

# Purpose, Jurisdiction and Scope

## Purpose

Because Villanova University is a Catholic Augustinian community of higher education, committed to excellence and distinction in the discovery, dissemination and application of knowledge, the institution presumes that all who voluntarily join our scholarly community do so for this primary purpose. Accordingly, rules and regulation governing conduct among community members are designed with the specific intention of enhancing the academic mission of the University.

Because Villanova University is a particularly unique but voluntary community, it depends on its membership to sacrifice, in some instances, individual preferences for the good of the greater whole. Moreover, it depends on its membership to commit itself to a degree of loyalty, a standard of conduct that not only maintains civility, but adheres to the principle that “mutual love and respect should animate every aspect of University life.” Accordingly, Villanova confidently expects that all students will comport themselves in a manner that promotes the continuance and enhancement of the University’s high purpose and its moral and religious traditions.

The Code of Student Conduct exists for three distinct purposes. First, the Code helps to motivate good decision making, create community, and enhance respect for individual differences while emphasizing a commitment to the common good. Secondly, the Code represents limits, a description of conduct that contradict the purpose and nature of Villanova University. Such conduct violates presumptions of membership, and cannot be tolerated in an academic community. Finally, the Code and its implementation recognizes the basic student composition of the community and the corresponding behavioral dynamic. To this end, the Code’s most important purpose is to facilitate personal growth through values education so that members of the student community are made ready to assume public responsibilities beyond the campus and in society. To accomplish these purposes, students who do not uphold the standards of the University, or who violate the provisions of the Code, or who fail to fulfill their obligations as members of this community will be held responsible for their conduct.

The following guidelines have been established as expectations for continued membership in the Villanova community.

## Jurisdiction

The Code of Student Conduct applies to all students enrolled at Villanova University, with the exception of students of the Charles Widger School of Law, who are governed by their own policies and procedures. This includes students participating in overseas study or other off-campus academic programs. The University has a vital interest in the character of its students and may regard their conduct as a reflection of a student’s character and fitness to be a member of the student body. Accordingly, the Code of Student Conduct applies to conduct that occurs both on and off the Villanova campus, and the University reserves the right to sanction any student or student organization found responsible for violating the Code. Students and student organizations will be afforded the elements of process afforded by the Code. The University may impose sanctions up to and including expulsion, whether or not sanctions are imposed by federal, state, or local authorities.

If a student withdraws or takes a leave of absence from the University with a pending allegation of a violation of the Code of Student Conduct, the University retains jurisdiction and the matter may remain open, at the University’s discretion. If the student seeks readmission and is reenrolled following a withdrawal, all open matters may be adjudicated under the Code of Student Conduct. Students on leave remain subject to the provisions of the Code of Student Conduct and all alleged violations committed while on leave may be adjudicated prior to the student’s return to the University.

## Scope

The following guidelines have been established as behavioral expectations for continued membership in the Villanova community. The list of prohibited conduct set forth in the following statements is intended to be illustrative only. The list is not intended to be all-inclusive and other misconduct, including without limitation, violations of published University policies, rules or regulations, or criminal or civil statutes, may be actionable under this Code.

The Code and the Special Procedures Governing Proceedings Involving Allegations of Sexual Misconduct set forth in the University's Sexual Misconduct Policy will serve as the University's grievance procedures under Title IX of the Education Amendments of 1972 ("Title IX") for allegations of sexual assault, sexual harassment, or other sexual misconduct against any Villanova student. Where appropriate in this Code, certain accommodations have been noted to facilitate the use of the Code to resolve such complaints of sexual misconduct in a manner consistent with Title IX.

Violations of these regulations may result in the full range of disciplinary sanctions, as set forth in this Code. Items that violate state or federal law, the provisions of this Code, or other policies or regulations published by the University will be confiscated by appropriate University personnel and not returned.

## Community Policies

### Community Expectations

Villanova University is committed to "developing and nurturing the whole person, allowing students, faculty and staff to grow intellectually, emotionally, spiritually, culturally, socially and physically in an environment that supports individual differences and insists that mutual love and respect should animate every aspect of university life." Students are expected to treat others with the utmost compassion, respect and dignity. Therefore, discriminatory, bigoted, racist, or obscene conduct is considered most offensive. Such conduct, including but not limited to what is listed in this Code, are violations of this Code and strictly prohibited.

Additionally, creation of a safe and peaceful environment where both people and property are respected is the responsibility of every community member. Therefore harassing, threatening, or violent conduct, or conduct which is otherwise disruptive, dangerous or which disregards the rights of members of the community violates the Code whether or not a specific description of such misconduct is set forth.

Violations of this policy may result in the full range of sanctions up to and including suspension or expulsion from the University.

### Alcohol Policy

Villanova University strives to develop and sustain a living and learning environment in which the full potential of its members may be realized. Therefore, the University aspires to the highest standards of academic excellence and is committed to the personal health and safety of all individuals. In pursuing these community goals, all students and student organizations are required to comply with applicable state and federal laws and the following University policies regarding alcohol.

1. Any person under the age of 21 in the Commonwealth of Pennsylvania may not lawfully possess, consume, purchase, attempt to purchase or transport alcoholic beverages.

2. Furnishing alcohol to any person under the age of 21 or enabling underage alcohol consumption is strictly prohibited. Violations that result in disorderly, disruptive or dangerous conduct, damages, injury, or other criminal activity will be considered more serious.
3. Regardless of age, the abusive or dangerous use of alcohol is prohibited on and off campus, including but not limited to:
  - Intoxication that results in impaired motor skills or balance, slurred speech, disorientation, vomiting, blacking-out, passing-out, or other similar behavior.
  - Disruptive, disorderly, or dangerous conduct related to the consumption of alcohol.
  - Driving on or off campus while under the influence of alcohol.
4. Residing on campus and the possession/consumption of alcoholic beverages on campus is a privilege and not a right. Therefore, regardless of age, the following policies apply within University residence halls and/or on University property:
  - The possession, consumption, or furnishing of alcoholic beverages that contain fifteen percent (15%) or higher alcohol by volume (e.g. hard liquor) is prohibited within University residence halls. This regulation applies to all students and their guests.
  - Consumption or possession of alcoholic beverages in open containers is prohibited in common areas of residence halls, including hallways, lounges, lobbies, stairwells, and bathrooms.
  - Alcoholic beverages may not be possessed or consumed in academic, administrative, or public areas of campus without authorization from appropriate University officials.
  - Common source containers of alcoholic beverages, including beer kegs and alcoholic punch (e.g. "jungle juice"), are prohibited in residence halls and on University property without authorization from appropriate University officials.
  - The possession, consumption, or furnishing of alcoholic punch, caffeinated alcohol, powdered alcohol, grain alcohol, or gelatin shots is prohibited within University residence halls and on University property.
  - Participation in drinking games, consuming shots of alcohol, and any type of binge drinking (e.g. chugging, "shot-gunning," etc.) is prohibited in residence halls and on University property. Simulated drinking games are prohibited regardless of whether or not alcohol is present.
  - Possession or use of binge drinking paraphernalia or any instrument of alcohol abuse (e.g. funnels, beer pong tables, etc.) is prohibited in residence halls and on University property.
5. For students of legal age, the following policies apply within University residence halls and on University property:
  - Students of legal age may possess and consume alcoholic beverages that contain less than fifteen percent (15%) alcohol by volume (e.g. most beer and wine) within their own University residence hall room/apartment, or within a room/apartment where at least one resident is of legal age and is present. At all times, alcohol use must be consistent with the concept of moderate and responsible consumption\*.
  - Students of legal age may transport in common areas of campus or University residence halls an amount of alcoholic beverages that contain less than fifteen percent (15%) alcohol by volume, in closed containers and in suitable packaging, consistent with the concept of moderate and responsible consumption.
  - Students of legal age may possess and consume alcoholic beverages at approved University functions and/or when served at a campus facility/event authorized to provide alcoholic beverages.
  - All student organization sponsored events where alcohol may be served must be approved by the appropriate University official and must follow all University policies and regulations. At all times, alcohol use must be consistent with the concept of moderate and responsible consumption. Furnishing alcohol to any person under the age of 21 or enabling underage alcohol consumption is strictly prohibited for student organizations.

