other hearing types and procedures at their discretion.

## Filing a Complaint or Grievance

Individuals have the option of reporting an incident to the University, reporting an incident to Campus Safety, both, or none. Filing an incident report is your process to document a complaint or grievance. Reports allows us to provide options and support services to the individual who has experienced misconduct and it also allows us to build a safer campus. Students are encouraged to report their experiences even if they occurred off campus and regardless of who the alleged person's identity. Filing a report with the University does not automatically mean that formal disciplinary action will be taken. Emergencies should be reported to Campus Safety at 201-761-7400.

Reporting to the University helps ensure you are aware of all the options and resources available to you through the University system. If you are concerned about the process of reporting, potential outcomes, or any other concerns, the Dean of Students Office staff will talk you through all your options. For more information contact the Dean of Students at 201-761-7360 or [DeanofStudents@saintpeters.edu](mailto:DeanofStudents@saintpeters.edu).

Online incident reports, complaints, or grievances can be submitted online at: [click here to access \(https://cm.maxient.com/reportingform.php?SaintPetersUniv&layout\\_id=0\)](https://cm.maxient.com/reportingform.php?SaintPetersUniv&layout_id=0)

## Conduct Procedures

The Assistant Vice President/Dean of Students is responsible for initiating disciplinary proceedings for infractions where there is sufficient information to believe that a violation may have occurred and disciplinary action is

appropriate. The Assistant Vice President/Dean of Students may designate other Student Life & Development officials to serve as hearing officers.

Any member of the University community may file a complaint against any student or student organization for misconduct. All complaints can be filed with the Dean of Students Office and processed through the University Student Conduct System. Complaints may also arise from information documented in Campus Safety reports, Residence Life reports, or forwarded to the Student Life & Development staff by other University departments or University community members such as Residence Life. Parties outside the University community may file a complaint or report if they have been negatively affected by the action of a student or students if those actions violate our policies, rules or expectations.

## General

The Assistant Vice President/Dean of Students manages the overall Student Conduct System for the University. Specific responsibilities for disciplinary interventions and resolutions rest with various departments as designated by the Assistant Vice President/Dean of Students. There is also a mutual and shared educational responsibility which Saint Peter's University promotes, allowing for cooperation and collaboration between University departments regarding student conduct issues.

The Office of Residence Life is empowered to address conduct issues that occur in the presence of one of their staff on or off-campus or occur in University residential facilities, or are perpetrated by residential students. Generally, possible low level and housing policies infractions are referred to a Student Conduct Hearing Officer within Residence Life. This is all done in conjunction with the Dean of Students Office.

- The Assistant Vice President/Dean of Students is the custodian of Student Conduct records. These records usually include allegations of misconduct, findings of responsibility and any student conduct outcomes issued.
- The University does not allow recordings of the Student Conduct hearings.
- For information about misconduct and discipline that is academic in nature, please contact the specific Academic Dean.

## Interim Suspension/Conditional Attendance

A student may be suspended fully or subject to conditional attendance restrictions for a period of time following a serious alleged violation of a policy or if it is determined a danger may exist to him/herself, others, or property. This suspension may be done immediately and the Student Conduct hearing will follow. During this time the student may be denied access to the campus, residence halls, classes, and/or all other University activities or privileges for which the student might otherwise be eligible. A student may be placed on an interim suspension or offered a conditional attendance while pending criminal, civil and/or University charges are being resolved.

The University shall make a reasonable effort to resolve the situation or conduct the hearing process without undue delay.

## Student Conduct Hearing Process

Typically, the Student Conduct Hearing process is as follows:

The student will be informed via email by a Student Conduct Hearing Officer, typically in the form of a Student Conduct Charge Letter, that a concern has been raised and a response by the student is necessary.

## Student Conduct Hearing

A **Student Conduct Hearing** is held after the student responds to the Student Conduct Hearing Officer's request to schedule a meeting. The meeting is attended only by the student and the Student Conduct Hearing Officer. Should the student choose not to attend the hearing, it may be held in his/her/their absence.

