

COMMUNITY  
STANDARDS  
MANUAL



2019-  
2020

The Community Standards Manual is published by the Dean of Students Office.

Please direct any questions to:

Dean of Students Office

1 John Carroll Blvd.

University Heights, OH 44118

(216) 397-3010

Email: [deanofstudents@jcu.edu](mailto:deanofstudents@jcu.edu)

# Community Standards Manual

Page

<b>Introduction</b>	1
<b>Definitions</b>	1
<hr/>	
<b>The Student Conduct System</b>	
I. The Student Code of Conduct	3
II. Disciplinary Actions	6
III. Student Conduct Procedures	12
IV. Special Circumstances	23
V. Student Conduct Records	29
VI. Sources and Limits of Authority	30
VII. Amendments	31
<b>Academic Policies</b>	
Academic Honesty Policy	33
Classroom Management Policy	34
Dress Code Policy	34
<b>Community Standards Policies</b>	
Alcoholic Beverage Policy	34
Amnesty Policy for Good Samaritans & Self Reporting	38
Cleaning and Maintenance Policy	40
Drones-Unmanned Aircraft Policy	41
Drug Policy	41
FERPA (The Family Educational Rights and Privacy Act)	43
Firearms and Other Weapons Policy	43
Hate Free Policy	43
Hazing Prohibition Policy	44
Information Technology Resources Policy	47
Information Technology Sensitive Data & Security Policy	48
John Carroll Police Department Policies	48
Off Campus Behavior Policy	49
Official Communication	50
Posting Policy & Procedures	51
Residence Life Policies	51
Sexual Harassment Policy & Procedures	52
Solicitation Policy	53
Student Accessibility Services Policy	53
Student Organization Policies	54
Tobacco Free Campus Policy	54
University Heights Police Department	56

# COMMUNITY STANDARDS MANUAL

## *Mission Statement for John Carroll University*

*As a Jesuit Catholic university, John Carroll inspires individuals to excel in learning, leadership, and service in the region and in the world.*

## **Introduction**

As a Jesuit and Catholic University, John Carroll University strives to foster the fullest development of its students in an atmosphere of care and concern. The Jesuit value of *cura personalis*, the care of each individual, along with the University's mission to inspire individuals to excel in learning, leadership, and service, call us to promote the growth and development of the whole person. This is also articulated in the University's core values that call for the creation of a rigorous approach to scholarship, an inclusive community where differing points of view and experience are valued, a commitment to sharing our gifts, and an appreciation that our personal and collective choices can build a more just world. Our community holds high expectations of how we live and interact with each other as we are all interconnected and thus the actions of one of us has an effect on us collectively. Respect for self, respect for others, respect for property, respect for authority, and honesty, both within and outside the University community are the foundations for our standards of conduct. In order for our community to thrive, all members must be active in contributing to an environment where people feel safe, sustained, engaged, challenged, and appreciated. We must also hold each other and ourselves accountable for our actions as a part of our community life.

## **Student Conduct System**

### **Definitions:**

1. The term "University" means John Carroll University.
2. The term "student" includes all admitted students, persons taking courses at the University, both full-time and part-time, pursuing undergraduate, graduate, professional, or extension studies and those who attend post-secondary educational institutions other than John Carroll University and who reside in the University's residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered "students".

3. The term "faculty member" means any person hired by the University to conduct classroom activities. In certain situations, a person may be both a "student" and a "faculty member" or a "student" and a "University official".
4. The term "University official" includes any person employed by the University who performs assigned administrative or professional responsibilities.
5. The term "member of the University community" includes any person who is a student, faculty member, University official, or any other person employed by the University. A person's status in a particular situation shall be determined from the surrounding facts by the Dean of Students or designee.
6. The term "organization" means any number of students joined together in the pursuit of a common purpose, which is in support of the mission, goals, and values of John Carroll University.
7. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University.
8. The term "Student Code" refers to any published policy, rule, or regulation found in, but not limited to, the most recent edition of the Community Standards Manual, which can be found by clicking [here](#) as well as Residence Life agreements and publications, and the Graduate -Undergraduate Bulletins.
9. The term "reporting party" includes any University official or student who submits a report stating that a student violated this Student Code. When the recipient of the alleged behavior at issue or University is acting as a reporting party, then any other third parties who report information will be treated as witnesses or sources of information.
10. The term "responding party" means any student charged with violating this Student Code.
11. The term "Student Conduct Administrator" means a University official authorized on a case-by-case basis by the Dean of Students to recommend disciplinary actions upon any student(s) found to have violated the Student Code. A Student Conduct Administrator will be assigned as a non-voting member of a University Hearing Board as well as a voting member of all hearing panels and will chair those hearings.
12. The term "business day" refers to any weekday that the University is open to do business. The University calendar should be consulted for days the University is officially closed.

# **I. STUDENT CODE OF CONDUCT**

Students enrolling in John Carroll University assume an obligation to conduct themselves in a manner compatible with the University's function as an educational institution. The purpose of the Student Code of Conduct, herein referred to as the Student Code, is to establish the expectations regarding students' behavior, and to expand upon the rights and responsibilities of students. These guidelines are not arbitrary legislation but have, as their primary purpose, the welfare and education of students and the entire John Carroll community. They have been formulated with the objective of directing and channeling the efforts of John Carroll students toward a successful university life.

The University is dedicated not only to learning and the advancement of knowledge, but also to the whole development of persons within the Catholic and Jesuit traditions. The University seeks to achieve these goals through a sound educational program that includes clear policies governing student rights and responsibilities. Since all members of this institution freely affiliate with this university, they make a decision to be bound by the rules, regulations, and principles of the University community. **The Student Code of Conduct applies to behavior both on and off campus.**

Certain behaviors, whether attempted or completed, are incompatible with the above standards and are unacceptable in the University community. For these reasons, they are subject to disciplinary action by the University. Examples of such behaviors include, but are not limited to, the following:

## **1. Lack of Respect for Self**

- a. Violating the University alcoholic beverage policy. This includes, but is not limited to, such behaviors as underage students being in the presence of or using alcoholic beverages, possession of a false identification indicating an underage person is at least 21 years old, or any student being intoxicated and/or incapacitated. It should be understood that the effects of alcohol do not relieve individuals of their responsibility to themselves and/or the community. [Click here](#) to see full University alcoholic beverage policy.
- b. Violating the University drug policy. This includes, but is not limited to, misusing prescription drugs, being in the presence of or possessing, using, distributing, and/or selling narcotics, drug paraphernalia, other drugs, or any controlled substance illegally. It must be understood that the effects of drugs do not relieve individuals of their responsibility to themselves and/or the community. [Click here](#) to see full University drug policy.

## 2. Lack of Respect for Others

- a. Abusing, assaulting, threatening\*, bullying\*, intimidating\*, endangering, mistreating, or harassing any person physically or verbally either intentionally or recklessly. This includes all written, oral, electronic, and other forms of communication.
- b. Engaging in harassment or mistreatment based on race, age, color, sex, sexual orientation, gender identity or expression, religion, ethnic or national origin, disability, military or veteran status either intentionally or recklessly. This includes all written, oral, and electronic forms.
- c. Engaging in sexual assault, sexual exploitation, sexual harassment, non-consensual sexual contact, relationship violence and/or stalking as defined by the Sexual Harassment and Interpersonal Violence Policy found [here](#).
- d. Participating in hazing. The University defines hazing as an act which does or could endanger the emotional, mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in an organization, or team whether intentionally, recklessly, for fun, or by consent. Click [here](#) to see the full Hazing Policy.
- e. Engaging in a violation of the Hate Free Policy.
- f. Engaging in retaliatory behavior\*\* based on reporting violations of this Code, cooperating with University investigations, and/or participating in University hearings.
- g. Misusing or interfering with fire equipment, or failing to follow fire drill or other emergency procedures. This includes tampering with, or disregard for, security precautions in the residence halls or other University premises..
- h. Interfering with the safety and/or health of a member of the University community.
- i. Possessing, using, buying, selling, carrying, storing or displaying any weapons or replica weapons while on University property or any other violation of the [Firearms and Other Weapons Policy](#).
- j. Engaging in behavior that is disruptive of the living and learning environment on campus or the living environment off campus.
- k. Throwing food or engaging in other disruptive behavior in the dining hall, Inn Between or other food service locations.
- l. Participating in lewd or indecent misconduct.
- m. Hosting guests whose actions violate University policies. It is the responsibility of all students to inform their guest(s) of University policies and community expectations for behavior. Student hosts may be held responsible for the actions

of their guest(s) on University premises and at University sponsored events off campus.

- n. Providing assigned residence as a place for violations of University policies to occur intentionally, either recklessly, or negligently (i.e. leaving residence unsecured).

*\*The term "bullying" refers to repeated, severe, and/or aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally.*

*\*The term "threat" refers to written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.*

*\*The term "intimidation" refers to implied threats or acts that cause an unreasonable fear of harm in another.*

*\*\*The term "retaliation" refers to any adverse action taken against a person reporting or participating in the conduct process or related procedures because of their report or their participation in the process. The University strictly prohibits retaliation against an individual for reporting, supporting a party bringing a claim, participating in an investigation, or providing information as a witness to an incident. Retaliation includes any adverse action taken by the responding party or the reporting party or other related persons, including but not limited, friends and relatives.*

### **3. Lack of Respect for Property**

- a. Engaging in the unauthorized entry into, use of, or occupancy of University premises.
- b. Engaging in the attempted or actual theft of, misuse of, damage to, or destruction of institutional, group, or private property, including goods, services, or other valuables.
- c. Engaging in arson or the irresponsible use of fire.
- d. Possessing property that is not your own, such as room keys, University identifications, or stolen property.

### **4. Lack of Respect for Authority**

- a. Interfering intentionally with any normal function of a University sponsored activity or process.
- b. Violating published policies and/or rules governing residence halls, student organizations, or the University.
- c. Engaging in illegal gambling.
- d. Failing to comply with directions of University employees acting in the performance of their duties. This includes, but is not limited to, JCUPD personnel, Residence Life staff, Cleaning staff, Facilities staff, and JCU Dining staff.
- e. Engaging in acts or deeds that violate existing federal, state, county, or municipal laws or ordinances.

- f. Refusing to show or surrender University identification upon request by University employees acting in the performance of their duties.
- g. Failing to appear before the Dean of Students or designee.
- h. Failing to cooperate with any University investigator or Student Conduct Administrator/Panel. This includes but is not limited to not being forthcoming and honest with information, not responding to phone or email requests, or not attending scheduled meetings.
- i. Failing to comply with disciplinary actions imposed in a timely manner.
- j. Violating a published policy issued by Academic Affairs.

## **5. Dishonesty**

- a. Engaging in any form of dishonesty, including academic dishonesty. ([Click here to see Academic Honesty Policy](#))
- b. Knowingly furnishing false identification to the University. Misrepresenting information about oneself or others when providing information to University officials acting in the performance of their duties.
- c. Engaging in forgery, alteration, or the unauthorized use of University records, documents, or instruments of identification (including parking passes).
- d. Misusing financial assistance (aid) through fraud and/or abuse.

The above examples are illustrative rather than exhaustive. In the event that there arises some ambiguity, inconsistency or need for clarification in this statement, such definition, interpretation or clarification shall be decided by the Dean of Students.

Students should consult the Undergraduate/Graduate Bulletins, the Community Standards Manual, the Residence Life housing agreement, the Immersion and Study Abroad Agreements, and other published University policies for a more complete list of expectations and regulations.

## **II. Disciplinary Actions**

If a student is found responsible for violation(s) of the John Carroll University Student Code, disciplinary action will be taken.