*\*For purposes of this policy, moderate and responsible consumption is the expectation that using alcohol should always be in a manner that does not harm others and minimizes harm to the user.*

*Conversely, using alcohol to the degree that one may endanger themselves or other persons or property, or otherwise disrupt the community is not considered moderate and responsible consumption.*

# Alcohol Policy Enforcement and Sanctioning

The University reserves the right to sanction students who violate the law and/or the above University alcohol policies (both on and off campus). Violations may result in the full range of sanctions such as warnings, fines, disciplinary probation (plus other disciplinary measures) up to and including suspension or expulsion from the University. Subsequent violations, excessive quantities of alcohol, and/or aggravating factors will result in more severe sanctions. Typically, first-time alcohol violations which do not involve disruptive, disorderly, or dangerous conduct, and which are consistent with the concept of moderate and responsible consumption will result in educational follow-up and/or less severe sanctions. Student organizations that violate the law and/or University alcohol policies are also subject to disciplinary action, up to and including suspension or loss of recognition.

1. While legal aged students are permitted to possess and consume alcoholic beverages with less than fifteen percent (15%) alcohol by volume in campus residence halls, if at any time, and in the discretion of University staff, the possession or consumption exceeds the concept of moderate and responsible use, or if there is disorderly, disruptive, or dangerous conduct, the University reserves the right to take immediate corrective action, including but not limited to, the confiscation of alcoholic beverages and/or the dispersion of guests from a residence hall room/apartment. The University reserves the right to sanction students in cases of excessive, dangerous or abusive alcohol use, or for disorderly or disruptive conduct.
2. When a suspected policy violation is encountered by University staff in a residence hall room or apartment, University staff may enter rooms or apartments to address policy violations, to confiscate containers of alcohol, whether full or empty, and/or to disperse guests, if appropriate. University staff may confiscate all alcohol present at the time of a violation regardless of the type of alcohol or the age of the residents. University staff may also, at the time and location of an alcohol violation and when students are present in the room, open and inspect refrigerator(s) and/or coolers (both personal and University-owned) in order to remove all alcohol from the premises. Students are expected to comply with University staff in their efforts. Failure to comply will result in more severe sanctions. Items found that violate the above policies will be confiscated by appropriate University personnel and not returned.
3. The University reserves the right to sanction all residents of a residence hall room/apartment, whether or not the residents are present at the time of the violation, as well as any students present when an alcohol violation occurs, regardless if the alcohol containers are empty or full, decorative or otherwise.
4. All students found in violation of the alcohol policy must comply with all educational requirements specified by designated University staff members. Staff will inform the Dean of Students Office of attendance, compliance and any other recommendations regarding the student.
5. Fines may be assessed, at the discretion of the Conduct Review Administrator, for violations of the alcohol policy and will vary depending on the quantity and type of alcoholic beverages confiscated, regardless of if full or empty. Violations involving alcoholic beverages that contain fifteen percent (15%) or greater alcohol by volume, or common source alcohol containers will likely face fines up to \$150 per person, per incident.

## [The Expectation of Responsibility for Alcohol and Drug Related Emergencies](#)

# Compliance with University Officials

1. Students and student organizations suspected of violating the Code of Student Conduct or University Policy are expected to cooperate fully with University officials in their efforts to obtain information, identification, and/or with the confiscation of prohibited items. Any lack of cooperation will be viewed as a serious violation of the Code.
2. Failure to comply with requests from a University official given in the course of their official duties is by itself subject to disciplinary action including a hold on records.

## Dangerous Practices

1. No student shall engage in any activity which shall endanger the health, safety, well-being, or property of themselves or another member of the University community or the institution. Such conduct will result in sanctions ranging from disciplinary probation plus other disciplinary measures, up to and including suspension.
2. The sale, possession, production, purchase or use of any explosives, fireworks, incendiary devices, firearms, ammunition, BB/pellet guns, paintball guns, weapons or reasonable facsimile thereof on University property are prohibited as are conspiracies or attempted activities of this nature and will result in sanctions ranging from disciplinary probation to expulsion.
3. Throwing objects, including but not limited to bottles, cans, food or trash, etc. constitutes a dangerous practice and will likely result in sanctions ranging from disciplinary probation plus other disciplinary measures, up to and including suspension.
4. Failure to abide by Residence Life regulations regarding dangerous practices including but not limited to those listed in the Residence Life section of this handbook may result in disciplinary probation plus other disciplinary measures, up to and including suspension.

## Dishonesty

1. Furnishing or conspiring to furnish knowingly false information to the University by forgery, alteration or misuse of, among other things, University documents or records is likely to result in suspension or expulsion.
2. Furnishing or conspiring to furnish to the University or its representatives, including but not limited to University Administrators, Conduct Review Administrators or University Conduct Review Board members, a knowingly written or oral false statement is likely to result in suspension.

## Disorderly Conduct

Disorderly Conduct includes, but is not limited to unruly gatherings, excessive noise, public drunkenness and other such conduct which is disruptive to the life of the community or which disregard the rights of members of the community. Violations are likely to result in disciplinary probation plus other disciplinary measures, up to and including suspension.

## Drug Policy

Villanova University strives to develop and sustain a living and learning environment in which the full potential of its members may be realized. Therefore, the University aspires to the highest standards of

academic excellence and is committed to the personal health and safety of all individuals. In pursuing these community goals, all students and student organizations are required to comply with applicable state and federal laws and the following University policies regarding drugs.

The following conduct is prohibited for all students:

1. [The sale, production or distribution of, as well as attempt, intent, or conspiracy to sell, produce, or distribute illegal drugs, prescription medications, or other controlled, dangerous, or addictive substances.](#)
2. The use or possession of drugs deemed illegal on the federal or state level.
3. The unauthorized possession or the misuse of prescription medications or controlled substances.
4. The use or possession of drug paraphernalia, in any form, while on campus. Drug paraphernalia includes, but is not limited to, pipes, bong, bowls, rolling papers, hookahs, and grinders.
5. Driving while under the influence of illegal drugs or controlled substances.

## Drug Policy Enforcement and Sanctioning

When a suspected drug policy violation is encountered by University staff in a residence hall room or apartment, University staff may enter rooms or apartments to address policy violations, to confiscate items, and/or to disperse guests. Students are expected to comply with University staff in their efforts, as failure to comply may result in more severe sanctions. Items found that violate policy will be confiscated by appropriate University personnel and not returned.

The University reserves the right to sanction students who violate the law and/or the University drug policy whether on or off campus. Violations involving cannabis may result in educational follow-up, warnings, disciplinary probation, or other disciplinary measures, up to and including suspension or expulsion from the University. Subsequent violations and/or aggravating factors will result in more severe sanctions. Violations involving other types of drugs likely will result in suspension or expulsion. Violations of Section 1 of the drug policy likely will result in expulsion.

The University reserves the right to sanction all residents of a residence hall room/apartment, whether or not the residents are present at the time of the violation, as well as any students present when a drug violation occurs. Additionally, the University reserves the right to sanction students in cases where indicators of drug use are present, but where no drugs are recovered. These indicators may include, but are not limited to, symptoms of drug intoxication, the odor or residue of illegal drugs, the presence of drug paraphernalia, attempts to mask odors, or other conduct designed to avoid detection.

Students in violation of the drug policy must comply with all educational requirements specified by designated University staff members. Staff will inform the Dean of Students Office of attendance, compliance and any other recommendations regarding the student.

Fines may be assessed, at the discretion of the Conduct Review Administrator, for drug policy violations and will vary depending on aggravating or mitigating factors. For example, violations that result in actual or potential harm or disruption to individuals or the community will result in more severe fines, as well as additional sanctions.

