



STUDENT HANDBOOK POLICY

Conduct Policies and Procedures

Student/Institutional Relationship

Through enrollment at Marywood University, students accept the responsibility to meet all academic requirements and to act in accordance with the University's mission, core values and policies. The University accepts a corresponding responsibility to make decisions that promote the community's well-being and provide appropriate process to its members. All members of the community are encouraged to report and/or respond to potential policy violations.

Philosophy of Conduct

A vital part of a college education for students is the opportunity to develop and strengthen values and attitudes that guide responsible behavior in all areas of life. The conduct program challenges and supports students to learn about the consequences of their actions and to enhance their growth and development as mature adults.

The *Joint Statement on Rights and Freedoms of Students* is the reference document for the establishment of the conduct program ("Program"). To that end, the program strives to provide a fundamentally fair process in which behavior that infringes on others' rights, the common good and/or the University's rights as a corporate entity is addressed. The conduct process values community rights over those of the individual and promotes an educational atmosphere for students to learn and behave within the context of a University guided by a distinct mission and values.

Through involvement in the conduct program, students will have the opportunity to learn to appropriately self-advocate, reflect on their choice of behaviors and live responsibly in a diverse and interdependent community.



STUDENT HANDBOOK POLICY

General Provisions

The Dean of Students is authorized to define and interpret the conduct policies and to manage the conduct program. Academic policy violations normally are adjudicated by an academic dean or designee. All correspondence with students related to the conduct program is through University email, which students are responsible for checking regularly. The standard of evidence in the conduct program is that of a preponderance of evidence, more than 50% certainty that the student is or is not responsible.

The conduct process is separate from and independent of the system of criminal and civil law, regulations and ordinances. The University will cooperate appropriately with civil authorities in the enforcement of the law. The University may bring conduct charges concurrent with civil and criminal charges. If a student faces concurrent charges, the Dean of Students may decide that the University should postpone its conduct hearing until law enforcement has completed the fact finding phase. Additionally, students may, and are encouraged to, file complaints with local law enforcement officials at any time consistent with federal, state and local law.

Rules and Regulations

The conduct process usually is limited to behavior that negatively affects the pursuit of educational objectives and support of the University's core values. No specific policy statement can apply to every situation, and the following are examples of behavior that are subject to the conduct process:

1. **Dishonesty:** All forms of dishonesty including lying, cheating, plagiarism, providing false or misleading information, forgery, alteration, or fraudulent use of documents or identification. (See also Academic Honesty Policy)
2. **Disruptive Conduct:** Disruption or obstruction of University activities or operations.
3. **Abuse:** Harassment, stalking, bullying, physical harm, risk of physical harm, verbal abuse, hazing or similar actions of intimidation or coercion. (See also



STUDENT HANDBOOK POLICY

Title IX Sexual Harassment and Community Standards Sexual Misconduct Policy and Procedures and Hazing policies)

4. **Endangering Conduct:** Any self-inflicted action or inaction that poses a danger to a student's, or others, health, safety, or welfare or that inhibits the student's, or others, success at the University.
5. **Weapons:** Illegal or unauthorized possession of firearms, items resembling firearms, other weapons, or dangerous chemicals or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others. (See also Deadly Weapons and Fireworks Policy)
6. **Fireworks and Explosives:** Unauthorized use, possession or storage of fireworks, explosives or hazardous materials on University property. (See also Deadly Weapons and Fireworks Policy)
7. **Theft:** Unauthorized possession or use of University property or the property of another.
8. **Damage/Vandalism:** Damaging, making unusable or vandalizing University property or the property of another.
9. **Failure to Comply:** Failure to comply with the direction of University officials in the performance of their duties.
10. **Unauthorized Entry:** Entry into any University building, office or other facility (roof, ledge, window, stairwell, closet, etc.), room or container (file cabinet, desk drawer, computer etc.) without proper authorization. Remaining without authorization in any building after the building is locked for the evening. (Also see Safety Procedures and Campus Safety)
11. **Alcohol:** Regardless of the person's age, the possession, use or distribution of alcoholic beverages, being in the presence of such violation (constructive possession), possession of empty alcohol containers or being intoxicated on campus. (See also Alcohol & Controlled Substances Policy and Medical Amnesty Policy)
12. **Drugs:** Possession, use, manufacture, solicitation or distribution of illegal or controlled substances except as expressly permitted by law; being in the presence of such violation; possessing paraphernalia to assist in the possession, use, manufacture, solicitation or distribution of such substances; or use, solicitation, or distribution of non-controlled



STUDENT HANDBOOK POLICY

substances for intoxicating purposes or effects. (See also Alcohol & Controlled Substances Policy)

13. **Indecent Conduct:** Indecent, profane or obscene conduct.
14. **Failure to Act:** In the presence of a violation, failure to intervene/confront, notify University staff, or leave the area.
15. **Failure to Respect Each Person:** Demonstrated lack of civility in resolving disputes and disagreements.
16. **University Regulations:** Violation of any published University regulations, protocols, policies, guidelines, and/or public health mandates. All who are within University housing buildings are responsible for [Housing and Residence Life policies](#).
17. **Laws:** Violations of any federal, state or local laws.