In most circumstances, standard actions will be used to address students who are found to be in violation of the University's alcoholic beverage policy, drug policy, the policy regarding fire alarms and firefighting equipment, the hate free policy, and sexual assault. In most other cases, there are no standard disciplinary actions for violation of the Student Code. Infractions lead to sanctions ranging from positive actions and University warnings

to dismissal. The University seeks first and foremost to educate its students and make decisions regarding disciplinary actions from an educative perspective. The descriptions provided below are intended to inform students of the range of possible consequences for failing to uphold the Student Code. In each situation, factors such as the nature and gravity of the incident, the motivation underlying the behavior, the student's conduct history, and precedent in similar situations will be considered in determining the appropriate disciplinary action(s).

The disciplinary actions listed below may be used separately or in combination with one another. Failure to comply with any disciplinary action will result in additional conduct charges and may result in additional disciplinary action(s).

#### **A. Positive Actions**

Positive actions are required activities intended to engage students in a positive learning experience related to the students' inappropriate behaviors and allow students to reflect upon their decisions, learn new information about the behaviors in which they engaged and the reasons it is inappropriate or unacceptable, and/or educate other students so they do not find themselves in similar circumstances. This type of disciplinary action may include, but is not limited to: attending or presenting a program related to the implications of the students' conduct, writing a paper, conducting interviews, or engaging in reflection, educational conversation, personal assessment, mediation or mentoring.

#### **B. University Warning**

A University Warning is a formal, written notice that the behavior or set of behaviors is inappropriate and violates the basic expectations of students as set forth in the Student Code.

#### **C. Restitution/Financial Penalties**

Restitution requires a student to pay for damages to and/or destruction or loss of University property, property of members of the University community, or of visitors to the University. Restitution is also applicable for misappropriation of University funds, or for other expenses incurred by the University as a result of violations of the Student Code. The amount of restitution is dependent on the extent of damage/loss as well as what is determined to be the most appropriate way for a student to make amends for the damage/loss caused. The amount and method of payment for restitution are decided by a Student Conduct Administrator. Financial penalties will be imposed on students who are dismissed from the residence halls and/or students who are suspended or dismissed from the University.

#### **D. Fines**

Fines will be imposed and the amounts depend on the violations. Fines are automatically charged to a student's account. Fines are used to support educational programming.

#### **E. Limitations on Activities and/or Access**

Limitations on activities or access are assigned if the prohibition from participation in certain activities or events, or prohibition from the use of facilities or services has been determined to be in the best interest of the student and/or the University. Limitations on activities and/or access may include, but are not limited to, the following: a fixed period of ineligibility for service as an officer or member of any University organization, or as a member of any University committees, boards, or councils, or as a participant in any intercollegiate activity; ineligibility to receive or maintain any award from the University; prohibition from attendance at social events; restricted entrance into various University buildings; or restriction from all forms of contact with certain person(s) (i.e. No Contact Directive).

#### **F. Community Probation**

Community probation is a formal notice to the student that has engaged in behavior that is unacceptable in the general campus community, either on or off campus that if continued or other inappropriate behavior follows, more severe action may be taken, including the possibility of termination of the housing agreement, University probation, deferred suspension, suspension, and/or dismissal from John Carroll University. Community probation is for a fixed period of time that is determined by the Student Conduct Administrator/Board or Panel. Official notice of community probation may be provided to the student's parent(s)/guardian(s) if the student is a dependent.

#### **G. Residence Hall Reassignment**

This action moves a student from the student's assigned room, floor/wing, or building for a specific period of time or permanently. This usually carries a visitation restriction to the previously assigned room, floor/wing, or building. It may be necessary to move the student to a temporary space until a permanent space becomes available.

#### **H. Residence Hall Suspension**

A responsible living environment in the residence halls requires all members of the community to respect other residents' rights to safety, security and reasonable quiet. Serious disruption of, or continued disregard for, the hall community can lead to removal from that community. This action calls for separation of the student from the residence halls for a period of time, after which the student is

eligible to return. Conditions for returning may be specified. Financial penalties will apply. Students who are suspended from the residence halls lose visitation privileges in any University housing during the period of their suspension. Written notification of this action may be provided to the student's parent(s)/guardian(s) if the student is a dependent.

**I. Termination of Housing Agreement**

Repeated and/or serious violations of the terms of the housing agreement or Student Code may result in the termination of the housing agreement and the immediate removal of the student from the residence halls, financial penalties, and loss of visitation privileges in any University housing. Written notification of this action may be provided to the student's parent(s)/guardian(s) if the student is a dependent.

**J. University Probation**

University probation is a formal notice to the student that the activity in question is unacceptable and that, if continued or if other inappropriate behavior follows, more severe action may be taken, including possible suspension or dismissal from John Carroll University. University probation is for a specific period of time and can include such restrictions as denial of the opportunity to participate in extracurricular activities or events, to perform in the name of the University, to serve as an officer of a student organization, or to reside in University housing.

**K. Deferred Suspension**

Deferred Suspension is for a specific period of time and is a formal notice to the student that the activity in question is unacceptable and very serious. Suspension will remain deferred unless disciplinary actions assigned are not completed and/or unless continued or additional inappropriate behavior follows. Additional violations of the Student Code will most likely result in suspension or dismissal from the University. Written notification of this action may be provided to the student's parent(s)/guardian(s) if the student is a dependent.

**L. Suspension**

Suspension from the University involves the exclusion of the student from participation in any academic or other activity of the University for a specified period of time and may include prohibiting the student from being on University premises. Written notification of this action will be provided to the student's parent(s)/guardian(s) if the student is a dependent. Suspension during a semester in progress will result in withdrawing the student from all registered

classes and the application of any financial penalties. Suspended students may need to apply for readmission and may need to comply with certain conditions upon re-admittance.

**Reinstatement from Suspension:** When a student has concluded the suspension period and completed the conditions accompanying the suspension, the student must submit a letter to the Dean of Students or designee requesting reinstatement and provide information that the student has satisfied the terms of the suspension. The student may return to the University only after an affirmative decision has been made by the Dean of Students or designee. The student will be on probationary status for a minimum of one year following completion of the suspension.

**M. Dismissal**

Dismissal is a serious University disciplinary action and involves the permanent exclusion of the student from the University. This action also includes being permanently prohibited from being on the campus and all University owned or controlled off campus properties. A dismissed student is not eligible for re-admission. Financial penalties will apply. Written notification of this action will be provided to the student's parent(s)/guardian(s) if the student is a dependent.

**N. Revocation of Admission**

Admission to the University may be revoked if it was obtained through fraud or misrepresentation, or if the student otherwise violates University standards. The University reserves the right to withdraw an offer of admission under various conditions, including if the University becomes aware of information that brings into question an admitted student's honesty, maturity, or moral character. If this process takes place prior to initial enrollment in classes, then the Vice President for Enrollment or the Dean of Students may, at their sole discretion, choose to withdraw the student without a hearing or other formal conduct process.

**O. Revocation of Degree Awarded**

A degree awarded from the University may be revoked if it was obtained through fraud or misrepresentation or for a serious violation of University standards committed by a student prior to graduation.

**P. Denial or Postponement of Awarding a Degree or Honor**

A degree not yet awarded may be withheld despite a student's completion of academic requirements, if the academic requirements were fulfilled through fraud or misrepresentation or the student committed a serious violation of University

standards previous to graduation. A degree or honor may also be temporarily withheld while any student conduct or Title IX procedures or actions are pending.

### **Disciplinary Actions for Student Organizations**

The actions of undergraduate and graduate student organizations are expected to be consistent with the Student Code. If members of a student organization or students representing the group violate the Student Code, disciplinary action will be taken against the group as a whole, its officers and/or individual members. The following actions may be imposed if a student organization is found responsible for violation of the Student Code:

1. **Actions Described above in Section II--** A. Positive Actions, B. University Warning, C. Restitution, D. Fines, or E. Limitations of Activity and/or Access.
2. **Notification--** to national organization representatives, officers, and/or advisors either verbally or in writing.
3. **Loss of Privileges—**Denial of access to University owned facilities, removal of services performed by the organization, and/or denial of attendance or participation in activities and programs.
4. **Social Probation—**Probationary status for not less than one month, during which time the organization is restricted from participating in any combined social function with individuals or other student organizations outside its own membership.
5. **Probation of Student Organization—**Probationary status for a specified period, typically not less than one semester, during which time the organization will be required to fulfill specific conditions before reinstatement to good standing.
6. **Suspension of Student Organization—**Separation from the University for a specified period, typically not less than one semester. This includes the loss of all rights and privileges of student organizations, including the use of University facilities. The organization will be on probationary status for one year following completion of the suspension.
7. **Termination of Student Organization—**Permanent separation of a student organization from the University.

All decisions about and actions imposed on student organizations will be kept on file in the Dean of Students' office. Prior conduct actions will be reviewed if there are subsequent violations by the student organization. Such actions may be considered when deciding an appropriate disciplinary action.

### **III. Student Conduct Procedures**

#### **A. Overview**

Community expectations pertain to all students attending John Carroll University. Students who are found responsible for violating University standards will receive one or more of the disciplinary actions noted in Section II. To determine if a student is responsible for a conduct violation, the student conduct procedures described below will be followed. **Reported violations of the Sexual Harassment and Interpersonal Violence Policy will follow the procedures described within that policy.** Click [here](#) to see the Sexual Harassment and Interpersonal Violence process and procedures.

Any member of the University community may submit a report regarding a policy violation of the Student Code. The Dean of Students' office, the Office of Residence Life, the Title IX office and the John Carroll University Police Department can assist with this process. Any report should be submitted as soon as possible after the event takes place, preferably within ten (10) business days. In incidents of serious misconduct, the University reserves the right to act on reports no matter when they are submitted. The University will investigate all reports.

The University reserves the right to pursue an incident to its conclusion when: there may be a witness to a reported violation, a student who believes they have been the recipient of another student's misconduct requests that the University pursue the incident, even though they are unwilling to further participate in the process; and/or pursuing the incident is in the best interest of the University.

A Student Conduct Administrator may conduct an investigation to determine if the report merits charging a student with a violation(s) of the Student Code. If a student is charged with a violation, the Student Conduct Administrator will decide whether the incident will be handled through an administrative hearing, a student conduct panel, or a university hearing panel. In some cases, the Student Conduct Administrator may offer the student(s) involved in an incident the opportunity to substitute a conduct hearing with a conduct conference (described below).

The involved student(s) identified in the conduct referral will be notified and will be asked to appear at the hearing. All parties will be asked to provide written and/or verbal accounts and to explain what happened. A determination of responsibility will be based on conduct referrals and the information presented at the hearing. In determining responsibility, all levels of the conduct process utilize the same standard - if the hearing

officer(s) find it more likely than not that the student violated the Code, the student will be found in violation.

The hearing shall follow the procedures outlined in Section III, D. During the hearing a respondent will have certain rights. (These are described in Section III, D, 2.) A written record shall be made of all administrative and panel hearings. In panel hearings where recommendations are appropriate, the panel will submit its recommendations to a Student Conduct Administrator. At the conclusion of the hearing process, the responding party and the reporting party will have the right to appeal the disciplinary decision based on the criteria listed in Section III, E.

## **B. Notification**

1. The responding party will normally be notified by the Student Conduct Administrator at least two (2) business days before the hearing, unless waived by the responding party. Included in the notification will be the date, time, location, and nature of the hearing, including a description of the specific violations of the Student Code the student allegedly committed. All communications to the student may be verbal, but must subsequently be confirmed in writing.
2. The written hearing notification will be given to the student in person or sent to the student's John Carroll e-mail account. Students are expected to check their e-mail on a frequent and consistent basis and act in a timely manner as outlined in the Official Communication policy which can be found [here](#).
3. The hearing notification will include a link to the University website where the student may access information describing the student conduct process, information about witnesses, support persons, submitting information and a listing of potential disciplinary actions. Also included in the notification will be a notice as to which hearing body has been assigned to decide if a violation has occurred.

## **C. Determination of Hearing Body**

The Dean of Students or designee will assign incidents to be resolved to the appropriate hearing body. The severity, complexity, and the timing of the incident are factors considered in making this decision. A description of the hearing options are listed below.