Student organizations that violate the law and/or the University drug policy are also subject to disciplinary action, up to and including suspension or loss of recognition.

## The Expectation of Responsibility for Alcohol and Drug Related Emergencies

### Fire Safety Policies

1. Tampering with, misuse of, attempt, intent, or conspiracy to misuse or damage firefighting equipment (extinguishers, smoke detectors, alarms, sprinklers, exit signs, etc.) will likely result in disciplinary probation. Violations may also result in loss of campus residency or suspension, plus other disciplinary measures.
2. The intentional misuse of or conspiracy to misuse any fire alarm system will result in suspension, as a minimum.
3. Propping or otherwise tampering with the proper operation of fire doors, or exiting through “emergency exit only” doors in non-emergencies will result in disciplinary action.
4. Students may not disregard a fire alarm or refuse to evacuate a building in which an alarm is sounding, regardless of its nature (drill, false alarm or actual alert). Students who fail to evacuate a building in a voluntary and timely manner will be subject to disciplinary action.

Please refer to the Residence Life policies for additional fire safety regulations concerning on-campus residence halls and apartments.

### Gambling and Sports Wagering

Villanova University expects students to abide by federal and state laws prohibiting illegal gambling and by the University’s Sports Wagering Restrictions policy. Such activity includes, but is not limited to: betting on, wagering on or selling pools on any athletic event; possessing on one’s person or premises any card, book or other device for registering bets; knowingly permitting the use of one’s premises or one’s telephone, computer or other electronic communications device for illegal gambling; knowingly receiving or delivering a letter, package or parcel related to illegal gambling; offering, soliciting or accepting a bribe to influence the outcome of an athletic event; and involvement in bookmaking or wagering pools with respect to sporting events. Students involved in illegal gambling, particularly bookmaking, are subject to suspension or expulsion from the University, and students involved in activities prohibited or restricted by the University’s Sports Wagering Restrictions will be subject to disciplinary action as determined by the University.

Please visit the Policy Library for the University’s [Sports Wagering Restrictions policy](#) and the [Sports Wagering website](#) for more information

### Harm To Others

The following are violations of this Code:

1. Intentionally inflicting or attempting to inflict, or conspiring to inflict bodily harm upon any person or threatening to do the same; or
2. Taking any action for the purpose of inflicting bodily harm; or
3. Taking any reckless, but not accidental, action which results in bodily harm or could result in bodily harm to any person; or
4. Intentionally or recklessly taking any action that would reasonably cause another person to feel threatened, harassed, or otherwise fear for their safety

Actions may include but are not limited to physical gestures, verbal, written or electronic communication, and property damage. Sanctions may range from disciplinary probation plus other disciplinary measures, up to suspension or expulsion from the University.

## Hazing

Hazing is absolutely prohibited. For purposes of this Code of Student Conduct, the term 'hazing' means any intentional, knowing, or reckless action or situation that, for purposes of initiation or admission into or affiliation with an organization, or as a condition for continued or enhanced membership in an organization, endangers the mental or physical health, safety, well-being, or dignity of an individual, or destroys or removes public or private property.

Hazing includes, without limitation:

- Any brutality of a physical nature, such as whipping, beating, branding, forced or coerced calisthenics, or exposure to the elements;
- Brutality of a mental, emotional or sexual nature;
- Forced or coerced consumption of any food, alcohol, drug or other substance;
- Sleep deprivation;
- Forced or coerced exclusion from social contact;
- Forced or coerced conduct which is illegal, indecent, obscene, or could result in extreme embarrassment;
- Any other forced or coerced activity which could adversely affect the physical health, safety, mental health, or dignity of an individual or group;
- Any other conduct prohibited as hazing under applicable State or Federal law.

Any activity as described in this definition shall be presumed to be forced and/or coerced, the willingness of an individual to participate in such activity notwithstanding. Permission or approval by the person being hazed is not a defense.

In the case of individual students, violation of this policy may result in the full range of sanctions under this Code, up to and including suspension or expulsion, as well as removal from the organization, community service, or restitution. In the case of organizations, violations of this policy may result in the full range of sanctions under this Code, up to and including suspension or loss of recognition, as well as community service or restitution. The prohibition against hazing applies to acts conducted on or off campus. For more information please view the University's full [Anti-Hazing Policy, available in the Villanova Policy Library](#)

## Identification

1. In an effort to provide adequate security for the members of the University community, every student must carry an identification card (Wildcard) issued by the University.
2. Upon request, students must provide their I.D. card to authorized personnel, (e.g., Public Safety Officers, Dean of Students Staff, Residence Life Staff, or other University Officials). Students must provide accurate information and must comply with the directions of such officials in the performance of their duties. Furnishing false identification to a University official is likely to result in a minimum sanction of disciplinary probation plus other disciplinary measures.
3. Tampering with or falsification of the student I.D. (Wildcard) is a violation of the Code of Student Conduct. Students found responsible for such a violation are subject to a conduct notice and fine up to disciplinary probation plus other disciplinary measures. Flagrant violations may result in suspension.



4. Students may not lend their physical or mobile I.D. (Wildcard, driver's license or any other form of I.D.) to other students for purposes of falsely identifying that person, meal exchange, library usage or for another person to gain access into a residence hall or University building, or sporting event. Students found doing so are subject to sanctions listed in this Handbook.
5. Possession of an identification card that falsely identifies a student by name, age, date of birth, or photograph is prohibited and may result in disciplinary probation, plus other disciplinary measures.
6. Producing and/or distributing identification cards that falsely identify a person by age, date of birth, or photograph is prohibited and may result in suspension or expulsion.

## Indecent Conduct

Conduct not in keeping with University community standards, including, but not limited to, conduct which is lewd or conduct that a reasonable person would find offensive, affronting, and/or alarming (e.g., streaking, exposing one's private parts, public urination, etc.), or conduct that is a violation of criminal statutes is likely to result in suspension or possible expulsion from the University. Depending on the nature of the incident, indecent conduct may be considered a violation of the University Sexual Misconduct Policy.

## Misuse of Facilities

1. Forcible entry, unauthorized entry, conspiracy or attempt at such entry into any building, student room, structure, facility or roof thereof, will most likely result in disciplinary probation or suspension.
2. Unauthorized entry to or use of University grounds is likely to result in disciplinary probation and other disciplinary measures.
3. Unauthorized use, conspiracy or attempt at unauthorized use, distribution, duplication or possession of any key(s), access code(s) or access card(s) issued for any University building, laboratory, facility, room or elevator will result in disciplinary action.
4. Entry or attempted entry of any University residence hall after closing for breaks or after the scheduled visitation hours, except by residents of the hall through appropriately designated doors, will result in loss of campus residency, suspension, or other disciplinary measures.
5. Propping open or otherwise tampering with any door in an attempt to defeat the closing or locking mechanism, or attempts to circumvent the security of doors may result in restitution, and/or disciplinary or housing sanctions, including the loss of campus residency.
6. All community members are expected to use doors designated as "Exit Only" and "Emergency Exit Only" for only these purposes. Opening 'exit only' doors to provide access will be considered a violation of the Code.
7. Tampering with, in any way, a Wildcard access reader or supporting equipment, (door latches, wiring, alarms and/or security boxes) will result in disciplinary action up to and including suspension, the loss of campus residency, community service, fines and/or responsibility for restitution.
8. The misuse of bath and/or shower rooms is prohibited.

## Non-Discrimination Policy

Villanova University is an equal opportunity employer and educational institution. There shall be no discrimination against any employee, applicant for employment or any student on any basis prohibited by law, including but not limited to, sex, race, color, religion, age, disability, veteran status, national or ethnic origin, sexual orientation, and gender identity or expression. This non-discrimination policy

applies to all University educational and living activities and programs and to all terms and conditions of University employment, including student employment, including but not limited to: recruitment, hiring, training, compensation, benefits, promotions, disciplinary actions and termination. All qualified students are accorded fair and equal opportunity to enter and continue in University employment on the basis of eligibility and qualifications.