Student Conduct Hearings are a formal administrative hearing with a University official as designated by the Chief Student Conduct Officer. A student participating in this process several rights throughout the process. Those rights include:

- The right to be treated with dignity and respect throughout any interaction with the conduct process.
- Advanced notice of date, time, and place of the initial hearing received via Saint Peter's University email or written letter.
- Receive a written statement in the form of a Student Conduct Charge Letter of the alleged violation(s) prior to the conduct hearing.
- A fair and impartial conduct hearing.
- Adequate time to prepare a case and an opportunity to review related documentation.
- A support person present during the hearing. A support person is "a member of the University community, most frequently a full-time faculty or staff member, who is neither an attorney nor a family member and who assists a student by providing support throughout the student conduct process. Support persons may not speak or participate directly in the hearing unless invited by the hearing officer.
- Have an opportunity to provide information, materials, and/or witnesses with relevant information to present their side of the situation.
- A review of the possible Student Conduct Outcomes that may be imposed.
- The right to have proceedings and documentation kept private. All hearings, proceedings and case information are confidential except to those with a legitimate educational interest in them, or as permitted/required under FERPA, the Clery Act, or any other legal mandate.
- The right to a written notification of the final outcome in the form of a Student Conduct Outcome Letter of the hearing/investigation of alleged violation(s).
- The right to request an appeal on specific grounds.

## Facilitated Discussion

A facilitated discussion about a conflict by a neutral third party is sometimes an option for students in a number of situations. A Student Conduct Hearing Officer may recommend a facilitated discussion as a way to help mediate disputes, provide interpersonal mediation, and impose binding arbitration. Students interested in pursuing this option can contact the Chief Student Conduct Officer. Facilitated discussion provides an opportunity for students to deal with conflict with the help of a neutral party. Ground rules for discussion are delineated and an agreement can generally be arrived at that reflects consensus by the involved parties. Some examples where facilitated discussion might be appropriate are: Roommate conflicts, situations where two or more individuals can't come to an understanding or an incident that involves individuals with differing levels of power. A facilitated discussion does not establish a determination of responsibility by the University, but may still accomplish appropriate outcomes. For a facilitated discussion to be successful both parties need to be willing to participate.

## Other Hearing Types

The Assistant Vice President for Student Life and Development, Chief Student Conduct Officer or her/his/their designee may also utilize other hearing types and procedures at their discretion. This includes, but is not limited to the presence of other parties at a hearing or deliberation who have a legitimate role to play in the hearing process.

## Outcomes

The student alleged to have committed the violation will be informed of the disposition of the case, as well as any sanctions imposed, after a decision has been reached by the judicial officer. Students (or next of kin) who are considered by the University to be victims of a crime of violence or a non-forcible sex offense, in which another student is accused, are able to request in writing the final results of the judicial hearing pertaining to that crime or offense.

A student found responsible will have an opportunity to appeal the decision for an appropriate cause as outlined in the *Student Handbook*.

## Disciplinary Sanctions

Sanctions in a disciplinary action are a developmental and educational tool, whose purpose is to redirect the student's behavior towards a pattern that fits the mission and values of the Institution:

- If such redirection is feasible.
- To protect the University community from possible harm or injury by the student.
- To give redress to a person for loss, harm, or destruction of property resulting from the action of the accused student.
- To allow students an opportunity to heal damage done to a community, to other individuals, to the campus environment, or to student social network.
- To allow students to place themselves in other people's shoes and to both learn about and feel the true impact of their attitudes and behavior on others.

It is important to note that a student's behavioral/disciplinary history is cumulative. Increased sanctions may be imposed to take into consideration the student's overall record of violations of all types, not simply of a particular type. A sanction can be rendered in conjunction with other sanctions as the discretion of the judicial officer who will consider the nature of each violation. Removal from the residence halls and removal from the University are without any refund.