### **1. Administrative Hearing**

An administrative hearing is a formal hearing conducted by one (or two) Student Conduct Administrators. The Student Conduct Administrator(s) will review all of the information, make a determination of responsibility or recommend the

findings, and assign or recommend disciplinary action(s) as appropriate. The administrative hearing will follow the procedures outlined in Section III, D.

## **2. Conduct Panels**

Student Conduct Panels (2 - 5 people convened from the Student Union Hearing Board, University Hearing Board, or Student Conduct Administrators) will conduct formal hearings on all cases assigned to them for the purposes of reviewing the information, and determining or recommending a finding of responsibility and disciplinary actions to the Student Conduct Administrator as appropriate. The panel chairperson will arrange for the hearing, chair the session(s), and develop a written statement including the determination of responsibility or recommended findings and the assigned or recommended action(s) from the Student Conduct Panel. The panel hearing will follow the procedures outlined in Section III, D.

## **3. Conduct Conference**

In some cases, the Student Conduct Administrator may offer the student(s) involved in an incident the opportunity to choose a Conduct Conference in lieu of a conduct hearing. The Conduct Conference can only take place if:

- there is no reporting party or the reporting party chooses not to participate and
- the responding party accepts responsibility for the inappropriate behavior.

A Student Conduct Conference involves the following elements:

- a. Replaces a conduct hearing;
- b. Does not require two (2) business days written notice;
- c. No written notes are kept;
- d. Usually does not involve in-person witness information;
- e. Usually considered an option only for students who have not been found responsible for prior violations of the Student Code;
- f. Can lead to the imposition of disciplinary action for inappropriate behavior.

Following the conference, the Student Conduct Administrator will determine appropriate disciplinary action (with consultation as appropriate), and communicate the action to the student in writing within five (5) business days following the conduct conference. A record of the conduct conference will be kept in the student's conduct file.

#### **4. Organizational Hearing**

An organizational hearing is a formal hearing conducted by a hearing body. This type of hearing is conducted when there is an alleged violation of the Student Code on premises rented, operated, or controlled by the organization; during an organization event; in any situation sponsored or endorsed by the organization; or in any event an observer would associate with the organization. The assigned hearing body will review all of the information, make a determination of responsibility or recommend the findings, and assign or recommend a disciplinary action for the organization and/or individual member(s) as appropriate. An organizational hearing differs from an administrative hearing in the following ways:

- a.** The organization's president and executive officers will usually officially represent the organization at the hearing, although additional officers and/or members of the organization may be invited to the hearing.
  
- b.** The organization will be asked to submit a written statement about the incident and its members' involvement that will be used during the hearing. Otherwise, the organizational hearing will follow the procedures outlined in Section III, D.

#### **D. Student Conduct Hearing Procedures**

This section describes the format of the hearing and the rights of the respondent in a hearing process. It also includes information about witnesses, support persons, the decision-making process, and the communication process.

##### **1. Hearing Format**

- a.** A single written record in the form of a hearing summary will be made of all University Hearing Board Panel hearings that result in termination of the housing agreement, suspension, dismissal, revocation of admission, revocation of degree awarded, or denial of awarding of a degree or honor. This written record will be retained with the student's conduct record. For all other outcomes, and in all other hearings the finding letter and any stated rationale will serve as the written record. For all hearings, the written notes taken by all parties and hearing officers in preparation for and during the hearing, including deliberations, will be retained for at least one month following the hearing or until the conclusion of any appeal process, whichever is longer. These notes will then be destroyed when no longer needed.
- b.** The Student Conduct Administrator or Panel Chair may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the students

involved during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by other means, where and as determined in the sole judgment of the Dean of Students or designee, to be appropriate.

- c. At the beginning of the hearing the students involved and support persons will be introduced to others who are present.
- d. The responding party will be informed of the reported violations of the Student Code and will be advised of rights specified in Section III, D, 2.
- e. The Student Conduct Administrator or Panel Chairperson will read the assigned conduct charges and ask the responding party to reply.
- f. A description of what allegedly happened will be read and/or told, and the responding party will have the opportunity to reply.
- g. All communication between the students involved will be directed to the Student Conduct Administrator or Panel Chairperson. The Student Conduct Administrator or Panel Chairperson will decide which questions to ask of each person.
- h. The Student Conduct Administrator or Panel Chairperson may reasonably limit the scope and time devoted to each matter or item of discussion during the hearing, as well as the number of persons presenting information.
- i. The Student Conduct Administrator or Panel Chairperson will decide the order of witnesses and when they will be in the hearing room.
- j. During the hearing, the Student Conduct Administrator or Panel members may ask questions of any person, except support persons.
- k. At the conclusion of the hearing, the students involved and support persons will be asked to leave the room. These individuals will not be present during the deliberations of the hearing body. All procedural questions and questions regarding the inclusion or exclusion of information on the basis of relevance are subject to the final decision of the Student Conduct Administrator or Panel Chairperson.

## **2. Student Rights**

In the hearing notification letter or by other appropriate means students will be advised of their rights under the conduct process, which are listed below. Students with any questions about their rights are encouraged to contact the Associate Dean of Students.

- a. The student is entitled to be treated with respect by University officials.
- b. The student is entitled to be given an explanation of the conduct system and charge(s).
- c. The student is entitled to regular updates on the status of the conduct process.

- d. The student is entitled to freedom from harassment or retaliation by others involved in the situation.
- e. The student is entitled to a “No Contact Directive”, if appropriate. A No Contact Directive is an order from a University official to have no contact with a particular person or persons. (Contact is considered any verbal, written, electronic, nonverbal gesture, third party message, indirect loud talking in the vicinity of the person and could include indirect actions that appear to the University to be intimidating.) The University may add to the terms of No Contact to address aspects of the reported incident or concerns that have arisen during the conduct process.
- f. The student is entitled to the use of all available internal and external support services in dealing with the aftermath of the incident.
- g. The student is entitled to choose one support person. The support person may accompany the student throughout the process including any initial meetings, conference, the hearing, and post-hearing meetings.
- h. The student is entitled to object to a member of the hearing body for reasons of official or personal conflict of interest.
- i. The student is entitled to be present throughout the hearing but not during the deliberations of the hearing body.
- j. The student is entitled to view pertinent materials involved in the incident. The student is entitled to present pertinent information and the information of witnesses, excluding character witnesses, to substantiate the student’s report. This includes proposing questions to be asked of the parties and witnesses during the hearing.
- k. The student is entitled to freedom from having irrelevant personal history discussed or considered during the conduct process. (The Student Conduct Administrator will determine relevance.)
- l. The student is entitled to remain silent (i.e. not to give information against oneself) but must be informed that the finding and outcome will be decided on the information presented.
- m. The student is entitled to submit an impact statement in writing to the hearing body. The impact statement will be reviewed only if a finding of ‘Responsible’ is made. This document should be provided during or prior to the conclusion of the hearing.
- n. The student is entitled to written documentation of the outcome of the conduct hearing.
- o. The student is entitled to make a written appeal of the disciplinary decision within five (5) business days of the date of notification of that decision. All appeals are submitted to the Dean of Students Office.

- p. The student is entitled to freedom from harassment or retaliation by anyone due to their participation in the conduct hearing.

### **3. Attendance**

All conduct hearings will be private and only those persons specifically provided for in this procedure or persons whose presence at the hearing is authorized by the Student Conduct Administrator may attend relevant portions of the hearing. No audio or video recording of any kind is permitted during the conduct process.

If a student fails to attend a scheduled hearing, the hearing may proceed in the student's absence. Under these circumstances, the information in support of the report shall be presented and considered. Absence from the hearing will not be considered grounds for appeal. An absence by the responding party will not be the reason to conclude that the responding party is responsible. An absence by the reporting party will not be the reason to conclude that the responding party is not responsible.

In incidents involving more than one responding party, the Student Conduct Administrator may decide to conduct the hearings separately or jointly.

Where two or more incidents involving common occurrences or the same student(s) are pending simultaneously, the Student Conduct Administrator may decide to consolidate the hearing of such incidents, or hear them separately.

### **4. Witnesses**

The responding party may arrange for witnesses appearing on the student's behalf at the hearing. The reporting party and the Student Conduct Administrator may also invite witnesses to appear at the hearing. In the unusual event that a witness is unable to attend the hearing, the witness may write or record a statement and discuss the statement with the Student Conduct Administrator before the scheduled hearing. Consistent with the deadline for sharing other information, this statement must be provided at least three (3) business days prior to the hearing. The Student Conduct Administrator is to be notified not less than three (3) business days before the hearing, of those persons intending to provide information, whether in person or in writing. The Student Conduct Administrator may reasonably limit the scope and time devoted to witness statements. Witnesses are typically asked to comment only on the event(s) pertinent to the charges, and to refrain entirely from discussing the character of the persons involved.

## **5. Information/Evidence**

The procedures for information/evidence in Student Conduct Hearings are interpreted in accordance with the “more likely than not” standard of proof utilized during the process, other rules set forth in the community standards manual, and the judgement of the Student Conduct Administrator or Panel Chairperson in applying these procedures and related University practices/guidelines. Relevant information may consist of oral and written accounts, incident reports, and any other material directly related to the incident. Other information that may also be considered when relevant, consists of such information as second hand reports, civil/criminal findings, and circumstantial information, or other information deemed relevant by the Student Conduct Administrator or Panel Chairperson. Information or witnesses offered to demonstrate character will generally be excluded from the hearing process. The Student Conduct Administrator or Panel Chairperson may reasonably limit the scope of the information considered in the hearing.

**All information must be submitted to the Student Conduct Administrator not less than three (3) business days prior to the hearing date so that the information can be reviewed for relevance/redaction and both parties can have an opportunity to review the applicable information.** The failure to submit available information in accordance with this procedure is a valid reason for such information to be excluded entirely from the hearing process and any exceptions to this policy will be at the sole discretion of the Student Conduct Administrator or Panel Chairperson.

The Dean of Students or designee may choose to introduce other relevant information regardless of whether or not it is presented by a party regarding the student conduct matter. In order to facilitate this process, Dean of Students office may choose to independently investigate alleged conduct violations or designate an appropriate university official to do so on it’s behalf on a case by case basis.

## **6. Support Persons**

Both the reporting party and the responding party have a right to be accompanied by one support person of their choosing during the conduct process, except during deliberations.

The support person may be a friend, mentor, family member, attorney or any other person a party chooses; however, the support person cannot be someone who may be called as a witness. The role of the support person is to serve as an advisor. The support person may be present at interviews and any other proceedings the student attends but may not speak on behalf of the advisee. The parties are expected to ask and respond to questions on their own behalf. Support persons may confer quietly

with their advisees or in writing as necessary, as long as they do not disrupt the process.

Support persons must refrain from interfering with any part of the process. All persons are required to allow University personnel to interview pertinent witnesses without interference or tampering. Any support person who steps out of their role in any meeting will be warned once and only once. If the support person continues to disrupt or otherwise fails to respect the limits of the support person role, they may be asked to leave the meeting.

The University expects that the parties will wish the University to share documentation related to the report with their support person. The University provides a consent form that authorizes such sharing. The party must complete this form before the University is able to share records with a support person. The parties are not otherwise restricted from discussing and sharing information relating to the report with others who may support or assist them in preparing and presenting. Support persons are expected to maintain the privacy of the records shared with them by the University. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any support person who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

The parties must advise the Student Conduct Administrator of the identity of their support person not less than two (2) business days prior to the date of their first meeting where they desire the presence of that support person. The parties must provide subsequent timely notice to the Student Conduct Administrator if they change support persons at any time or if they decide to add a support person during the process.

## **7. Substitution of Members**

When members of a Conduct Panel believe that they are not qualified to serve on the board or panel for personal or official reasons, they may disqualify themselves. A student whose incident is before the board or panel may not object to the membership except for reasons of official or personal conflict of interest. The Board or Panel Chairperson will determine the validity of such objections and that determination shall be final. If necessary, the Board or Panel Chairperson will replace the disqualified member with a substitute.