The full text of the policy can be found at: [Non-Discrimination Policy](#)

Any violations of this policy or questions about its application should be reported to Mr. Raymond Duffy, the University Affirmative Action Officer and Vice President for Human Resources who also serves as the University's Compliance Coordinator for Section 504 of the Rehabilitation Act, c/o Office of Human Resources, (610) 519-5135, raymond.duffy@villanova.edu.

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## Non-Harassment Policy

It is the University's policy that all employees and students should be able to enjoy and work in an educational environment free from harassment of any nature. Harassment on any basis prohibited by law, including but not limited to, sex, race, color, religion, age, disability, veteran status, national or ethnic origin, sexual orientation, or gender identity or expression, violates this policy. "Harassment" is defined as unwelcome conduct on any such basis prohibited by law, and that is severe or pervasive enough to create an educational or employment environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment includes any such conduct that denigrates or shows hostility or aversion toward an individual or group of individuals, and that has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment.

Any questions regarding this policy should be directed to the Dean of Students Office or the Affirmative Action Officer, Department of Human Resources.

The full text of the policy can be found at: <https://villanova.policytech.com/docview/?docid=1544&public=true>.

Retaliation against someone for bringing a concern forward or cooperating in the investigation of a complaint under this policy is a violation of this policy.

## Off-Campus Expectations

The University prioritizes the holistic education of its students and recognizes that their conduct reflects the character of themselves and the University. Students are expected to understand their responsibilities both as students and as members of the greater community. Accordingly, conduct that occurs both on and off campus is within the [jurisdiction](#) of the Code of Student Conduct.

Therefore, off-campus conduct including but not limited to unruly gatherings, excessive noise, littering, trespassing, public intoxication, as well as other conduct which is disruptive, or which disregards the rights of members of the community, or which violates University policy, constitutes a violation of the Code of Student Conduct. Additionally, any off-campus violation of local, state or federal laws or ordinances constitutes a violation of the Code of Student Conduct. The University also reserves the right to address off-campus reports or concerns, regardless of the initiation of and/or outcome of legal proceedings. Violations may result in the full range of disciplinary sanctions plus other administrative and disciplinary measures.

# Sexual Misconduct

Acts of sexual misconduct are violations of this Code of Student Conduct, and may also constitute Title IX violations and/or crimes. More detailed definitions are set forth in the University [Sexual Misconduct Policy](#) in the Student Handbook, which is incorporated by reference into this Code of Student Conduct. Resources and accommodations are available to individuals who experience sexual misconduct, regardless of whether a formal complaint is filed under this Code.

Sanctions imposed on persons found responsible for acts of sexual misconduct may include the full range of sanctions and measures outlined in the Code of Student Conduct, up to and including expulsion from the University.

# Theft

1. Theft of property or services, attempted theft of property or services, possession of stolen property, or conspiracy to steal will result in sanction(s) ranging from suspension up to and including possible expulsion from the University.
2. The appropriation of, attempt to appropriate, or conspiracy to appropriate University property for private use, including but not limited to such items as dining room equipment, laboratory equipment, furniture or library books, cable, internet, and telephone systems are likely to result in disciplinary probation plus other disciplinary measures, up to and including suspension.
3. The unauthorized use of or attempted use of a Wildcard, Credit Card, Debit Card, Check, or the like to purchase goods or services or to obtain property will result in sanctions ranging from suspension up to and including expulsion from the University.

# Vandalism

Intentionally, recklessly, or negligently, but not accidentally damaging, destroying, defacing or tampering with University property or the property of another are all prohibited, as is the attempt to or conspiracy to damage, destroy, etc. Such conduct is likely to result in disciplinary action up to and including suspension, the loss of campus residency, community service, and/or responsibility for restitution.

Vandalism of University property designed for safety and security purposes (e.g. exit signs) are considered more serious and therefore subject to more severe sanctions, including suspension or loss of campus housing.

# Violation of Residence Life Policies

The University believes that the development of a successful residential community depends on the willingness of its members to commit themselves to the common good of all. At times, this may require students to compromise individual preferences to maintain fairness and civility.

In keeping with that belief, students are expected to understand and adhere to the policies, procedures and regulations listed in the [Residence Life Policies](#). Therefore, conduct including but not limited to disruptive noise, possession of prohibited items, dangerous practices (e.g. tampering with a door locking mechanism), displaying signage, decor or other items in windows, as well as other conduct that violates University Residence Life Policies constitutes a violation of the Code of Student Conduct.

Violations may result in the full range of disciplinary sanctions including warnings, fines and/or restitution, plus other administrative and disciplinary measures. Residence Life Policies may be amended during the course of the academic year as the University deems appropriate.

## **Implementing the Code of Student Conduct**

### Administrative Authority

Maintaining and implementing the Code of Student Conduct is the responsibility of every member of the University community. Students, staff and faculty should, through their conduct, reinforce the ideals expressed by the Code, and encourage every student to do likewise. Administratively, the Dean of Students Office, the Office for Residence Life, and the Department of Public Safety are primarily responsible for assuring compliance with the Code. In most instances, Residence Life staff, the Department of Public Safety, or police jurisdictions will report potential violations of the Code to the Dean of Students Office. The Dean of Students Office is responsible for overseeing student conduct, educating students to appropriate community standards, and assigning sanctions and outcomes for the purpose of resolving student conduct violations. Students will be treated with care and respect and in a non-discriminatory manner throughout the resolution process.

While an alleged violation is being investigated and at any time during resolution of the matter, the University may, in its sole discretion, put in place appropriate administrative measures to ensure the safety and well-being of individuals and the community, to preserve evidence, and/or to maintain the integrity of the Code of Student Conduct process. Failure to comply with any administrative measure(s) and/or directives (e.g.: no contact directive) will be considered a violation of the Code of Student Conduct and may be subject to disciplinary action.

When a complaint is filed and the investigation complete, the procedures set forth in this Code shall constitute the University's grievance and resolution procedures for alleged violations of the Code of Student Conduct. The Special Procedures Governing Sexual Misconduct are located in the Sexual Misconduct Policy.

### The Expectation of Responsibility for Alcohol and Drug Related Emergencies

In keeping with Augustinian values that promote a caring community, the health and safety of students should be of paramount concern for all Villanova community members. As such, Villanova students are expected to exercise active care and concern and contact appropriate authorities in the event of any health or safety emergency, even if violations of the University alcohol or drug policy may have occurred in connection with such an emergency.

Since a student's concern of possible disciplinary action may unnecessarily deter their desire to seek emergency attention for themselves or others, the University has adopted an Expectation of Responsibility to remove barriers for students seeking emergency attention during alcohol and drug related incidents. This Expectation is intended to create an environment where students receive necessary care, and those involved are provided an opportunity for educational follow-up.

## *Expectations*

In situations where someone requires emergency attention during an alcohol or drug related incident on or off campus, all students are expected to:

1. Immediately and proactively contact an appropriate authority (e.g. Public Safety, Resident Assistant, 911) to seek emergency attention.
2. Remain with the individual requiring emergency attention.
3. Fully cooperate with University officials and emergency responders.

## *For Students Who Help Others*

A student who has sought assistance for another and met the Expectations as described above will be exempt from formal disciplinary sanctions for alcohol or drug policy violations related to the incident. The student may still be referred for educational follow-up or other administrative outcomes. Additionally, this policy does not prevent disciplinary action for violations of other University policies and does not prevent action by outside authorities.

## *For Students Who Require Emergency Attention*

A student requiring emergency attention who has received support in accordance with the above Expectations may be referred for appropriate follow-up under the Code of Student Conduct for alcohol or drug policy violations related to the incident. However, the student will typically be exempt from a disciplinary process, except as set forth below. The student may still be referred for educational follow-up, as well as other educational requirements and administrative outcomes. This policy does not prevent disciplinary action for violations of other University policies and does not prevent action by outside authorities.