Representatives of the Student Life Office may impose the following sanctions on a student or group of students:

1. **Administrative Hold:** An encumbrance on a student account which precludes the student from altering their academic schedule, registering for classes, accessing University educational databases, re-enrolling, receiving transcripts, graduating, or other privileges.
2. **Apology Letter:** A letter of atonement that acknowledges an understanding of how their behavior has impacted others or the community.
3. **Assessment:** Mandated assessment conducted by a qualified professional. Examples include an assessment by a nurse, counselor, physician, or other qualified professional.
4. **Community Service:** Non-paid work for an approved non-profit agency that is not affiliated with the University. This provides an opportunity for students to provide benefit to others and reflect on the impact of their actions through performing restorative service(s).
5. **Conduct Probation (Level 1):** Not eligible to apply for opportunities that require students to be in good conduct standing (i.e. applying for leadership positions, applying for awards/recognition, etc.). Future violations of University policies while on Conduct Probation (Level 1) will result in more significant conduct action.
6. **Conduct Probation (Level 2):** Not in good conduct standing with the university. The student may be restricted from participating in certain co-curricular activities such activities including but not limited to intercollegiate athletics and leadership participation in student government or other campus organizations. Additionally, future violations of University policies while on Conduct Probation (Level 2) may result in permanent dismissal from the residence halls and/or the University.
7. **Contributed Service:** Non-paid work for an approved non-profit agency that is affiliated with the University. This provides an opportunity for students to provide benefit to others and reflect on the impact of their actions through performing restorative service(s).
8. **Course Removal:** Removal from a course or moved to another section of a course.
9. **Discernment Activity:** A written activity steeped in the Jesuit philosophy to create a space for students to reflect on their actions and behaviors.
10. **Dismissal from Housing:** Permanent or temporary dismissal from the residence halls which includes cancellation of the housing contract and forfeiture of residence fees including deposit.
11. **Dismissal the University:** Permanent removal from Saint Peter's University. In addition to forfeiting all tuition and fees paid, the student may have restrictions imposed and is not eligible to apply for readmission at any time. The student must leave the campus on the date determined by the hearing officer. The student will be restricted from visiting the University, which may include a criminal trespass warning.
12. **Educational Activity:** Activities with educational outcomes that encourage reflection and engagement. Examples include but are not limited to meetings with appropriate officials, written research assignments,

- attending or presenting workshops, planning and implementing educational programs, creating educational materials, reflection papers, or other educational activities at the student's or student organization's own expense.
13. **Follow-Up Meeting:** A follow-up meeting with a staff member to both evaluate the student's progress and determine if additional support is needed.
  14. **Guest Restrictions:** restricted from having guests in their residence hall and being signed in as a guest by any University student resident, staff or administrator
  15. **Item Confiscation:** required to turn over their prohibited item(s) for the remainder of the academic year.
  16. **Leadership Restriction:** Restriction from having any executive board level leadership positions including but not limited to student organizations, student leadership programs, and student staff positions.
  17. **Letter of Apology:** submit a letter of apology to the appropriate member of the university community.
  18. **Mediation:** A third party facilitated discussion to reach a resolution between students.
  19. **Monetary Fines:** A monetary assessment support educational programs.
  20. **No Contact Order:** Prohibited contact with another person.
  21. **Notation on transcript:** A notation on the student's permanent academic record regarding the responsible finding of a violation of the Student Code of Conduct and subsequent sanction(s).
  22. **Online Alcohol Screen Course:**
  23. **Parental Notification:** Notification of disciplinary documents sent to the parents or legal guardians of the student.
  24. **Relocation:** Required to relocate from a current room assignment to another room assignment.
  25. **Restitution:** A form of compensation through payment of reimbursement in the form of cash, certified, check, or money order.
  26. **Restrictions:** Temporary or permanent loss of privileges. Restriction may include leadership restrictions, parking restrictions, activity restrictions, facility restrictions, and other restrictions.
  27. **Suspension:** Suspension from the University involves the exclusion of the student from participation in any academic or other activities of the University for a specified period of time.
  28. **Written Warning:** Written notice to a student that he/she has failed to meet the University's standards of conduct. The warning will include a caution that the continuation or repetition of the conduct involved or other misconduct will result in a more serious sanction.
  29. **Withholding of Transcripts or Degree:** Withholding copies of student transcripts or awarding a degree otherwise earned until the completion of the process set forth University policy, including the completion of all consequences imposed.
  30. **Revocation of Admission and/or Degree:** Admission to the University or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University policy in obtaining the degree from or gaining admission to the University or for other serious violations committed by a student prior to graduation.