A decision agreed to by a majority of the sitting board or panel shall be the decision of the board or panel.

## **8. Decisions and Communications**

The standard for conduct decision making at all levels of the conduct hearing process is whether it is more likely than not that the responding party violated the Student Code.

At the conclusion of the conduct hearing, the responding party will be informed as to when the decision will be made and communicated. Conduct decisions that result in positive action, university warning, restitution, fines, and/or community probation will be made by the Student Conduct Administrator or Panel and communicated to the respondent in writing within five (5) business days of the conclusion of the hearing. All other findings and disciplinary actions will be made after consultation with and approval by the university official indicated below:

Disciplinary actions of limitation on activities, residence hall reassignment, residence hall suspension, termination of housing agreement, university probation, and/or deferred suspension will be reviewed and approved by the Associate Dean of Students.

Disciplinary actions of suspension, dismissal, revocation of admission, revocation of degree awarded, denial or postponement of awarding of degree or honor will be reviewed and approved by the Dean of Students.

The official receiving the recommendation may accept or change the recommended finding and/or disciplinary actions. The final decision will be communicated in writing to the responding party by the Student Conduct Administrator within five (5) business days of the conclusion of the hearing. In the event that the written notification is delayed, notification of the delay and when the decision should be expected will be communicated. The same process will be followed to communicate decisions to the reporting party.

All communication to students will be transmitted through the University's email system and/or in person. Individual circumstances may permit or require communication by whatever means is necessary to reach the student promptly and reliably. Following reasonable efforts to deliver any communication to a student personally, an indirect or substituted mode of delivery may be attempted.

## **E. Appeals**

### **Overview**

A conduct decision made or disciplinary action(s) assigned may be appealed by the responding party or the reporting party within five (5) business days of receiving notification of the outcome of the conduct hearing. To complete and submit an Appeal Request Form [click here](#).

The three grounds for appeal are as follows:

- A procedural error or omission occurred that significantly impacts the outcome of the hearing process (e.g., substantial bias, material deviation from established procedures, etc.). Specific procedures and procedural errors must be cited; and/or
- To consider new information, unknown or unavailable during the hearing process, that could substantially impact the original finding or disciplinary action. A summary of this new information and its potential impact must be included. (Note: Failure to participate or provide information during an investigation or hearing, even if based on concern over a pending criminal or civil proceeding, does not make information "unavailable" during the process); and/or
- The disciplinary action(s) imposed are substantially outside the parameters or guidelines set by the University for this type of violation or the cumulative conduct record of the respondent.

A properly filed and timely appeal will generally stay any action(s) imposed unless doing so would be inconsistent with the University's obligations and/or it is determined by the Dean of Students that this action would present an unreasonable danger to any person or property or be disruptive to the University's living/learning environment.

Generally, within five (5) business days after receipt of the Appeal Request Form, the Vice President for Student Affairs or designee will conduct an initial review of the appeal request(s) to determine whether the appeal is timely and satisfies the grounds for appeal. Should the time to review a party's Appeal Request Form require more than five (5) business days, the parties will be notified in writing. If the appeal request is not timely or does not satisfy the grounds for appeal, the appeal request will be denied, the individual who submitted the appeal request will be notified, and the disciplinary action will stand. The decision not to accept an appeal request is final and is not subject to further appeal.

If the appeal request is timely and meets the grounds for appeal, the Vice President for Student Affairs or designee will notify the party (ies) that the appeal has been

accepted. The Vice President for Student Affairs or designee will then share the appeal request with the other party (reporting party or responding party if applicable), and that individual may file a response within three (3) business days. The response (if any) will be shared with the other party.

The Vice President for Student Affairs or designee will render a decision on the appeal or convene an Appeal Review Panel (ARP) to deliberate over the issues presented. The ARP consists of the Vice President for Student Affairs or designee, and two members of Conduct Boards who were not involved in the hearing process. Appeals are not full re-hearings of the allegation(s). The Vice President for Student Affairs/designee or ARP can take one of five possible actions:

1. Affirm the original findings; or
2. Remand the case to the original hearing body for consideration of new evidence or to remedy a procedural error or omission; or
3. Remand the case to a new hearing body. In a rare case where an error or omission cannot be cured by the original hearing body (as in a case of bias), the Student Affairs/designee or ARP may order a new hearing with a new hearing body; or
4. Administratively alter the finding if new evidence, unknown or unavailable during the original hearing, substantially impacts the original finding, and the associated disciplinary actions; or
5. Administratively alter the disciplinary actions imposed to conform with the parameters or guidelines set by the University for this type of violation or the cumulative conduct record of the respondent.

Decisions rendered by the Vice President for Student Affairs/designee or ARP and actions taken following the decision are final and not subject to further appeal.

Cases that are sent back to the initial hearing body are not eligible for a second appeal. Both parties will be simultaneously informed, in writing, of the outcome of the appeal and/or when the results of the outcome of the review are deemed final by the Vice President for Student Affairs or designee.

## **IV. Special Circumstances**

### **A. Acts of Violence**

A person who reports being the recipient of violent behavior by a John Carroll University student, (who may be the reporting party) and the responding party are

entitled to an explanation of the available options for redress, including an explanation of the student conduct system.

A no contact directive may be issued by a Student Conduct Administrator, a Title IX Officer, or JCUPD to parties involved in the case, including third parties. The person who reports being the recipient of violent behavior by a John Carroll University student, (who may be the reporting party) and the responding party will be notified should that occur.

A person who reports being the recipient of violent behavior by a John Carroll University student (who may also be the reporting party) and the responding party shall have additional rights under the Student Code:

- a. The student is entitled to be treated with respect by University officials.
- b. The student is entitled to be given an explanation of the conduct system and charge(s).
- c. The student is entitled to regular updates on the status of the conduct process.
- d. The student is entitled to freedom from harassment or retaliation by others involved in the situation.
- e. The student is entitled to a “No Contact Directive”, if appropriate. A No Contact Directive is an order from a University official to have no contact with a particular person or persons. (Contact is considered any verbal, written, electronic, nonverbal gestures, third party message, indirect loud talking in the vicinity of the person and could include indirect actions that appear to the University to be intimidating.) The University may add to the terms of No Contact to address aspects of the reported incident or concerns that have arisen during the conduct process.
- f. The student is entitled to the use of all available internal and external support services in dealing with the aftermath of the incident.
- g. The student is entitled to choose one support person. The support person may accompany the student throughout the process including any initial meetings, conference, the hearing, and post-hearing meetings.
- h. The student is entitled to object to a member of the hearing body for reasons of official or personal conflict of interest.
- i. The student is entitled to be present throughout the hearing but not during the deliberations of the hearing body.
- j. The student is entitled to view pertinent materials involved in the incident. The student is entitled to present pertinent information and the information of witnesses, excluding character witnesses, to substantiate the student’s report.

This includes proposing questions to be asked of the parties and witnesses during the hearing.

- k. The student is entitled to freedom from having irrelevant personal history discussed or considered during the conduct process. (The Student Conduct Administrator will determine relevance.)
- l. The student is entitled to remain silent (i.e. not to give information against oneself) but must be informed that the finding and outcome will be decided on the information presented.
- m. The student is entitled to submit an impact statement in writing to the hearing body. The impact statement will be reviewed only if a finding of 'Responsible' is made. This document should be provided during or prior to the conclusion of the hearing.
- n. The student is entitled to written documentation of the outcome of the conduct hearing.
- o. The student is entitled to make a written appeal of the disciplinary decision within five (5) business days of the date of notification of that decision. All appeals are submitted to the Dean of Students Office.
- p. The student is entitled to freedom from harassment or retaliation by anyone due to their participation in the conduct hearing.

The John Carroll community encourages the reporting of crimes by the reporting party to University officials and if appropriate, outside law enforcement authorities. Sometimes, the reporting party is hesitant to report to University officials because they are concerned that they themselves may be accused of policy violations, such as underage drinking. It is in the best interest of this community that all acts of violence are reported to University officials. To encourage reporting, the university typically offers amnesty for minor policy violations not related to acts of violence. For additional information regarding the Good Samaritan and Amnesty Policy, [click here](#).

## **B. Emergency Administrative Action**

In certain circumstances, the Dean of Students, or designee, may impose an interim action step prior to a hearing before a hearing body. This action may be taken at any time during the academic year, including Fall Orientation (Streak Week), midterms, final exams and Senior Week. This action may be taken with a graduating senior and may preclude the student from participation in graduation, pending the outcome of a formal conduct hearing.

## **1. Interim Suspension**

- a. Interim suspension may be imposed: 1) to ensure the safety and well-being of members of the University community or preservation of University property; or 2) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
- b. During the interim suspension, a student shall be denied access to the residence halls and/or to the campus and/or to all other University activities or privileges (including ongoing participation in classes) for which the student might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate.
- c. A student will be notified in writing of this action, and the reasons for the interim suspension.
- d. The student may, within five (5) business days of the imposition of the interim suspension, petition the Dean of Students or designee for reinstatement. The petition must be in writing, and must include supporting documentation or information that the student does not pose, or no longer poses, a significant risk of the concerns identified by the Dean of Students in accordance with this procedure. The Dean of Students may exclude information that is not relevant in accordance with normal procedures/practices for the student conduct process and seek appropriate third-party assistance when deemed to be warranted by the University. A decision on this petition will be reached and communicated without undue delay by the Dean of Students or designee. A single petition under this process will serve as a student's sole opportunity for an appeal of the interim suspension prior to the conclusion of the regular conduct process.
- e. This interim suspension does not replace the regular conduct process which will proceed on the normal schedule, up to and through a conduct hearing, if required. This interim suspension shall remain in effect until the conclusion of a full hearing and administrative decision, including the appeal process.

## **2. No Contact Directive**

In situations involving allegations of assault, injury, harassment, or other violence, or when there is reason to believe continued contact between the respondent and others involved may interfere with those persons' safety or ability to fully participate in the University community, the Dean of Students, Title IX Coordinator, or designee (s), may issue a no contact directive to the responding party.

- a. The student will be notified in writing of this action, and the reasons for the no contact directive.

- b. The student may, within two (2) business days of the imposition of the no contact directive, petition the Dean of Students or designee for removal or modification of the directive. The petition must be in writing and must include relevant supporting documentation or information that the student does not pose, or no longer poses, a risk of harm to the health, safety, or well-being of others. A decision on such petition will be reached and communicated without undue delay by the Dean of Students or designee.

### **3. Interim Suspension of Organizational Privileges**

The Dean of Students or designee may give notice that a student organization be immediately denied University privileges and be excluded from activities on University premises when the student organization's continued activity may be a significant risk to the safety of the University community or its property.

- a. The student organization will be notified in writing of this action, and the reasons for the interim suspension of privileges.
- b. The student organization may, within five (5) business days of the imposition of the interim suspension of organizational privileges, petition the Dean of Students or designee for removal or modification of this action. The petition must be in writing and must include supporting documentation or information that the organization does not pose, or no longer poses, a risk to the safety of the University community or its property. A decision on such petition will be reached and communicated without undue delay by the Dean of Students or designee. The student organization will be notified in writing of this action and the reasons for the interim suspension of privileges.

### **4. Safety Intervention and Involuntary Leave**

The Dean of Students may intervene to withdraw a student from the University or restrict a student's access to campus if the student:

- a. Poses a credible and substantial risk of harm to individuals within the University or the overall University community;
- b. Substantially impedes the operations of the University or substantially disrupts the living and learning environment for University community members; or
- c. Cannot safely remain on campus due to an imminent risk of harm.