Medical Amnesty

This policy assures the community that when a student's health and safety are in danger due to intoxication, alcohol poisoning or other drug-related emergencies, students who seek help for themselves or others will not be subject to conduct action for a violation of the University Alcohol and/or Other Drug regulations. In such cases, student(s) will be required to meet with the Dean of Students or designee shortly thereafter to address the issues that caused the risk to the student's well-being. To assist students in learning from the experience, the student(s) may be required to complete an alcohol/other drug assessment and/or to participate in counseling. A repeated pattern of similar incidents or failure to cooperate with the Dean of Students will be responded to on an individual basis and could result in conduct action. If additional or egregious policy violations occur during the same incident, the Dean of Students reserves the right to adjudicate the non-alcohol related violations.

Off-Campus Behavior

Enrollment at Marywood University is a voluntary decision, which includes a student's acceptance of the responsibility to meet academic requirements and to behave consistently with the University's policies, purposes and objectives at all



STUDENT HANDBOOK POLICY

times, on campus, off campus and by electronic means including online, social media, etc. The University reserves the right to alert civil authorities to problems on or off campus.

Students as Neighbors: Most students who live in the local community make positive contributions, but all must understand the behavior expected of them as residents of these communities. Students should demonstrate respect and concern for all members of both communities and behave as responsible citizens. This behavior includes compliance with public health orders and/or decisions issued by, among others, the Centers for Disease Control and Prevention (CDC), the Governor of the Commonwealth of Pennsylvania, the Pennsylvania Department of Health, the Mayor of the City of Scranton, the Scranton City Council, the Mayor of the Borough of Dunmore and/or the Dunmore Borough Council.

Students should understand that conduct investigation and charges will be initiated when the University's interest, reputation and/or capacity to function as an academic community is involved. Gatherings at off-campus residences that do not adhere to state or local noise or alcohol ordinances, gathering size restrictions, or, when applicable, public health orders, run counter to the University's interest, reputation and/or capacity to function as an academic community, and are an example of an off-campus behavior resulting in conduct investigation and charges.

Conduct Procedures

Conduct Procedures

Conduct cases will be handled in accordance with the University conduct policy of appropriate process. If any member of the University community believes they have been the victim of or a witness to, or otherwise have reason to believe or become aware of, a violation of University policies by a student or student organization, they may file an incident report against that student(s) or student organization as soon as possible with Dean of Students or the Chief of Campus



STUDENT HANDBOOK POLICY

Safety. In cases where a student organization is charged, the organization will be represented by two members, preferably the president and vice president, and will follow Marywood's student conduct procedures. For incidents of a sexual nature, please see the University's Title IX Sexual Harassment and Community Standards Sexual Misconduct Policy.

To submit an incident report, provide the following in writing:

- Date of the incident,
- Name of the student (s) involved,
- A statement of the circumstances, and
- Names/contact information for witnesses.

After receipt of a written complaint, the Dean of Students or designee will appoint a staff member to conduct an investigation of the charges and conduct a Preliminary Hearing. The Preliminary Hearing Officer will investigate the charges and may consult with all parties to determine if adjudication is warranted.

The respondent will receive a notice by email of the charges and be notified to report for a Preliminary Hearing. Preliminary Hearings may be conducted in-person or virtually at the discretion of the Preliminary Hearing Officer. Attendees at the Preliminary Hearing include the respondent and the Preliminary Hearing Officer only. Requests for additional attendees as a reasonable accommodation for a documented disability or requests for any other reasonable accommodations throughout the hearing process because of a disability will be considered on an individual basis. The Dean of Students and the Office of Disability Services will partner with the student to explore possible accommodations. In the case of an alleged violation of the Endangering Conduct policy, a Counseling Center staff member may also be present. At the Preliminary Hearing, the charges and the conduct procedures will be explained and discussed. During the Preliminary Hearing, and at any stage of the investigation or adjudication of conduct charges, a respondent may refuse to answer any question(s) without the decision being held against them. If a student fails to meet with the Preliminary Hearing Officer, the Preliminary Hearing may take place



STUDENT HANDBOOK POLICY

in their absence and a decision may be made based on information available at the time.