The Expectation of Responsibility is intended to create an environment where a student who has received emergency attention due to an alcohol or drug related incident will learn from the incident and exercise more responsible decision making in the future. As such, the University reserves the right to sanction students with repeated alcohol or drug related incidents involving the need for emergency attention.

In cases of repeated violations, if applicable, the University will consider whether a student sought assistance for another and may constitute this as a mitigating factor. Therefore, students should always contact an appropriate authority to seek emergency attention.

## *Responding to Additional Violations*

The Expectation of Responsibility does not exempt any student from disciplinary sanctions for violations of other (i.e. non-alcohol or drug) policies related to the incident including, but not limited to, sexual misconduct, physical or mental harm, hazing, disorderly or indecent conduct, failure to comply, theft, dangerous practices, or vandalism. The University reserves the right to sanction students in cases of repeated or egregious violations, or where there may be an ongoing threat to the University community.

## *Student Clubs and Organizations*

Student organizations are expected to take action in emergency situations both on and off campus. An organization's compliance with the above Expectations will be considered a mitigating factor when determining the University's response to an incident that merits disciplinary sanctions for the

organization. In contrast, a student organization's failure to act in accordance with the above Expectations during an emergency situation, or any attempt to conceal such an incident, will be considered an aggravating factor and will undermine their status as a recognized organization.

## Initiating a Complaint

Any person who believes that a student has violated the Code of Student Conduct may file a report with the Dean of Students Office, the Department of Public Safety, or with the Office for Residence Life.

### **Dean of Students Office**

Dougherty Hall  
Room 213  
(610) 519-4200

### **Department of Public Safety**

Garey Hall  
Ground Floor  
(610) 519-6979

### **Office for Residence Life**

Stanford Hall Ground Floor  
(610) 519-4154/4155

The individual filing the report is referred to in this Code as the Reporter. The individual who is alleged to have been subjected to the misconduct is referred to as the Complainant. In some cases, the Complainant and the Reporter may be the same person. The University may act, in its sole discretion, as the Complainant through a designated staff member or members. After the report is made, the Department of Public Safety investigates the report, as necessary. If a complaint is filed, and once the investigation is complete, the Dean of Students and/or their designate (Conduct Review Administrator) will review the complaint and determine whether or not, if proven, the allegations would constitute a violation of the Code. If so, the Complainant will meet with the Dean of Students or the Conduct Review Administrator to review the complaint and to discuss the procedural options for resolution. In cases where it is determined the allegations do not constitute a violation of the Code, supportive and/or educational measures may be implemented at the discretion of the Conduct Review Administrator.

This meeting will take place promptly after a complaint is filed.

The individual complainant could:

1. Request the University to pursue resolution under the Code of Student Conduct; and/or
2. Make a report to the police department with jurisdiction; and/or
3. Make a statement for the record with the Dean of Students Office, Department of Public Safety, or the Office of Residence Life.

The individual Complainant will normally have three business days after this meeting to decide whether or not to request the University to pursue the complaint, although exceptions to this timeline may be granted in the discretion of the University. The University and its Conduct Review Administrators reserve the right to exercise discretion on when and how to resolve a complaint, and in taking disciplinary action under the Code of Student Conduct.

# Procedural Options for Resolution

After a complaint is filed and the investigation is complete, and if the individual complainant and/or the University elect to pursue the complaint, the following procedural options shall constitute the University's resolution processes for alleged violations of the Code of Student Conduct. The University and its Conduct Review Administrators reserve the right to exercise discretion on when and how to resolve a complaint and in taking disciplinary action under the Code of Student Conduct.

Alleged violations of the Sexual Misconduct Policy will be resolved under The Special Procedures Governing Sexual Misconduct.

While an alleged violation is being investigated and at any time during resolution of the matter, the University may, in its sole discretion, put in place appropriate administrative measures to ensure the safety and well-being of individuals and the community, to preserve evidence, and/or to maintain the integrity of the Code of Student Conduct process.

In general, the University does not permit observers, relatives, or legal counsel to participate in a resolution process. Additionally, unauthorized recording of any resolution process is strictly prohibited.

In cases involving non-violent offenses, details about findings, sanctions or other disciplinary outcomes will not be shared with the Complainant. However, reasonable and appropriate supportive and/or administrative measures may be provided to address the Complainant's concerns related to the reported incident, in order to mitigate continued impact, if any, on their educational programs and activities at Villanova.

Consistent with federal regulations, for cases involving an alleged crime of violence, the Complainant will be informed of the final results of the disciplinary proceeding with respect to that alleged crime.

Students with documented disabilities may request reasonable accommodations in order to fully and meaningfully participate in a process by contacting the Dean of Students Office. Students should submit accommodation requests in advance to allow adequate time to review, identify and implement any reasonable accommodations.

## **Non-Disciplinary Resolution Options:**

### Educational Referral

In certain circumstances, the Conduct Review Administrator may refer a student to appropriate University personnel for educational follow-up and resolution of the matter external to the Code of Student Conduct. The Conduct Review Administrator will consider the level of severity and the circumstances surrounding the incident, the prior conduct history of the student(s), and other factors in making this determination. Therefore, no disciplinary sanctions will be imposed. The goal is to educate and deter future violations of the Code of Student Conduct. At a minimum, the educational referral is an opportunity to discuss the short- and long-term impact on the individual and the community, and to promote responsible decision making. Educational Referral includes the Community Living Standards process. Education Referrals are mandatory and failure to comply may result in a referral back to the Conduct Review Administrator for resolution through the procedural options provided in the Code of Student Conduct.

## Alternative Resolution

As Villanova aims to create a culture that addresses and repairs harm, and that promotes well-being and mutual love and respect, the University may elect to resolve certain complaints through alternative resolution options outside of a disciplinary process. Examples of alternative resolution include facilitated dialogue, conflict coaching, mediation, counseling, listening circles, restorative conferences, educational follow-up, and other supportive measures, administrative outcomes, or restorative practices.

The Conduct Review Administrator, in their sole discretion, may utilize alternative resolution for cases deemed appropriate, and involved students are expected to comply with and participate in alternative resolution attempts. The nature of some cases, including but not limited to those involving sexual misconduct, may not be appropriate for alternative resolution.

An alternative resolution process may or may not result in agreement or resolution. At the discretion of the Conduct Review Administrator, if resolution is reached through an alternative resolution process, the matter will be considered resolved. Any outcomes, requirements or agreements reached through alternative resolution will be considered binding and failure to abide may result in disciplinary action. If, after reasonable attempts, the matter is not resolved, the Conduct Review Administrator may elect to resolve the complaint through the other procedural options provided in the Code of Student Conduct.

The Conduct Review Administrator may consult, as needed, with other University officials regarding alternative resolution, and may refer students to appropriate University personnel or third parties to facilitate an alternative resolution process.

## **Disciplinary Resolution Options:**

### Administrative Response

In cases where a violation results in a sanction no greater than a Conduct Notice and/or a disciplinary fine that does not exceed \$150.00, the University may elect to respond to the violation by administratively sanctioning the student and notifying them in writing. Upon receipt of notice of the sanction, the student may request a Conduct Review Meeting if there is any objection to the violation or the imposed sanction.

### Conduct Review Meeting

In cases where the University elects to pursue disciplinary action under the Code of Student Conduct, the Conduct Review Administrator will schedule a Conduct Review Meeting with the accused student (hereafter referred to as the “Respondent”). The Conduct Review Administrator will notify the Respondent in writing of the date, time and location of the meeting, the alleged violation(s) in question, the procedural rights and resolution options available, and the potential sanctions for the alleged violation(s).

At the Conduct Review Meeting, the alleged violations of the Code of Student Conduct are discussed, and the Respondent is afforded the opportunity to review the information which forms the basis for the allegation. If a student fails to respond to notice of a meeting with the Conduct Review Administrator, they may find the student responsible in their absence and sanction the student accordingly, and/or place a hold on the student’s record until the meeting takes place.

During the meeting, students who accept responsibility for the alleged violations will be sanctioned accordingly by the Conduct Review Administrator and will receive notice of the sanction(s) imposed.