When making a determination regarding the withdrawal or restriction of access for a student under this procedure, the Dean of Students will make an individualized assessment based on their reasonable judgement and, when appropriate, also

relies upon relevant medical or other specialized knowledge or evidence to determine:

- a. The likelihood that a potential injury or harm will occur;
- b. The nature, duration, and severity of the risk(s) at issue;
- c. The level of impediment or disruption to the operations of the University or the living and learning environment for University community members; and
- d. Where appropriate, whether reasonable modifications of University policies, practices, or procedures would sufficiently mitigate the risk(s) at issue and thus avoid the need for such a withdrawal or restriction.

The Dean of Students will communicate any decision to withdraw a student from the University or restrict a student's access to campus under this procedure in a written notice to the student, which will include a summary of why the University believed that such action needs to be taken. A student's restriction or withdrawal pursuant to this procedure may be time-limited or may continue indefinitely depending on the individual facts and circumstances at issue.

A student removed pursuant to this procedure may petition the Vice President for Student Affairs or designee for reinstatement or the removal of restrictions. The petition must be submitted in writing, and must include supporting documentation or information that the student does not pose, or no longer poses, a substantial risk of the concerns previously identified by the Dean of Students. The student will also be given the opportunity to have a meeting with the Vice President for Student Affairs or their designee to discuss their request, which will be conducted either in-person or telephonically at the University's discretion. The Vice President for Student Affairs or their designee may exclude information that is not relevant in accordance with normal University procedures/practices and seek assistance in making this determination from other individuals with appropriate expertise when it is deemed to be warranted by the University. A decision on such a petition will be reached and communicated in writing without undue delay by the Vice President for Student Affairs or their designee. If the concern underlying the University's action may be mitigated by the passage of time or a change in circumstances, then the University may allow the student to submit subsequent petitions for reinstatement or the removal of restrictions. The University may impose reasonable limits on the frequency of such repeat petitions or a minimum passage of time required before a repeat petition is appropriate.

### **C. Violation of Law and Student Code**

The University may institute conduct proceedings against a student for a violation of the Student Code, regardless of pending civil litigation, criminal arrest, and/or prosecution arising out of the same factual situation.

Conduct proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. University disciplinary action will not be subject to challenge on the grounds that civil or criminal charges involving the same incident have been dismissed or reduced.

When students are charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for the individuals because of their status as students. If the reported offense is also being processed under the Student Code, the University may advise off campus authorities of the existence of the Student Code and of how such matters will be handled internally within the University community. The University will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or disciplinary actions).

## **V. Student Conduct Records**

Because the Family Educational Rights and Privacy Act (FERPA) defines the records of a student engaged in the conduct process as an educational record, it is a private record. In situations involving both the responding party(s) (including an organization) and the reporting party, the records of the process and of the disciplinary action taken, if any, shall be considered to be the education records of both the responding party and the reporting party because there may be an impact on the educational career and chances of success in the academic community for each student. Information about the situation may only be shared with the responding party, the reporting party, their parent(s)/guardian(s) if a dependent, their academic college dean or advisor, and school officials with a legitimate educational interest. A student must give written permission for anyone else to have access to this information, unless otherwise permitted by federal or state law. For additional information regarding FERPA, [click here](#).

### **Retention of Conduct Records**

At the completion of the disciplinary action(s) the student's record shall be returned to good standing, but the disciplinary action(s) and supporting material shall be retained in the student's conduct file. Such a record may be introduced and given due consideration in any subsequent incident in which the student may be involved.

Upon graduation, the student's conduct file maintained by the Dean of Students Office will usually be destroyed unless the student is continuing at the University as a graduate student or participating in a John Carroll post-baccalaureate program. A student conduct file that includes termination of a housing agreement, suspension, or postponement of awarding of a degree or honor, shall be destroyed seven (7) years after final disciplinary action(s) have been completed. A student conduct file that includes revocation of admission, revocation of a degree awarded, denial of awarding a degree or honor, or dismissal will be kept indefinitely.

If a student transfers or permanently withdraws from the University any conduct record will be kept for five (5) years, unless the record includes termination of a housing agreement or suspension in which case the record shall be destroyed seven (7) years after final disciplinary action(s) have been completed. In the case of revocation of admission or dismissal the conduct record will be kept indefinitely.

This retention policy only covers records maintained in the Student Conduct file by the Dean of Students Office. It does not guarantee that the University will not maintain certain conduct records or notations after those records have been disposed of by the Dean of Students office.

## **VI. Sources and Limits of Authority**

Ultimate University authority and responsibility in matters of student conduct reside with the President of John Carroll University. The President has delegated immediate authority and responsibility for student conduct, under the general supervision of the Vice President for Student Affairs, to the Dean of Students.

The Dean of Students shall develop policies for the administration of the Student Conduct System and procedural rules for conducting hearings that are consistent with the provisions of the Student Code. The Dean of Students or designee shall determine the pool of Student Conduct Administrators, composition of hearing boards, panels and appeal panels, and shall determine which panel or administrator shall be authorized to hear each matter. During break periods, including summer, the Dean of Students may alter the process to provide for a timely resolution to a complaint filed.

The standard for conduct decision-making at all levels of the Student Code of Conduct process will be made on the basis of whether it is more likely than not that the responding party violated the Student Code.

Any question of interpretation or application of the Student Code shall be referred to the Dean of Students for final determination.

A. Student Conduct Administrators

The Dean of Students or designee shall designate Student Conduct Administrators who will assume responsibility for administering cases assigned to them and conducting administrative hearings and conduct conferences.

B. Conduct Panels

The Dean of Students or designee shall create conduct panels which will be formed to hear cases referred to them, including the review of appeals. Conduct panels at John Carroll University include members of the Student Union Hearing Board, the University Hearing Board, and Student Conduct Administrators. Membership on these panels is by appointment or election and can include students, faculty, and staff members. Conduct panels will be chaired by a student or conduct administrator. These panels are authorized by the Dean of Students to recommend whether a student has violated the Student Code, and to recommend disciplinary actions when appropriate.

C. Confidentiality

All those who participate in the conduct process shall be deemed to act as special assistants to the Dean of Students, solely for the purpose of imparting to the process the confidentiality provided by regulations governing colleges and universities.

## **VII. Amendments**

Please be aware that the provisions of this manual are not to be regarded as an irrevocable contract between John Carroll University and its students. The University reserves the right to change any provision or any requirement at any time.

Amendments to these procedures may be proposed in writing to the Dean of Students by any member of the University community. The Dean of Students, following consultation with the Office of Legal Affairs as well as others who may be pertinent, shall make a recommendation to the Vice President for Student Affairs. Reasons are to be given for the

recommendation along with the specific wording of the proposed amendment, and the probable effects of implementation.

The Vice President for Student Affairs will consider the proposal and the recommendation of the Dean of Students. If the change proposed is editorial or of a minor nature, the Vice President can approve or disapprove the change. If the change proposed is substantial, the Vice President will provide a recommendation to the President of the University. The President, after reviewing the proposed amendment and the recommendation of the Vice President for Student Affairs, shall determine whether to approve the amendment, and if so, its effective date.

The Dean of Students shall fully review the Student Code at least every three (3) years. The University community will be notified of significant changes through the University's email system.

Effective August 1, 2019

# **Academic Policies**

## **Academic Honesty Policy**

Academic honesty, expected of every student, is essential to the process of education and to upholding high ethical standards. Cheating, including plagiarism, inappropriate use of technology, or any other kind of unethical or dishonest behavior, may subject the student to severe academic penalties, including dismissal.

All work submitted for evaluation in a course, including tests, term papers, and computer programs, must represent only the work of the student unless indicated otherwise.

Material taken from the work of others must be acknowledged. Materials submitted to fulfill requirements in one course may not be submitted in another course without prior approval of the instructor(s).

Concerns about the propriety of obtaining outside assistance and acknowledging sources should be addressed to the instructor of the course before the work commences and as necessary as the work proceeds.

Instructors should indicate specific penalties for academic dishonesty in their course syllabi. Penalties, appropriate to the severity of the infraction, may include zero for the assignment or failure in the course. In cases of academic dishonesty where the student chooses to withdraw from a course rather than receive a course grade of "F", the grade of "F" instead of "W" may be assigned at the faculty member's discretion. In egregious cases and/or cases of repeat dishonesty, additional penalties may be determined by the dean, such as suspension or dismissal from the University. In a case of dismissal, Academic Dismissal will be noted on the transcript.

Any appeal by a student is to be made first to the instructor. If disputes of interpretation arise, the faculty member and chair will attempt to resolve the difficulty with the student. If this does not lead to a resolution, the appropriate associate academic dean normally will rule in the matter. A written report of the incident by the instructor or department chair will be sent to the dean of the College of Arts and Sciences, who will keep a written record of the complaint when it is filed, and will forward a copy of the complaint to the appropriate associate dean's office at the time. The associate dean will place a copy of this record in the student's file and provide the student with a copy. A written record of the complaint is kept for cases of repeat violations. The associate dean

will review the case and determine if, in light of other information and records, further disciplinary action is warranted.

The Policy and Procedure for Appeal of a Charge of Academic Dishonesty can be found in the “Academic Policies and Procedures” section of the Undergraduate bulletin. The most recent bulletin can be accessed [here](#).

## **Classroom Management Policy**

Students and faculty each have responsibility for maintaining an appropriate learning environment. At times, members of the John Carroll University community may come into contact with classroom behaviors that are of concern. Disruptive students in the academic setting hinder the educational process. In such circumstances, the Classroom Management Procedures will be followed. For more information please [click here](#).

## **Dress Code Policy**

Students are expected to adhere to dress codes that individual faculty may establish for their classes.

## **Community Standard Policies**

### **Alcoholic Beverage Policy**

The primary educational focus of the University is to create a safe and comfortable environment that fosters learning. Therefore, the University is committed to establishing a comprehensive program to prevent high-risk drinking behaviors as well as prevent the unlawful use, possession or distribution of alcoholic beverages. The University will work to provide an environment that supports those who choose not to drink as well as those of legal age who choose to consume alcohol responsibly.

The University expects students to recognize their personal responsibility in contributing to this learning and living environment by considering the impact of their decisions on themselves as well as the community regarding the use of alcohol. Behavior that infringes on the physical or emotional well-being of oneself or others and/or their pursuit of scholarship is unacceptable.

## **Students Under the Age of 21**

The University prohibits possession or consumption of alcohol by individuals under the age of 21. Further, no underage individual may be in the presence of others possessing or consuming alcohol, regardless of whether the individual consuming or possessing alcohol is of legal age.

## **Students Over the Age of 21**

The University permits individuals over the age of 21 to possess and consume alcohol. However, the University prohibits individuals over the age of 21 from being intoxicated or from engaging in other disruptive or disorderly behavior. This includes drinking or having open containers in public areas on University premises, (unless specifically authorized in designated areas for special events), or in University-owned vehicles.

The sale, manufacture or purchase of any alcoholic beverage on University premises is prohibited.

### **Fake ID's**

Possession of false identification (i.e. Fake ID's) is a violation of the Alcoholic Beverage Policy.

## **Roommate Exception to "In the Presence of Alcohol" Rule**

Individuals over 21 who have an underage roommate(s) may consume alcohol in their rooms in the presence of their underage roommate(s), provided there are no guests present and the door is shut.

## **Other Student Responsibilities regarding Alcohol**

Students are responsible for the activity that occurs in their residence whether on or off campus. Therefore, students providing their residence as a place for those under 21 to consume alcoholic beverages, either intentionally or recklessly (leaving residence unsecured, not monitoring guests), is not permitted.