Should the Preliminary Hearing Officer determine further investigation is not justified based on a preponderance of the evidence, they will find the student not responsible or will assign another form of resolution.

Should the Preliminary Hearing Officer determine the respondent is responsible, or the respondent admits responsibility, the Preliminary Hearing Officer may take conduct action up to and including Probation. When circumstances warrant Suspension or Dismissal, these actions are recommended to the Dean of Students.

After the conclusion of the Preliminary Hearing, a respondent may request further adjudication only when they disagree with the finding of *responsible*. When the respondent requests further adjudication or the Preliminary Hearing Officer determines that further investigation and conduct consideration are warranted, the following steps are initiated:

1. The respondent must request a Formal Hearing in a letter to the Dean of Students within three (3) business days after the Preliminary Hearing determination and any sanction has been communicated. The letter should indicate the preferred means of further adjudication through either the Student Conduct Board or an Administrative Formal Hearing Officer and the rationale for requesting a Formal Hearing.
2. If the Preliminary Hearing Officer determines that further consideration is warranted, they will inform the Dean of Students who will begin arrangements to convene a Formal Hearing with either the Student Conduct Board or an Administrative Formal Hearing Officer.



STUDENT HANDBOOK POLICY

3. A copy of the written charges is then forwarded to the Student Conduct Board or Administrative Formal Hearing Officer.
4. The Dean of Students or designee notifies the Student Conduct Board or the Administrative Formal Hearing Officer, and the respondent of the date, time, and location of the hearing. Formal Hearings, whether a Student Conduct Board or an Administrative Formal Hearing, may be conducted in-person or virtually at the discretion of the Dean of Students
5. The student will have no less than five (5) business days to prepare for the Formal Hearing. Typically, a Formal Hearing will be completed within 30 business days of receipt of the written request. Factors that may lengthen the time frame include time of year (i.e. semester breaks) and extenuating circumstances of any of the parties involved.
6. Should the Student Conduct Board be inoperative, the Dean of Students, or an assigned designee, reserves the right to adjudicate the case as an Administrative Formal Hearing.

To request that sanctions imposed during a Preliminary Hearing be reconsidered, the respondent must send a letter to the Dean of Students within three (3) business days after the Preliminary Hearing sanction has been communicated. The letter should indicate:

1. The policy that was violated and the sanction that was assigned;
2. The reason(s) why the student believes the sanction should be revised;
3. What sanction the student believes should be imposed and what the student will learn from the sanction;
4. A statement of how the student's conduct history, if any, relates to the sanction; and,
5. What the student learned during the process.



STUDENT HANDBOOK POLICY

The outcome of the case is considered to be part of a student's educational record and disclosure of information must follow FERPA guidelines.

Administrative Formal Hearing Officers

The Dean of Students or their designee will be the Administrative Hearing Officer unless they served as the Preliminary Hearing Officer or circumstances clearly suggest it would be in the student's best interest for another person to act as the Administrative Hearing Officer. With the student's approval, the Preliminary Hearing Officer may be appointed as the Administrative Formal Hearing Officer. Administrative Formal Hearing Officers are empowered to take conduct action up to and including Probation. Administrative Formal Hearing Officers recommend Suspension or Dismissal to the Dean of Students.

Student Conduct Board

The Student Conduct Board is composed of a maximum of 17 members: four (4) full-time faculty members, four (4) full-time staff members, six (6) full-time undergraduate students, and three (3) full-time graduate students. The Graduate Student Council and undergraduate Student Government Association appoint the student members of the Board. The Executive Committee of the Faculty Senate appoints the faculty members. Staff Members are appointed by the Executive Council of Staff Senate.

One (1) faculty member, one (1) staff member, and one (1) student will be randomly selected to serve on the Student Conduct Board panel, with the student member acting as the hearing Chair. The Board decides responsibility for alleged violations, interprets rules and regulations as they relate to individual incidents and community values, and determines sanctions when appropriate. The Dean of Students or designee acts as an advisor during hearings.