Acceptance of responsibility may be rejected by the Conduct Review Administrator in any case that warrants additional investigation. Students who accept responsibility do not waive their right to appeal for review of sanction as outlined in the Code.

When students deny responsibility for an alleged violation, or the facts of a specific incident are in question, the Conduct Review Administrator will determine responsibility for alleged violations by reviewing the complaint in a manner chosen by the Conduct Review Administrator that will endeavor to ensure fairness to all involved. The Conduct Review Administrator will generally follow similar procedures as outlined for a Conduct Review Board when making their determination. Students found responsible by the Conduct Review Administrator will be sanctioned accordingly and will receive notice of the sanction(s) imposed.

In cases where students deny responsibility, or the facts of a specific incident are in question, or where acceptance of responsibility has been rejected by the Conduct Review Administrator, the Conduct Review Administrator may at any time determine in their discretion that due to the seriousness of the potential sanctions, or the nature or complexity of the facts of the case, that it would be beneficial to refer the matter to a Conduct Review Board. The Conduct Review Administrator may consult with appropriate University officials in making this determination.

## Conduct Review Board

As an institution of higher education, Conduct Review Board proceedings are administrative in nature and designed to determine responsibility for alleged violations. As such, the Board's procedures are governed by University policies, not by processes associated with the criminal justice system. A Conduct Review Board (Board) is generally composed of one student and two faculty/staff members. All Boards will have student body representation on them. All members of the Board shall be impartial with no conflict of interest between the Board member and any party. The Conduct Review Administrator, as assigned by the Dean of Students, will facilitate the administrative and logistic needs of the Board and assure orderly proceedings and fairness is observed.

The Conduct Review Administrator will inform the Complainant and Respondent of the Board's procedures and the date and time of the review. The Complainant and Respondent are expected to cooperate fully with the Board. If either party fails to appear at a scheduled proceeding, the Board may proceed without them.

The Complainant and/or the Respondent may challenge the composition of the Conduct Review Board if they believe that a conflict of interest exists with a Board member. The student making this challenge must submit a written request to the Conduct Review Administrator with specific and verifiable documentation. All objections must be raised within three days of receiving notification of the composition of the Conduct Review Board. The Conduct Review Administrator will make the determination whether to replace the Board member. The Complainant and Respondent may not contact members of the Board, or have third parties contact the Board, prior to the convening of the Board.

All proceedings shall be held in appropriate facilities designated by the Conduct Review Administrator and shall be private. The Conduct Review Administrator may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the Complainant, Respondent, and/or other witnesses during the disciplinary proceedings, as determined in the sole judgment of the Conduct Review Administrator to be appropriate.

The University does not permit observers, relatives, or legal counsel for either the Complainant or the Respondent to participate at proceedings or be present during proceedings. Additionally, unauthorized recordings of the proceedings are not permitted.

In Board proceedings involving more than one Respondent, the Conduct Review Administrator, in their sole discretion, may permit the proceedings concerning each student to be conducted either separately or jointly.

The Complainant and the Respondent may present statements concerning the alleged violation and may present relevant witnesses. The witnesses must be identified in advance, and their statements should be included in the investigation conducted by the Department of Public Safety. The Board may consider written statements or other supporting documentation. The Respondent and the Complainant may review all written statements and materials presented to the Board prior to the commencement of the proceedings. During the proceedings, the Respondent, the Complainant and the witness will direct their comments only to the Board. Witnesses will provide information to and answer questions from the Board. Questions may be suggested by the Respondent and/or Complainant to be answered by each other or by other witnesses. In such instances, those questions will be directed to the Board rather than to the witness directly. The Board in its discretion will determine whether or not those questions are appropriate, relevant and not repetitious. This method is used to preserve the educational tone of the proceedings and to avoid creation of an adversarial environment.

Formal rules of evidence shall not apply. In the Board's discretion, evidence, including hearsay, shall be permitted if it is relevant, reliable, not unduly repetitious, and it is the sort of information on which responsible persons are accustomed to rely in the conduct of serious affairs. Evidence of character will not be considered by the Board in making factual determinations.

After all statements and materials have been presented, the Complainant and the Respondent may present final comments to the Board.

Subsequently and in private, the Board will promptly determine by a preponderance of the evidence with a majority vote whether the Respondent has violated the Code of Student Conduct. The Board will make its decision known to the Conduct Review Administrator. The Conduct Review Administrator will promptly convey the Board's decision to the Respondent. The Conduct Review Administrator will then determine the sanction.

The University may maintain such records of the proceedings as the Conduct Review Administrator deems appropriate for the circumstances, which may include findings of fact. If, during the course of the proceedings, further violations of the Code of Student Conduct become apparent, the Board may recommend that such allegations be considered as a separate case.

# Student Procedural Rights and Responsibilities

## **Student Procedural Rights**

In cases where the University elects to pursue resolution under the Code of Student Conduct, the Conduct Review Administrator will utilize the Disciplinary Resolution Options provided in the Procedural Options for Resolution section of the Code of Student Conduct. In the case of a Conduct Review Meeting, the Conduct Review Administrator will schedule a meeting with the accused student (hereafter referred to as the "Respondent"), and will notify the Respondent in writing of the date, time and location of the meeting, the alleged violation(s) in question, the procedural rights and resolution options available, and the potential sanctions for the alleged violation(s).

At the Conduct Review Meeting, the alleged violations of the Code of Student Conduct are discussed, and the Respondent is afforded the opportunity to review the information which forms the basis for the

allegation. If a student fails to respond to notice of a meeting with the Conduct Review Administrator, they may find the student responsible in their absence and sanction the student accordingly, and/or place a hold on the student's record until the meeting takes place.

### **Rights of the Respondent**

1. The right to choose whether or not to participate in disciplinary proceedings, with the understanding that findings and sanctions may be imposed with or without such participation;
2. The right to notice of the allegation that a violation of the Code has taken place and of the factual allegations which form the basis for the complaint;
3. The right to notification of disciplinary proceedings related to the complaint and of prompt time frames anticipated for major stages of the complaint process;
4. The right to a prompt and impartial response and resolution of complaints;
5. The right to have the University or Complainant bear the burden of proof by a preponderance of the evidence;
6. The right to present relevant statements, materials and witnesses during disciplinary proceedings;
7. The right to the opportunity to review all written statements and materials presented at the proceedings;
8. The right to notification of any finding of responsibility;
9. The right to be free from retaliation for participating in the University's investigation and fact-finding process; and
10. The right of appeal consistent with the provisions of this Code.

### **Rights of the Complainant**

1. The right to choose whether or not to participate in disciplinary proceedings;
2. The right to notice of the factual allegations based on any response by the Respondent;
3. The right to notification of disciplinary proceedings and of prompt time frames anticipated for major stages of the complaint process;
4. The right to a prompt and impartial response and resolution of the complaint;
5. The right to have the University bear the burden of proof by a preponderance of the evidence;
6. The right to present relevant statements, materials and witnesses during the disciplinary proceedings;
7. The right to the opportunity to review all written statements and materials presented at the proceedings;
8. The right to notification of the outcome of the complaint, [as set forth herein](#);
9. The right to be free from retaliation for filing a complaint or participating in the University's investigation and fact-finding process; and
10. The right of appeal consistent with the provisions of this Code.

### **Student Procedural Responsibilities**

1. Students are expected to appear for scheduled disciplinary meetings with the Conduct Review Administrator. If a student fails to respond to notice of a meeting, the Conduct Review Administrator may find the student responsible in their absence and sanction the student accordingly, and/or place a hold on the student's records until the meeting takes place.
2. Students are expected to comply with and carry out all conditions of a disciplinary sanction and other outcomes or measures. Failure to comply with a sanction will be considered a violation of the Code of Student Conduct and may result in a more severe sanction than the one already imposed, and/or a hold on the student's record until the sanction is complete.
3. Students identified as potential witnesses to alleged violations of the Code of Student Conduct are expected to participate fully in the process, as appropriate. Students who fail to comply may be in violation of the provisions of this paragraph and sanctioned appropriately.
4. Persons who participate in the conduct review process in any capacity (i.e., Complainant, Respondent, witness, etc.) should be free from harassment, intimidation, undue pressure or other

unfair treatment before, during and after the process. Any conduct that can be reasonably viewed as an attempt to unduly influence the filing of a report, the filing of a complaint, or participation in the conduct review process will not be tolerated. Any adverse treatment of any person that can be reasonably viewed as directly related to their current or prior participation in the conduct review process will not be tolerated.