Student safety and responsible drinking are the University's main priorities with regard to the legal consumption of alcohol. Therefore, students of legal drinking age are expected to set a positive example to all minors by discouraging alcohol-related behavior that is abusive to oneself or to others. Additionally, expectations for students who reside in University assigned housing include:

1. For students 21 years and older, recurring patterns of irresponsible behavior could result in revoking the privilege to consume alcoholic beverages in the residence halls by the Office of Residence Life pending further disciplinary action.
2. Displays or collections of empty alcohol containers, such as bottles or boxes, are not permitted for those under 21. Displays or collections by those 21 or over need to be clean and free from debris. With the exception of flasks for those 21 years and older, possession and/or use of drinking games (i.e. beer pong tables purchased or handmade), funnels, bongos, shot glasses, flasks, and other devices used for the rapid consumption of alcoholic beverages is prohibited.
3. Shot glasses may be possessed by individuals under the age of 21, but only for souvenir or decorative purposes. If any residue of liquid is present inside a shot glass and the owner is under 21, this policy is violated and the shot glass could be confiscated.
4. The presence of keg beer or alcohol from other common sources is not permitted.

Members of the University community are expected to be aware of and obey federal, state, and municipal laws or ordinances regulating the use, possession, sale or manufacture of alcoholic beverages. When the University is notified of students being cited for violations of law or ordinances by municipal, state, or federal authorities, those students may also face University conduct proceedings.

The University reserves the right to take disciplinary action against any student for off-campus behavior that violates this policy. This includes study abroad, immersion experiences, community service sites, and internship experiences.

Students found responsible for first and second time violations of this policy through the conduct process will be assigned disciplinary actions that include a combination of the following: a disciplinary status such as University Warning, Community Probation, or University Probation; an educational program; a reflection exercise; fines up to two hundred and fifty dollars (\$250.00); coach notification if applicable; parent/guardian notification; and mentoring.

## **University Social Events with Alcohol**

1. The Assistant to the Vice President for Student Affairs or designee must approve events involving alcohol where students are present and provisions for security

must be coordinated with the Associate Director of the Office of Student Engagement.

2. All alcohol must be purchased, sold, and handled by JCU Dining Services for events held in areas where JCU Dining Services holds the contract rights. Persons sponsoring activities with alcohol held in other areas of campus must obtain the appropriate permits. Alcoholic beverages are not to be sold at any event held in a University facility not covered by a state liquor license.
3. Students will be admitted to events only with a validated John Carroll University ID card and current state identification.
4. At all events where alcohol is served, non-alcoholic beverages must be provided by the sponsor in adequate proportion to the alcoholic beverages on hand. The sponsor also must provide food.
5. No one should be coerced, even subtly, to drink or overindulge. A social event that encourages drunkenness as a theme, or the advertisement of such an event, is unacceptable and will not be permitted. Advertising or promoting alcohol as a primary attraction of an event and the marketing of alcohol by beverage manufacturers, distributors, clubs, or organizations is prohibited.
6. Alcohol cannot and will not be served to intoxicated persons.
7. For off-campus activities with alcohol, a third party vendor is required.

### **Guidelines for the Promotion of Events Where Alcohol will be Served**

1. All marketing and publicity used on-campus must never encourage violating any University policy.
2. Marketing and publicity materials must neither encourage any form of alcohol abuse nor make reference to the amount of alcoholic beverages.
3. Alcoholic beverages must not be provided as awards to individual students, campus groups, campus organizations or teams.
4. No uncontrolled sampling as part of campus marketing programs shall be permitted and no sampling or other promotional activities shall include "drinking contests".
5. Where controlled sampling is allowed by law and University policy, it must be limited as to time and quantity. The consumption of alcohol must not be the sole purpose of any promotional activity.

6. Promotional activities must not be associated with otherwise existing campus events or programs without the prior knowledge and consent of the Office of Student Engagement.
7. Display or availability of promotional materials must follow the posting policy developed by the Office of Student Engagement (click [here](#) for policy).
8. The Office of Student Engagement must approve advertising or marketing for an event that has alcohol available.

## **Amnesty Policy for Good Samaritans & Self-Reporting**

At John Carroll University, the safety and welfare of each member of our community is critical. The University encourages students to report medical emergencies and crises when they arise. The University recognizes that a student may be hesitant to report medical emergencies and other crises if the student is engaged in behavior that violates policy during the medical emergency or crisis. This policy seeks to provide students with amnesty from related issues in the student conduct process in appropriate situations. This policy cannot provide any additional protection from legal action outside the University.

### **Amnesty Policy**

The University will typically provide a one-time amnesty to individuals who ask for assistance when experiencing a medical emergency or crisis, are assisted by others who seek help for them in a medical emergency or crisis, help others get help in a crisis, or proactively reach out to university personnel/resources for help due to behavior that violates University policy and harms only themselves. Depending on the situation, educational interventions in lieu of the conduct process may be explored, but typically no conduct proceedings or conduct record will result unless the student fails to comply with the education interventions. Information related to an incident where amnesty is granted may be used in subsequent disciplinary processes to establish the seriousness of repeated behavior or support a conduct violation for failing to comply with educational interventions. In all cases, amnesty may be denied to individuals who engage in behavior that harms others, contributed to the underlying issue by providing drugs or alcohol to others in violation of University policy, have repeated qualifying incidents, or who are otherwise deemed inappropriate for amnesty under this policy.

### **Self-Reporting**

In order to qualify for amnesty for self-reporting, the individual or someone acting on their behalf must proactively reach out to an RA or JCUPD (216) 397-1234 for on campus

emergencies or 911 for off-campus emergencies and they must cooperate fully with emergency and University personnel involved in the situation.

Example 1: An underage student has consumed several alcoholic drinks in a short time period and contacts an RA or JCUPD to receive medical attention after beginning to slur speech and lose the ability to walk normally.

Example 2: An underage student has been drinking and was sexually assaulted and contacts an RA or JCUPD.

Example 3: A student smokes marijuana and experiences harmful side effects because the student recently started a new prescription.

### **Good Samaritan (Reporting for Others)**

In order to qualify for amnesty as a good Samaritan when offering help and assistance to others in crisis, the student rendering aid must do all of the following:

- Make a good-faith call for medical or emergency help on behalf of another student, John Carroll community member, or guest, whether on-campus or off-campus. A good faith call involves calling an RA or JCUPD (216) 397-1234 for on-campus emergencies or 911 for off-campus emergencies.
- Remain with the individual needing medical treatment and cooperate with emergency personnel.
- Meet with University officials after the incident and cooperate with any investigation of the incident.

Example 1: A student arrives back on campus after drinking at a house party and notices another student lying unconscious on a bench just off the quad. The student calls JCUPD to seek help for the unconscious student and waits for JCUPD to arrive and provide further instruction.

Example 2: A student walks out of a residence hall and starts to smoke marijuana on the quad. A fight breaks out on the quad between two students. The student calls JCUPD to intervene and waits for JCUPD to arrive and provide further instruction. Please note: this policy would not apply if the student who started the fight called to report the fight.

## **Safe Harbor Amnesty**

The University encourages students who are struggling with substance abuse or a mental health crisis to receive help. If any student freely brings their own substance use, addiction, dependency, or mental health issue to the attention of University officials, they will typically be entitled to amnesty protections under this policy.

A written plan may be used to track cooperation with the Safe Harbor amnesty. In addition to the normal conditions applicable to amnesty, a failure to follow the action plan may result in the removal of amnesty protections or other interventions to protect the student and/or others.

## **Cleaning and Maintenance Policy**

Cleaning of the public areas in the academic and administrative buildings on campus is performed Sunday through Thursday nights on 3rd shift. The public spaces in the Student Center and Recreation Complex are primarily cleaned between 2nd and 3rd shift while the private areas (offices, classrooms, private meeting spaces, etc.) are cleaned Sunday through Thursday nights on 3rd shift. Cleaning in the public areas in each of the residence halls is done on a daily basis, including weekends. A schedule for daily trash removal and cleaning of the restrooms will be posted on each restroom door. Students with a concern about cleanliness or maintenance of any area are asked to submit a work request with specific details so the issue can be resolved in a timely manner.

When the housekeeping or the maintenance staff are in a restroom to clean or make repairs, the entrance(s) will be closed and blocked or roped off. It is mandatory that students use another restroom during that time. The university reserves the right to take disciplinary action against any student that violates this policy.

### **Residence Hall Maintenance Work:**

- Maintenance work in residence hall common areas will normally occur between the hours of 8:00 a. m. and 6:30 p.m. during the academic year. Work in common areas may begin as early as 6:00 a.m. during the summer months.
- Maintenance work in residence hall student rooms will normally occur between the hours of 10:00 a.m and 6:30 p.m.

- The Facilities Department will not schedule specific times for maintenance work in residence hall student rooms. All maintenance requests for residence hall student rooms will be performed between the hours of 10:00 a.m and 6:30 p.m as time and priorities allow.
- Maintenance staff will leave an orange card stating who entered the room, what date and time they were there to complete the requested work, and list the repair that was actually completed or indicate the need to return.
- True Emergency Work Requests will be addressed ASAP, regardless of the time of day. The RA, HOH on call, and/or JCUPD should be notified for all Emergency Requests.

## **Drones/Unmanned Aircraft Policy**

At John Carroll University, the use of drones or unmanned aircraft systems for recreational use is prohibited on or over University property or at University-related activities. Drones may be used in connection with an academic course, research program, or University employment, if sanctioned and supervised by a John Carroll University staff or faculty member. The Office of Regulatory Affairs and Risk Management, in conjunction with JCUPD, may approve other drone use on a discretionary basis.

Drones are defined as unmanned aircraft flown by a pilot on the ground, typically, but not always, using navigation software or equipment that displays a live video feed or takes still photographs, from the aircraft.

The full range of disciplinary actions up to and including suspension or dismissal may be considered based on the severity of the violation.

If you have a question about permissible use of a drone or whether a machine qualifies as a drone, or questions about this policy, please contact the office of Regulatory Affairs and Risk Management at (216) 397-1982.

## **Drug Policy**

### **Illegal Drugs**

The University prohibits the illegal use, possession, sale, distribution, manufacture, and/or growth of illegal, synthetic, or counterfeit drugs on University premises (includes property operated off the main campus), at any University sponsored event or program (including study abroad, immersion experiences, community service sites, and internship experiences) regardless of where it takes place. Association with (including the presence

at) gatherings involving such use, possession, sale, distribution, manufacture or growth is also prohibited. Possession or use of equipment, products, or materials, that are used or are reasonably anticipated to be used in the manufacture, growth, distribution, sale, or use of illegal, synthetic, or counterfeit drugs or in the misuse, sale or distribution of prescription drugs is prohibited. Examples of equipment, products, and materials include but are not limited to bongs (purchased or homemade), pipes, rolling papers, vaporizers, scales, and grinders.

## **Prescription Drugs**

The misuse of prescription and over the counter drugs is not permitted. This includes sharing a prescription with unauthorized persons, selling and or buying a whole or partial prescription to unauthorized persons, intentionally combining a prescription with other substances, possessing/using a prescription drug not prescribed to you, and intentionally exceeding the prescribed dosage of a drug. In addition, storing prescription drugs in an unlabeled or incorrectly labeled container is considered a violation of this policy.

Students found responsible through the conduct process for the sale, distribution, manufacture, and/or growth of illegal, synthetic, and/or counterfeit drugs should expect to be suspended or dismissed from the university. This also applies to students found responsible for the sale and/or distribution of prescription drugs.

## **Federal & State Law**

Members of the University community are expected to be aware of and obey federal, state, and municipal laws or ordinances regulating the use, possession, sale, distribution, manufacture, and/or growth of illegal, synthetic, or counterfeit drugs. When the University is notified of students being cited for violations of law or ordinances by municipal, state, or federal authorities, those students will also face University conduct proceedings. The University reserves the right to take disciplinary action against any student for off-campus behavior that violates this policy.

Students should be aware of the penalties for drug violations. Students who are criminally convicted of drug offenses may lose federal or state financial aid. Students who lose aid due to drug violations can contact the Student Enrollment and Financial Aid Office at (216) 397-4248 to be provided with written notice describing the ways in which the student can regain eligibility.