STUDENT HANDBOOK POLICY

Formal Hearing Procedures

1. The Formal Hearing will be private.
2. A recording or a written record will be made.
3. The charges and evidence will be presented by the Dean of Students or their designee, or the Preliminary Hearing Officer.
4. Complainant and respondents will each have the opportunity to address the Student Conduct Board/Administrative Formal Hearing Officer.
5. The complainant and the respondent may be accompanied by a Marywood employee or Marywood student whose role will be advisory in nature. Requests for additional attendees as a reasonable accommodation for a documented disability or requests for any other reasonable accommodations throughout the hearing process because of a disability will be considered on an individual basis. The Dean of Students and the Office of Disability Services will partner with the student to explore possible accommodations. The Advisors' names must be submitted to the Dean of Students at least 24 business hours prior to the hearing.
6. Any party may present witnesses subject to the Dean of Students' determination of the witnesses' relevance to the case. The parties involved are responsible for contacting approved witnesses and informing them of the date, time, and location of the hearing, unless other arrangements are made with the Dean of Students. Names of witnesses, and the relevance of their testimony, must be submitted to the Dean of Students or designee at least 24 business hours in advance of the hearing for review. Witnesses normally are not present throughout the hearing. Requests for exceptions to this procedure must be made in advance to the Dean of Students or their designee.
7. If a respondent fails to appear at the Formal Hearing, the Chair or Administrative Formal Hearing Officer will decide if the Formal Hearing will take place without the presence of the respondent. If the absence is unexcused, the respondent will forfeit any right to appeal. No recommendation or imposition of sanction will be based solely upon the failure of the respondent to appear at the hearing.



STUDENT HANDBOOK POLICY

8. The Chair or Administrative Formal Hearing Officer, if not the Dean of Students, will make known the decision to the Dean of Students and submit a written statement of the reasons for the decision. The Dean of Students will notify the respondent in writing/email of the decision. The outcome of the case is considered a student's educational record and disclosure of information must follow FERPA guidelines. Additionally, in cases of crimes of violence, anyone may be informed of the outcome of the case if the respondent is found responsible.
9. Standards of appropriate behavior will be maintained by all in attendance. Failure to do so may result in the forfeiture of the remainder of the hearing. The Chair/Administrative Formal Hearing Officer or the Dean of Students will make the determination.

Procedures for Appeal

The respondent may appeal the results of the Formal Hearing by stating so in a letter to the Vice President for the Student Experience (VPSE) within five (5) business days after the decision has been communicated orally or in writing/email. The respondent must demonstrate in the letter one or more of the following:

1. That they did not receive a hearing consistent with the process defined above;
2. That the sanction was arbitrary or capricious;
3. That certain relevant evidence was not reviewed; or,
4. That new evidence is available.

For an appeal to be considered, the VPSE must agree that the respondent has demonstrated one or more of the reasons listed above.



STUDENT HANDBOOK POLICY

Normally, an appeal will be limited to a review of the report of the Student Conduct Board or the Administrative Formal Hearing Officer. Such a review, when granted, is the final appeal step in the University conduct process.

When grounds for an appeal have been established, one of the following procedures will be followed. Notification of the result of the appeal will be sent in writing/email to the respondent. The outcome of the case is considered a student's educational record and disclosure of information must follow FERPA guidelines. Victims will be notified of any sanctions assigned to the respondent that impact the victim. Additionally, in cases of crimes of violence, anyone may be informed of the outcome of the case if the respondent is found responsible.

The VPSE may:

1. Accept the report as presented;
2. Accept the report with a specific reduction or increase in the sanction;
3. Dismiss one or more of the charges entirely;
4. Return the case to the Student Conduct Board or Administrative Formal Hearing Officer for further proceedings; or
5. The VPSE may establish an Appeal Board including an administrator and two (2) representatives from the Conduct Board who were not previously involved in the case. The VPSE or designee will serve as Chair (ex-officio) of the Appeal Board. Appeal Board decisions in all cases are advisory to the VPSE. The Appeal Board will determine the procedure to follow after consideration of the specific case. The Appeal Board will adhere to the principles of appropriate process as stated in the University's conduct procedures.



STUDENT HANDBOOK POLICY

Sanctions

Conduct action is based on the seriousness of the policy violation, individual circumstances, the best interest of the University community and the student's education and growth. As such, the University reserves the right to impose different sanctions based on various factors of the case. Sanctions will be stated in writing and maintained as a formal record by the Dean of Students Office. A combination of sanctions may be invoked when appropriate. Students who repeatedly violate University policy will be assigned progressively more serious sanctions. If sanctions are not completed, a Conduct Hold will be placed on the student's account. The sanction, or combination of sanctions, which may be imposed upon individuals or organizations, includes but is not limited to the following:

Policy Reminder

A Policy Reminder is a written notice that the student's behavior required conduct proceedings. The nature and circumstances of the conduct does not deserve further action, but the reminder is recorded in the Office of the Dean of Students for future reference for the duration of the student's enrollment.

Restitution

Restitution is the reimbursement for damage, destruction or misappropriation of property.