## Sanctioning

After a finding or acceptance of responsibility, the Conduct Review Administrator will impose sanctions after considering the following:

1. The nature of the violation and the circumstances surrounding it, including the actual or potential impact on the individuals involved and/or the community as a whole;
2. Statements made and/or information presented during the conduct review process;
3. Disciplinary history of the student;
4. Disciplinary precedent;
5. Guidelines in the Code of Student Conduct.

The Conduct Review Administrator, in their discretion, will consider overall severity and any aggravating and/or mitigating factors related to the violation when determining sanctions. Bias-based conduct will be considered an aggravating factor and therefore subject to more severe sanctions. In some cases, cooperation during the incident may be considered a mitigating factor. Additionally, and when appropriate, the Conduct Review Administrator may consider level of intent, demonstrated remorse, and the student's understanding of their impact when determining outcomes.

The Conduct Review Administrator may consult with other University officials as they deem appropriate and may, at times, delay or defer the imposition of any of the following sanctions.

## Sanctions for Violations of the Code

Sanctions serve to reinforce that students are held responsible and accountable for their conduct. This is accomplished by measures whose purposes are to educate and to deter future misconduct, to acknowledge and repair harm inflicted on the community, to provide accountability for one's conduct, and to promote the health, safety and well-being of the individual and community.

Villanova University reserves the right to notify family/legal guardian(s) regarding the disciplinary violations, status, and/or sanctions or outcomes related to their student, to the extent consistent with the provisions of the Family Educational Rights and Privacy Act.

The following sanctions and measures shall comprise the range of official actions which may be imposed for violations of regulations. Any violation of the Code of Student Conduct may result in the full range of sanctions outlined below, and one or more may be imposed in response to a given situation.

# Disciplinary Sanctions

## Non-Reportable Disciplinary Sanctions

The following non-reportable disciplinary sanctions are not disclosed by the University to external third-parties, except when required by law, and provide notice to a student that their conduct is in violation of University policies, and therefore unacceptable. Continuation of similar conduct or future violations will result in more severe sanctions, which may impact a student's disciplinary standing at the University.

### **Conduct Notice**

A Conduct Notice is a written notification to a student that their conduct is in violation of University policy, and that future violations may be cause for additional disciplinary action, including more severe sanctions. This notification typically is delivered via University email and requires no in-person meeting with a Conduct Review Administrator.

### **Conduct Warning**

A Conduct Warning is an official notice to a student that their conduct has violated the standards and expectations of the University. Future violations likely will result in additional disciplinary action, including more severe sanctions.

### **Probationary Warning**

Probationary Warning is an official notice to a student that their conduct has violated the standards and expectations of the University and similar conduct or continued non-compliance with University policy likely will result in Housing Probation, Disciplinary Probation and/or more severe sanctions.

## Reportable Disciplinary Sanctions

The following reportable disciplinary sanctions are disclosed to authorized external third-parties for a stated period of time, in accordance with the Student Conduct and Concern Records Policy, and typically are the outcome of serious or repeated violations of the Code of Student Conduct. These sanctions impact a student's disciplinary standing at the University, and may include other restrictions and/or conditions of membership. Typically, family/legal guardian(s) are notified when a student is issued a reportable sanction.

### **Disciplinary Probation**

Disciplinary Probation is a defined period of time during which a student is not in good disciplinary standing with the University. This sanction serves as an official notice that a student's continued membership at the University is conditional and dependent upon demonstrated and sustained compliance with University policy. Continued violations of University policy or non-compliance with the conditions of Disciplinary Probation will result in more severe sanctions, including suspension or expulsion from the University. Eligibility for certain academic or extra-curricular organizations or programs may be restricted while a student is on Disciplinary Probation.

## **Disciplinary Probation with Loss of Privilege**

Disciplinary Probation with Loss of Privilege is a defined period of time during which a student is not in good disciplinary standing with the University. This sanction serves as an official notice that a student's continued membership at the University is conditional and dependent upon demonstrated and sustained compliance with University policy. Additionally, for the defined period of time, this sanction excludes a student from all extracurricular University privileges, including, without limitation: membership in student organizations; participation and/or attendance in non-academic activities, programs, and events; representing the University in intercollegiate and athletic teams and clubs; holding any elected or appointed office in a University recognized organization; and selection for extracurricular committees or programs. Eligibility for certain academic programs and campus residency may also be restricted. This sanction permits a student to pursue their academic course work and is the strongest sanction short of suspension. Additional violations of University policy or non-compliance with the conditions of this sanction will result in suspension or expulsion.

## **Suspension**

Suspension is a defined period of time during which a student is excluded from class registration, class attendance, residence on campus, use of University facilities, and the award of any degree. Suspended students are not permitted on the campus without prior approval from the Dean of Students Office. Upon completion of the period of suspension, a student will be considered for readmission if:

1. The student is academically eligible for readmission; and
2. The student has complied with all conditions for readmission placed upon the student by the Dean of Students and/or their designate.

Students who are permitted to return to the University following a period of Suspension will automatically be placed on Disciplinary Probation for a designated period of time. Students may also be subject to additional terms or conditions of Probation, including Loss of Privilege, upon their return.

## **Expulsion**

Expulsion is an action which permanently excludes a student from class registration, class attendance, residence on campus, use of University facilities, and the award of any degree. Expelled students are not permitted on the campus for any reason, and those who enter the campus are subject to arrest.

# **Housing Sanctions**

As living on campus is a privilege and not a right, Housing Sanctions typically are issued in cases where a student's conduct has also impacted the residential community. Housing Sanctions may be issued separately or in conjunction with Disciplinary Sanctions. Housing Sanctions are not disclosed to external third-parties, except when required by law.

## Non-Reportable Housing Sanctions

### **Housing Probation**

Housing Probation is a defined period of time during which a student's status as an on-campus resident is conditional and dependent upon demonstrated and sustained compliance with University policy. Future violations will result in more severe disciplinary sanctions, including loss of campus

residency. Additional housing measures may also be issued as a condition of Housing Probation. Typically, family/legal guardian(s) will be notified when a student is placed on Housing Probation.

### **Loss of Campus Residency**

An action which excludes a student from residence on campus, either on a temporary or permanent basis.

### **Additional Housing Measures**

In addition to the housing sanctions above, students may be subject to one or more of the following.

1. **Guest and Visitation Restrictions:** An action which restricts guest and visitation privileges, including a student's ability to host guests in their room/apartment and/or visit other rooms/apartments or residence halls. These restrictions may also impact a student's ability to utilize common lounge space or participate in residence hall activities.
2. **Residence Hall Room Change:** An action which requires a student to vacate their current room/apartment and relocate to another room/apartment and/or residence hall.
3. **Restrictions on Housing Selection:** An action which may exclude a student from participation in a particular housing lottery, or affect their ranking within a particular lottery, or affect eligibility to live in certain residence halls.
4. **Other Administrative Housing Measures,** as appropriate.

## **Additional Outcomes for Violations of the Code of Student Conduct**

In addition to the sanctions above, students may be subject to one or more of the following. These outcomes are not disclosed to external third-parties except when required by law.