## **Medical Marijuana**

John Carroll University is subject to the federal Drug Free Schools and Communities Act Amendments, a federal law which mandates campus communities be free of controlled substances, including marijuana. Federal law prohibits the use of medical marijuana in any form, including but not limited to: smoking, tinctures, topicals, edibles, and oils. The use,

possession, manufacture, cultivation, dissemination or being under the influence of medical marijuana on University property or at University-related activities is prohibited. Possessing or distributing drug paraphernalia is also prohibited whether or not the medical marijuana or paraphernalia was used on-campus, regardless of medical permit.

## **The Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. For information on the Family Educational Rights and Privacy Act (FERPA) please click <http://sites.jcu.edu/registrar/pages/students/ferpa/>

## **Firearms and Other Weapons Policy**

The University's Firearms and Other Weapons Policy prohibits any person from possessing, using, buying, selling, carrying, storing or displaying any weapons or replica weapons while on University property. [Click here to read the complete policy.](#)

## **Hate Free Policy**

John Carroll University is committed to inclusion and diversity as essential elements of our Jesuit and Catholic identity. Among the central values of the University are the inherent dignities of every individual as well as the right of each person to hold and to express one's viewpoint. When these views conflict it is the obligation of members of the community to respect other perspectives.

As reflected in the University's vision, mission, core values, and strategic initiatives, John Carroll welcomes students, faculty, staff, and visitors from diverse backgrounds and it works to ensure that they will find the University environment free of bias-related conduct. It is unacceptable and a violation of University policy to harass, abuse, or mistreat any person because of a person's actual or perceived race, age, color, sex, sexual orientation, gender identity or expression, religion, ethnic or national origin, disability, military or veteran status protected under federal law, or genetic information.

Furthermore, each member of the John Carroll University community is expected to take an active role in fostering an appreciation for diversity and inclusion and sending the message that bias-related acts will not be tolerated. "Bias" is defined as intentional or

unintentional actions targeting a person because of a real or perceived aspect of that person's identity, including (though not limited to) the personal characteristics listed in the above paragraph.

John Carroll University defines bias offenses as any conduct (harassment or physical acts) directed at an individual(s) on the basis of race, age, color, sex, sexual orientation, gender identity or expression, religion, ethnic or national origin, disability, military or veteran status protected under federal law, or genetic information with intention to intimidate or injure an individual(s) physically, mentally, or emotionally.

Members of the John Carroll University community affected by bias offenses are strongly encouraged to report these incidents. Such offenses (experienced either as a recipient or as a witness) can also be reported through the Bias Incident Report form ([click here](#)). Additionally, students can report to a variety of offices on campus including, but not limited to: Dean of Students Office, Office of Residence Life, Title IX Office, Center for Student Diversity and Inclusion, and the John Carroll Police Department.

Bias offenses compromise the integrity of the John Carroll University community and constitute violations of the "Engaging in harassment based on race, age, color, sex, sexual orientation, gender identity or expression, religion, ethnic or national origin, disability, military or veteran status protected under federal law, or genetic information" provision of the Student Code (section 2b). As in all cases of misconduct, including bias offenses, both the responding party and the reporting party have rights that are granted through the Student Conduct Process. These rights are contained in their entirety [here](#).

Students who are referred to the conduct system and are found responsible for first and second time violations of this policy through the conduct process will be assigned disciplinary actions that include a combination of the following: a disciplinary status such as University Probation, Deferred Suspension, Suspension or Dismissal; an educational program; parent/guardian notification; and coach notification if applicable. [Click here](#) for a specific list of actions associated with this policy.

## **Hazing Prohibition Policy**

Hazing is antithetical to the values of John Carroll University because hazing degrades and dehumanizes members of the John Carroll community. Therefore, hazing in any form is prohibited. Hazing is dangerous and can lead to social ostracism, preventing members of the John Carroll community from fully participating in all aspects of the university experience. As such, hazing violates John Carroll University's commitment to providing a

positive environment for student learning, development and growth. In addition, hazing is prohibited by Ohio law.

### **Scope**

This policy applies to all individuals, groups, organizations and teams associated with John Carroll University in any way. This policy applies on-campus and off-campus, including all residence halls, campus buildings, athletic competitions, parking lots, University events, and off-campus housing associated with the University or its students, faculty and staff. This policy extends to alumni as well.

### **Hazing Defined**

Hazing is any planned/executed action or activity by or against an active member, associate member, new member, or potential member of a group, organization, or team that causes, or creates a risk of causing harm, to any person regardless of location, consent or intention of participants. For the purposes of this policy, “harm” includes, but is not limited to, anxiety; disgrace; distress; embarrassment; emotional, mental, or physical pain; endangerment; harassment; humiliation; or ridicule.

Hazing also includes creating any situation, obstacle or impediment or taking any action, interfering or prohibiting another from meeting academic, professional, or personal obligations. Coercing another person to violate University policy also qualifies as hazing.

Additionally, hazing includes forcing the performance of any act as an explicit or implicit condition for initiation into, admission into, affiliation with, or continued membership in a group, organization or team.

Please note: the definition of hazing applies whether or not the participants or others involved perceive the behavior as voluntary. The implied or expressed consent of any person involved does not exempt a person from responsibility under this policy. Moreover, assertions that the conduct or activity was not part of an official group, organization, or team event or was not officially sanctioned or approved by the group, organization, or team provides no exemption from responsibility. A determination of whether or not an activity constitutes hazing depends not only on the intent of the individuals leading the activity but also the perception of a reasonable person or the individual(s) participating in the activity.

Listed below are examples of the most common types of hazing. Please note that this is not an exhaustive list as actions beyond those in this list can still be considered hazing.

- Creation of excessive fatigue

- Deprivation of food or water
- Engagement in compulsory public stunts or morally degrading or humiliating games/activities including the wearing of costumes which are conspicuous and not normally in good taste
- Exposure to weather
- Forced engagement in an act or activity that is against the individual's religious or moral beliefs
- Forced ingestion of any substance (including alcohol and drugs) or any food or drink
- Forced physical activity
- Physical and psychological shocks
- Public displays unreasonably disruptive to other members of the campus or public
- Required quests, treasure hunts, scavenger hunts, or road trips
- Violation of University policies

The above examples are not necessarily hazing per se. Whether an action constitutes hazing is governed under the standard of whether it is "more likely than not", considering the situation and all the circumstances and facts. If you have questions about whether an action constitutes hazing rather than a constructive, formative experience, call the Dean of Students Office at (216) 397-3010.

### **Accountability**

Individuals or groups participating in, soliciting, directing, aiding, or conducting a hazing activity may be found responsible for violating this policy. Further, any students or groups witnessing these activities may also be found responsible for violating this policy. In addition, refusing to identify other students, members of a group, organization, or team who engaged in hazing activities may result in additional disciplinary actions. Any retaliation against cooperating/reporting individuals is strictly prohibited and will be met with increased disciplinary actions over and above those outlined in this policy.

### **Disciplinary Actions**

Anyone found in violation of this policy faces severe sanctions, up to and including suspension or dismissal.

Student organizations, groups, or teams found in violation of this policy face severe sanctions, up to and including loss of privileges to travel or organize and could lose official recognition from the University.

## **Reporting**

All hazing activities involving sex or gender, and/or sexual harassment or interpersonal violence must be reported immediately to the Title IX Coordinator at (216) 397-1559.

All other hazing activities must be reported immediately to the Dean of Students Office at (216) 397-3010, the Senior Director of Student Engagement at (216) 397-4288, or JCUPD at (216) 397-1234.

If a member of the John Carroll community reports a possible hazing incident and cooperates fully as a witness in the investigation and conduct process, such cooperation will be taken into account when determining appropriate disciplinary actions. Retaliation against anyone reporting or participating in University conduct processes is strictly prohibited.

## **Criminal Proceedings**

Whatever the outcome of the University conduct procedure, individuals involved in reported hazing activities could still face penalties under Ohio law ([revised code section 2903.31](#)).

# **Information Technology Policies**

## **Resources Policy**

### **I. Policy Statement**

John Carroll University provides information technology resources to allow faculty, staff, and students to pursue the University's educational mission, which includes teaching, learning, service, research and administration. Thus, Information Technology Resources ("IT Resources"), as defined in this policy, must be used in a manner that furthers the University's mission.

Any access or use of information technology resources that conflicts with this Information Technology Resources Policy ("Policy" or "IT Policy") or any other University policy is not acceptable and will be considered a violation of this Policy. Additionally, any activity that interferes, interrupts, compromises, or conflicts with the safe and efficient use of IT Resources is considered a violation of this Policy. This Policy shall apply to all Users including, but not limited to, students, employees (faculty and staff), guests, affiliates, vendors and independent contractors. Use of IT Resources, even when carried out on a privately owned computer that is not managed or maintained by the University, is

governed by this Policy. This Policy supersedes any existing policies and procedures that are in conflict with the terms of this Policy. For complete information [please click here](#).

## **Sensitive Data and Security Policy**

### **I. Policy Statement**

The ability to collect and process information for administrative and academic purposes is critical to the University's mission. Information collected and processed may include personal information regarding students, employees or alumni. Users operating or utilizing JCU computing resources are responsible for managing and maintaining the security of the data, computing resources and protected information, including Sensitive Data. Protecting such information is driven by a variety of considerations including legal, academic, financial, and other business requirements. This is especially true if Sensitive Data is being sent via e-mail. In this age of mobility, e-mail is often carried on unsecured mobile devices.

Sensitive Data will not be collected, accessed, disclosed or transmitted except as provided by University policy and procedures, or as required by operation of law or court order. All members of the University community have a responsibility to protect the confidentiality, integrity, and availability of Sensitive Data from unauthorized generation, access, modification, disclosure, transmission, or destruction. John Carroll University must protect Sensitive Data and comply with laws and other University policies regarding the protection and use of Sensitive Data. This Policy provides a framework in order to ensure the privacy and security of that data. For complete information [please click here](#).

## **John Carroll Police Department Policies**

Crime and campus safety are concerns of the entire University community. JCUPD seeks your assistance toward keeping our campus safe by taking responsibility for your safety and that of others. This includes promptly reporting all crimes, student conduct violations, dangerous behavior, suspicious activity, and safety hazards.

Police Officers working for JCUPD investigate crimes and student conduct violations which affect students both on and off campus. All students are required to fully cooperate in these investigations. Campus police officers can provide assistance in connecting to campus and community resources, local police, and other services as needed. JCUPD is a ready resource available 24 hours a day, 7 days a week. A dispatcher can be reached at all times by calling (216) 397-1234.

## **Traffic Regulations**

All persons operating a vehicle are expected to do so in a safe manner, obeying traffic signs, speed limits, and refraining from driving distracted. Traffic regulations are found on the JCU Parking website: <http://sites.jcu.edu/parking/>

## **Parking**

Students are expected to be aware of and follow parking rules/regulations/signage and special announcements, available on the JCUPD “Parking” website and notifications publicized through e-mail and Inside JCU communications. [Click here for more information.](#)

## **Off Campus Behavior Policy**

The conduct expectations in the Community Standards Manual are fully applicable to off-campus behavior. The University reserves the right to investigate, review, and subsequently take University disciplinary action for the behavior of John Carroll students in off-campus settings when such behavior is believed to have an impact on the John Carroll community, is inconsistent with the conduct and character expectations for John Carroll Students, disrupts the living and learning environment, or affects the integrity of the University. The decision to take action in such cases will be determined by the Dean of Students or designee, who may investigate these allegations and make referrals to the Student Conduct System if they determine that there is sufficient information to support moving forward with conduct processes. This provision is also applicable to students participating in service, studying abroad, participating in immersion trips, participating in student teaching or internships, participating in conferences or retreats, and/or visiting other college/university campuses. Students or organizations found responsible for violating these regulations will be subject to the same disciplinary actions imposed for violations that occur on campus.

## **BE A GOOD NEIGHBOR**

Students are reminded that they serve as representatives of John Carroll University and both positive and inappropriate behavior affect the University’s image and reputation. Students are encouraged to be involved in their community in positive ways, such as community service and local government. The University expects to have students act as both responsible and mature representatives of the institution.