Fines

Fines are penalty fees payable to the University depending on the degree of infraction. The amount is determined by the Preliminary Hearing Officer, Conduct Board or Administrative Formal Hearing Officer.



STUDENT HANDBOOK POLICY

Educational Tasks

Educational Tasks are assignments that promote the education of the student through experiences which are designed to enhance personal growth, improve understanding of the community and/or contribute to the larger community outside of the University.

Restricted Access/Loss of Privileges

Loss of Privileges may include visitation, parking, changed housing assignment, attending University functions or representing the University in extracurricular activities. For organizations, restricted access may include restrictions on the number, content and purpose of gatherings. Restricted Access is official notification that an individual is not welcome to visit campus facilities or a specific community member(s). This may be administered for a specific building or general areas of the campus with or without a termination date. In some cases, it is known as a No Trespassing Notice or No Contact Order. The University may request intervention of civil authorities if an individual violates this restriction.

Removal from University Housing

A student may be dismissed from living in University Housing and/or banned from visiting University residence facilities. Students with board contracts receive a pro-rated refund as described in the Housing Contract; no reimbursement is provided for the balance of a housing agreement. Since the majority of undergraduates are legal dependents of their parents/guardians, the University reserves the right to possibly contact parents and/or guardians when sanctions of Removal from University Housing or Suspension/Dismissal from the University are imposed.



STUDENT HANDBOOK POLICY

Conduct Hold

A Conduct Hold is a restriction placed on a student's account for failure to complete a sanction. A Conduct Hold prevents the student from registering for classes and/or other services normally provided by the Registrar's Office.

Probation

Probation is a sanction that includes a specified period of time during which the student or organization must demonstrate the ability to comply with University rules, regulations, and/or other conditions imposed. Students who are recipients of University scholarships and are placed on Probation may be subject to graduation or removal of that scholarship during the term of probation. Any additional violation of University policy, however minor, may result in Suspension or Dismissal. Probation may be administered in two forms.

1. Specific Probation: with or without conditions, is imposed for a specific period of time. Conditions may include any combination of the sanctions listed above.
2. General Probation: imposed for the student's tenure at the University.

Interim Suspension

Interim Suspension is the temporary suspension of a student's enrollment, housing, or other University privileges (or organization's recognition) pending full consideration of a conduct hearing. The Dean of Students or their designee will determine if there is reasonable cause to believe a student or organization has violated any of the University's rules and regulations and that danger or disruption will be present if the student is permitted to remain on campus or in University housing.



STUDENT HANDBOOK POLICY

Suspension/Disbanding of Student Organization

The organization must disband for a specified period of time or permanently. Individual students who do not comply with the sanction (i.e. the organization functions underground) may face individual conduct charges.

Suspension

Suspension is the termination of student status for a specified period of time. Conditions of reinstatement are included in the Preliminary/Formal Hearing Results notice. A suspended student is charged fees for the semester in which the suspension occurs in accordance with the published University Withdrawal and Refund Policy Statement. A grade of “W” is assigned for the same semester courses remaining on the student’s transcript. A statement of the student’s status is sent to the Provost, the Vice President for the Student Experience, and the Registrar. The record of the sanction is maintained for seven years in the Dean of Students Office. Since the majority of undergraduates are legal dependents of their parents/guardians, the University reserves the right to possibly contact parents and/or guardians when sanctions of Removal from University Housing or Suspension/Dismissal from the University are imposed. Independent students should notify the Dean of Students of their independence and verify that status if requested.

Dismissal

Dismissal is the permanent termination of student status and separation from the University. A dismissed student is charged full fees for the semester in which the dismissal occurs in accordance with the published University Withdrawal and Refund Policy Statement. A grade of “W” is assigned for the same semester courses remaining on the student transcript. A statement of the student’s status is sent to the Provost, the Vice President for the Student Experience, and the Registrar. The record is kept permanently in the Dean of Students Office. Since the majority of undergraduates are legal dependents of their parents/guardians, the University reserves the right to possibly contact parents and/or guardians when sanctions of Removal from University Housing or Suspension/Dismissal from the University are



STUDENT HANDBOOK POLICY

imposed. Independent students should notify the Dean of Students of their independence and verify that status if requested.

History

06-25-2018 – The President of the University, Sister Mary Persico, IHM, approved the revisions with respect to changes to titles as recommended by the President’s Cabinet.

01-22-2024 - The Vice President for the Student Experience, Dr. Jeffrey Kegolis, approved the revisions with respect to changes to titles, revisions to the Student Conduct Board Committee description, and changes to pandemic-era policies.