## Notification of Parents

The University may, in its discretion, send notice and/or copies of disciplinary documents to the parents or legal guardians of students involved in disciplinary matters. The University, in compliance with the Family Educational Rights and Privacy Act (FERPA), may send reports to parents or legal guardians of a dependent student as defined in the Internal Revenue Code. The University may also contact parents or legal guardians of students involved in alcohol or drug violations. In some cases, as a condition of remaining at Saint Peter's, a student may be required to notify his/her parents or legal guardians of his/her disciplinary standing within the University. Students may opt to sign a FERPA waiver, allowing the University to communicate with his/her parents or legal guardians or other designated individuals.

## Appeals Process

The University has implemented procedures for students who believe they were not treated fairly in the disciplinary process. Appeals are not a re-hearing of the facts of the case, but rather an examination of the procedure and/or outcome. General dissatisfaction with the outcome of a conduct case or an appeal for mercy is not an appropriate basis for an appeal. Disciplinary actions or conduct sanctions/decisions rendered by members of the Student Life Staff or its judicial officers may be appealed one time only to a judicial officer one professional level up from the person who rendered the original decision. The sanction(s) resulting from a disciplinary decision will be considered

in place and enforced until modified by a decision in the appeals process. The filing of an appeal does not relieve a student from complying with the sanction(s) from the time they are initially imposed.

An appeal must be made in writing within three class or business days of the notification of the outcome of the case to the parties involved in the original decision. This notification will be made to the student in person or to the student's University e-mail address. The written appeal must be delivered to the office of the appeal judicial officer, (whose name will be provided by the person who rendered the original decision and/or made the notification of the outcome). Before determining the appeal, the appeal judicial officer will decide whether or not to even consider the appeal. The decision to consider the appeal is a separate action from actually determining the appeal. The appeal judicial officer will review the file, including the reasons for the appeal, and will decide if consideration of the appeal is appropriate. If the appeal judicial officer decides that consideration of the appeal is not appropriate the original decision and sanction(s) remain in place. If it is decided that consideration of the appeal is appropriate, the appeal judicial officer will make a determination of the merits of the appeal based upon the information contained in the written request, file and meeting. At the discretion of the appeal judicial officer parties to the original decision may be heard in person as part of the appeals process.

The appeal must be based on one or more of the following circumstances. The written appeal must specifically demonstrate these circumstances:

1. The student has new information that was not reasonably available prior to the original hearing and that information is likely to have substantially changed the outcome of the hearing.
2. The original hearing had significant procedural errors or irregularities that denied the student(s) a fair hearing.
3. The judicial decision is not supported by substantial information.
4. The disciplinary sanction(s) appear/appear to be significantly incongruent with the violation.

The appeal judicial officer may take the following actions after considering or determining an appeal:

1. Remand the matter to the original judicial officer to be reheard in whole or part. At the discretion of the appeal judicial officer a different official or hearing method may be designated;
2. Affirm the original decision and sanction(s);
3. Reverse the original decision and sanction(s);
4. Affirm or reverse the original decision in part and/or alter the sanction(s) which could increase or decrease the severity of the sanction(s).

A notification of the decision regarding the appeal will be made to the student in person, written letter or communicated via University e-mail address. The appeal decision will normally be rendered within two weeks of the written appeal. The decision of the appeal judicial officer is final and effective immediately.

## **Abuse of the University Judicial System**

Abuse of the University judicial system will be treated as a separate disciplinary matter. Abuse includes, but is not limited to, failure to comply with the request of a judicial body or University official; falsification, distortion, or misrepresentation of information before a judicial body; attempting to influence or discourage an individual's proper participation in, or use of, the judicial system; verbal or physical harassment and/or intimidation of a member of a judicial body or any other participant in a disciplinary process. It also includes failure to fulfill sanctions, pay fines or return requested documents on time.

## **Record Requests by Outside Entities**

Students should be aware that information maintained in their disciplinary file or University record may be requested by entities outside the University in the future. Such requests include employment background checks, military or civilian clearances for sensitive information, graduate or other college admissions processes, professional licenses and certifications and court orders. The University follows FERPA guidance in responding to these requests.

## **Non-Students**

Non-students, including former students, restricted persons, or students who have been suspended from the University are required to resolve all conduct, incidents and sanctions before any determination or consideration for

re-application, re-admission, or other return to the University. Completion and resolution of all conduct incidents does not guarantee readmission or return to the University.