As soon as students move into their new residences, they are encouraged to develop a rapport with their new neighbors. Upon arrival, students should introduce themselves, exchange cell phone numbers, and meet with their community peers on a cordial basis so

that they can identify with their new neighbors as faces and personalities rather than merely as an address.

### **Student Conduct Expectations**

As stated above, students are expected to demonstrate respect for all members of the local community regardless of their place of residence. Failure to adhere to the following guidelines can result in disciplinary action.

1. Show respect for the area where you live. Signs of disrespect include, but are not limited to: littering; loitering; destruction of property; trespassing; public urination; nudity; insulting language; and illegal parking.
2. Operate electronic devices (music, tvs, etc.) at reasonable levels especially late at night and early in the morning.
3. Maintain an orderly residence. Evidence of a disorderly residence can include the following: house parties; violations of alcohol and drug laws; public intoxication; excessive noise; harassment; or other disregard for the rights of others.
4. Ohio law prohibits open alcohol containers in public places, unless specifically designated otherwise. Public places are those which anyone can enter freely and include sidewalks, streets, tree lawns, some outdoor areas of apartment complexes, and inside parked or moving cars.

### **Overall Guiding Principles**

1. Neighbors have a right to the peaceful enjoyment of their property.
2. Students living in these neighborhoods have an obligation to respect these rights and to enjoy the benefits of living in the wider community.
3. John Carroll University has a duty to work proactively with the communities surrounding the University to assist students in their transition to community living.
4. When appropriate and possible, the University should intervene swiftly to resolve issues and problems caused by students.
5. All neighbors, including businesses, churches, and landlords, can collaborate to create and sustain neighborhood environments that are safe and enjoyable for all.

## **Official Communication**

Two official means of communication exist from the University to full-time and part-time undergraduate and graduate students:

For all students, each student's University issued e-mail account.

Resident students are assigned a campus mailbox in the D. J. Lombardo Student Center. Current mailing addresses are utilized for non-resident students.

Students are expected to check their standard mail and JCU email accounts on a daily basis. While students may maintain any number of email accounts with other services, every student is required to maintain an active JCU email account and use it for electronic communication related to University business. This requirement provides reasonable assurance that the sender or recipient of electronic messages matches one's true identity.

## **Posting Policy and Procedures**

Click [here](#) to review the Posting Policy and Procedures. This policy has been designed to ensure that John Carroll University students, faculty, and staff have equal access to common posting areas in order to promote events and activities, to avoid violations of fire and safety codes, to ensure compliance with applicable laws and regulations, and to preserve the aesthetic quality of the campus.

## **Residence Life Policies**

Inspired by our institution's Jesuit identity, the Office of Residence Life at John Carroll University creates inclusive living-learning environments. We educate students to embrace their identities as engaged learners, develop meaningful relationships, and appreciate community.

Although the University has set standards of behavior for all students, some additional guidelines are necessary for those who live in the residence halls. For questions or comments, please contact the Office of Residence Life at (216) 397-4408 or [reslife@jcu.edu](mailto:reslife@jcu.edu). You may access all Residence Life Policies [here](#).

# **Sexual Harassment and Interpersonal Violence Policy**

## **Title IX Notice of Nondiscrimination**

Title IX of the Education Amendments of 1972 protects individuals from discrimination based on sex/gender in any educational program or activity operated by recipients of federal financial assistance. Sexual harassment, which includes acts of sexual and interpersonal violence, is a form of sex discrimination prohibited by Title IX, as well as Title VII of the Civil Rights Act of 1964, as amended. John Carroll University does not discriminate on the basis of sex in employment, or in educational programs and activities that it operates.

John Carroll University has appointed a Title IX Coordinator to oversee the University's response to Title IX complaints, develop training and education programs/materials for faculty, staff and students, as well as monitor trends and effectiveness of the University's Title IX educational efforts.

Questions regarding Title IX should be referred to:

Eric Butler, Esq. Title IX Coordinator  
Title IX Office  
Administration Building Room 127  
1 John Carroll Blvd.  
University Heights, OH 44118  
(216) 397-1559  
[etbutler@jcu.edu](mailto:etbutler@jcu.edu)

Additional information and questions regarding Title IX also may be referred to the U.S. Department of Education's Office for Civil Rights by contacting 1-800-421-3481 or [OCR@ed.gov](mailto:OCR@ed.gov).

To view the Sexual Harassment and Interpersonal Violence Policy please click [here](#) .

## **Sexual Harassment and Interpersonal Violence Complaint Resolution Process 2019-2020**

### Introduction

John Carroll University ("University") will act on any formal or informal complaint or report of an alleged violation of the University's Sexual Harassment and Interpersonal Policy that is received by the Title IX Coordinator. These actions will include, as appropriate, steps to eliminate the harassment, prevent its recurrence and address its effects.

This Complaint Resolution Process applies to all complaints brought within the scope of the University's Sexual Harassment and Interpersonal Violence Policy regardless of the status of the parties involved, who may be:

- members or non-members of the campus community
- students
- student groups, organizations, and teams
- staff, or
- faculty

This Complaint Resolution Process is the exclusive process for resolution of sexual harassment and interpersonal violence complaints brought under the University's Sexual Harassment and Interpersonal Violence Policy. Click [here](#) to review full process.

## **Solicitation Policy**

Solicitation on University property is strictly prohibited without the prior permission of the Associate Director of Student Engagement or appropriate academic dean or department head. Solicitation in the residence halls is prohibited so as to protect residents from unwelcome visits and possible harassment. Only residence hall organizations may solicit in their residence and then only with the approval of the head of hall/area coordinator/community coordinator.

Students are encouraged to call JCUPD (216) 397-1234 to report any questionable solicitation activity.

## **Student Accessibility Services**

### **Policy Statement**

In furtherance of its non-discrimination policies, it is the policy of John Carroll University ("John Carroll") to comply fully with state and federal laws, including the Americans with Disabilities Act (the "ADA") and Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and to establish a procedure to ensure that grievances are fairly heard and resolved. Grievances arising under this Policy include allegations concerning accessibility, discriminatory treatment, harassment, retaliation, and other allegations of disability-related violations.

John Carroll students, faculty, administration and staff shall receive notice of this Policy through a posting on the John Carroll Office of Student Accessibility Services website located [here](#) and publication in Student Bulletins.

## Student Organization Policies

Student organization leaders and members can access all policies regarding the successful operation of their organizations. Please refer to the following policies:

[Campaign Policy](#)

[Firearms and other Weapons Policy](#)

[Hate Free Policy](#)

[Speaker Policy](#)

[Student Organization Political and Campaign Activities Policy](#)

[Student Protest & Rally Policy](#)

## Tobacco Free Campus Policy

**POLICY:** This policy outlines the commitment of John Carroll University (“JCU” or “the University”) to ensure that all members of the campus community have a right to enjoy a tobacco- and smoke-free environment. Smoking, the use of any tobacco product, vaping and the use of Electronic Cigarettes are prohibited throughout the campus, including on any University-owned or leased properties and in any University-owned vehicles.

**PURPOSE:** According to the U.S. Surgeon General, tobacco use remains the nation’s leading preventable cause of premature death and disability. The University is committed to protecting the health of students, employees and guests by fostering a healthy culture and environment. This policy is designed to help the University address public health concerns regarding the health hazards associated with the smoking or use of tobacco products.

**SCOPE:** All John Carroll University employees, students, visitors, contractors and subcontractors.

### DEFINITIONS:

**Electronic Cigarettes:** Electronic Cigarettes, also known as “e-cigarettes”, are battery-powered devices that provide inhaled doses of nicotine by way of a vaporized solution (also known as “vaping”).

**JCU Property:** Refers to all interior space owned or leased by JCU and all exterior property or grounds owned or leased by JCU, including parking areas and JCU vehicles. "JCU Property" does not include private vehicles while they are on University property.

**Tobacco:** All products containing tobacco in any form. Tobacco products include, but are not limited to, cigarettes, cigars, pipes, clove cigarettes, e-cigarettes, all forms of smokeless tobacco and any other smoking or tobacco product.

**GUIDELINES:**

- A. Smoking or the use of tobacco products or electronic cigarettes is not permitted on University properties, or adjacent properties and/or sidewalks.
- B. The sale, advertising, sampling and distribution of tobacco products and tobacco-related merchandise is prohibited on all JCU property.
- C. Use of University funds for purchase of tobacco or tobacco-related products is prohibited, unless such purchase is part of a sponsored research or academic program.
- D. Information will be made available about options for smoking or tobacco cessation programs to employees and students who smoke or use tobacco products.

**ENFORCEMENT:**

- A. This policy became effective on August 1, 2018.
- B. The University will not enforce the tobacco and smoking ban in private vehicles while they are on University property. Those smoking or using tobacco products in a private vehicle must not litter around private vehicles, cause smoke to infiltrate into any nearby building, or violate any other University policy while smoking or using tobacco..
- C. Supervisors shall inform their direct reports of this policy, including, any students, consultants and contractors they engage and manage compliance in the normal course of their supervisory duties.
- D. All new and prospective employees, students, consultants and contractors shall be informed of this policy. The Human Resources Department will provide new employees with a copy of this policy upon hire.
- E. Signage advising of the smoke-free policy will be posted in appropriate locations on the University campus.
- F. The University will provide assistance with smoking cessation and nicotine addiction programs to employees via its Employee Assistance Program (EAP), medical benefits programs, and other educational methods, and to students via the Student Health and Wellness Center.
- G. Employees, students and visitors observed violating this policy will be warned about the prohibitions under this policy. Any repeated violation(s) by employees after a warning has been issued will be subject to appropriate corrective action under the Corrective Action Policy or the Faculty Handbook, as appropriate. Student violations of this policy will be addressed by the Dean of Students Office, consistent with the Student Code of Conduct. Violations by contracted employees working on University property will be reported to the

appropriate contracting company so that warnings and appropriate action can be taken by the contracting company.

H. This policy will be reviewed at regular intervals to consider the effectiveness and impact of the policy, as well as any necessary revisions.

**CROSS REFERENCES:**

American Cancer Society Quit for Life  
Ohio Tobacco QuitLogix / 1-800-QUIT-NOW  
www.SmokeFree.gov

## University Heights Police Department

University Heights Police Department (UHPD) serves the University Heights community, of which John Carroll is a part. UHPD enforces all state laws and city ordinances for the safety of everybody in the community. UHPD monitors and responds to 911 calls. UHPD is located at 2304 Warrensville Center Road, and non-emergency calls or calls for information may be directed to the department at (216) 932-1800.

UHPD requests that students be cognizant of the fact that tampering with or removing City street name signs and/or traffic control signs (Stop, Yield, etc.) is a criminal offense. Violators will be prosecuted.

Further, the following ordinances regarding driving and parking are listed for your information. These ordinances, enforced by UHPD, are the most frequently violated. All ordinances can be found here: [University Heights Ordinances](#)

**University Heights Ordinance 432.7** Prohibits use of electronic wireless devices while driving, with a \$100.00 fine or more for additional offenses. Similar ordinances are in effect in Shaker Heights, Beachwood, South Euclid and many other surrounding communities.

- **Overnight Parking on City Streets.** Generally no parking is allowed on city streets between 2:00 a.m. and 5:00 a.m. To request an exception to this, fill out this online form <https://www.frontlinepss.com/uhpdp>.
- **Emergency Snow Ban.** No parking on city streets when snow exceeds two (2) inches. Call (216) 932-5900 to verify whether or not a snow ban has been declared. Be aware that the city tows away vehicles for snow ban violations so streets can be plowed.

- **Prohibited and/or limited parking zones.** No parking where prohibited or in excess of hours permitted where limited time zone signs are posted.
- **Left wheels to curb prohibited.** It is illegal to park adjacent to the curb facing the opposite way of traffic.
- **Fire Lanes.** Parking is prohibited in zones where a fire lane is posted.