1. **Educational Measures:** An action that requires the student to complete an educational activity, project and/or experience as assigned by the Conduct Review Administrator or the Dean of Students. Failure to complete this assignment within a specified period of time may result in additional disciplinary action. These assignments include but are not limited to reflection activities, alcohol and drug education, research and other written assignments, trainings, workshops and other educational programs.
2. **Exclusion from University Property, University Buildings, University Events or Programs, Student Organizations, Intramural or Club Sports, and/or Extracurricular Activities** for a stated period of time.
3. **Fines or Restitution:** Payment by the student of reasonable monetary fines to the Bursar's Office. These monetary payments may be for accountability purposes or for purposes of restitution because of damage to persons or property, or misappropriation of property.
4. **Community Service:** An action that requires a student to give a specific number of hours of uncompensated service to an effort recognized as valuable to the University community. The Conduct Review Administrator will make the particular assignment of duties. The person under whose direction the work is done shall certify to the Conduct Review Administrator when the work has been completed. Failure to complete the service within a specific period of time will result in additional disciplinary action. The Conduct Review Administrator has the discretion to assign work in the community-at-large or on-campus service.
5. **Dean of Students Hold on Records:** A hold may be placed on the academic records of any student who fails to comply with any requirements imposed following a violation of the Code of Student

Conduct. A hold may prevent, among other things, class registration, the release of transcripts, and the award of a diploma. Students who are suspended or expelled from the University are subject to a hold to prevent class registration.

6. No Contact Directive: This is an official notice to a student that they may not communicate or interact with another individual. This directive may prohibit contact of any kind including, but not limited to, in-person, by phone, text message, social media, or any other electronic means. This also includes contact through third-parties.
7. Withholding a Degree: The University may withhold awarding a degree otherwise earned for a stated period or until the completion of the Conduct Review Process set forth in this Code, including the completion of any sanction imposed.
8. Other administrative, supportive, educational and/or restorative measures, as appropriate.

## Appeals

The Dean of Students or their designate (hereafter referred to as the “Dean of Students”) will review appeals for new disciplinary proceedings or a review of sanction. During the appeal process, students may be subject to certain restrictions impacting such things as: class attendance; on-campus housing; participation and/or membership in organizations, athletic events/teams/clubs, and/or extracurricular activities; attendance at University events/functions; and access to University buildings. The Dean of Students may consult with other University officials as they deem appropriate. All decisions made by the Dean of Students are final, including whether or not an appeal is procedurally permitted.

### **A. Appeal for New Disciplinary Proceeding**

The Respondent and the Complainant have the right to file a written appeal for a New Disciplinary Proceeding to the Dean of Students. Appeals for a New Disciplinary Proceeding may be filed only for the following reasons:

1. Material procedural defect in the original disciplinary proceeding
2. Presence of new material evidence that was not available through no fault of the appealing party at the time of the original disciplinary proceeding.

The student filing the appeal must submit a typewritten appeal within two business days of notification of the outcome of the disciplinary proceedings stating the specific reason and justification for the appeal. The Dean of Students will review the appeal promptly and notify the student, who has filed the appeal, of the outcome.

### **B. Appeal for Review of Sanction**

The Respondent has the right to file a written appeal to the Dean of Students where the sanction is expulsion, suspension, or permanent loss of campus residency, and the student filing the appeal believes that the sanction is disproportionate to the offense. Other sanctions are not subject to review. Review of the sanction may occur only after the disciplinary proceedings have been completed and a sanction has been imposed. For the purposes of this sanction review, the Dean of Students will accept as binding the previous decision that the Respondent has violated the Code of Student Conduct.

The student filing the appeal must submit a typewritten appeal within two business days of notification of the sanction stating the reason why the sanction is disproportionate to the offense. They must schedule a date and time to discuss the appeal with the Dean of Students within five business days of notification of the sanction. Parents or guardians are permitted to participate in this discussion. The Dean of Students will review the sanction appeal and advise the student filing the appeal of their decision in writing.



# Special Procedures Governing Sexual Misconduct Proceedings

## STUDENT SPECIAL PROCEDURES GOVERNING PROCEEDINGS INVOLVING ALLEGATIONS OF SEXUAL MISCONDUCT

### IMPLEMENTING THE CODE OF STUDENT CONDUCT

At the conclusion of the investigation and all applicable steps described in the University’s Sexual Misconduct Policy, formal complaints against undergraduate or graduate students will be referred to the Dean of Students Office. The procedures set forth below (“Special Procedures”) shall constitute the University’s Title IX and Sexual Misconduct grievance procedures for addressing alleged violations of the Sexual Misconduct Policy. The University’s full Sexual Misconduct Policy, which outlines the University’s reporting, formal complaint and investigative processes, including requests for disability accommodations related to those processes, can be found at: <https://villanova.policytech.com/docview/?docid=199&public=true9>.

#### 1. FORMAL RESOLUTION PROCESS

##### A. Student procedural rights

- i. Rights of the Respondent
- ii. Rights of the Complainant

##### B. Acceptance of Responsibility

##### C. Formal Resolution Hearing

- i. Notice and Participation
- ii. Consolidation Options
- iii. Hearing Decision-Maker
- iv. Hearing Procedures
- v. Advisors
- vi. Presentation of Evidence at the Formal Resolution Hearing
- vii. Closing Statements and Deliberations
- viii. Determination Regarding Responsibility

#### 2. SANCTIONS

#### 3. APPEALS

- A. Grounds for an appeal
- B. Process to appeal

#### 1. FORMAL RESOLUTION PROCESS

As outlined in the full Sexual Misconduct Policy, when a formal complaint is made, a written Notice of Allegations will be sent to the Complainant(s) and Respondent(s). Such notice will occur as soon as practicable after Villanova receives a formal complaint, absent extenuating circumstances. An investigation by a trained investigator will commence as set forth in the Sexual Misconduct Policy and the parties will be provided with options for informal resolution as outlined in the Sexual Misconduct Policy and formal resolution as outlined below.

At the conclusion of the investigation, the investigator will share all evidence submitted during the investigation, the Investigative Report, and any responses with the Dean of Students Office. Upon receipt of the Investigative Report, the Dean of Students will designate a Conduct Review Administrator who will serve as the primary point of contact for Complainants, Respondents, and their advisors during the Formal Resolution process. The Conduct Review Administrator will oversee the implementation of the formal resolution procedures and issue sanctions if the Respondent is found responsible or admits responsibility for violations of policy.

The Complainant and Respondent will meet with the Conduct Review Administrator separately to discuss next steps in the formal resolution process and review the Student Procedural Rights. This meeting will take place promptly after the matter has been referred to the Dean of Students.

If a student fails to respond to notice of a meeting with the Conduct Review Administrator, the resolution process may proceed in their absence.

If a Respondent chooses to withdraw from the University subsequent to the filing of a formal complaint, the University may elect to continue with the grievance procedures in their absence and may take appropriate steps to restrict access to campus and/or University programs or place appropriate holds on student records.

If the Complainant and/or the Respondent intend to have their Advisor (as defined below) accompany them to any meetings with the Dean of Students or the Conduct Review Administrator, they must provide the name and contact information of the Advisor to the Dean of Students or the Conduct Review Administrator at least three (3) business days prior to the initial meeting. If the same Advisor accompanies the party to subsequent meetings, additional notification is not required. Any change in Advisor must be communicated in advance of any scheduled meetings.

The University does not permit unauthorized observers, as determined by the University, to attend or participate in any meetings, hearings or other proceedings as part of the resolution process. Additionally, unauthorized recording of any such meetings and/or proceedings is strictly prohibited.

## **A. Student Procedural Rights**

### **i. Rights of the Respondent**

1. The right to choose whether or not to participate in the grievance procedures, with the understanding that findings may be made and sanctions may be imposed with or without such participation;
2. The right to notice of the allegations;
3. The right to notification of the grievance procedures;
4. The right to review all directly related evidence and the investigative report;
5. The right to a prompt and impartial response and resolution of complaints;
6. The right to be presumed not responsible until found otherwise;
7. The right to have the University bear the burden of proof by a preponderance of the evidence;

8. The right to present relevant statements, materials and witnesses during grievance procedures;
9. The right to have an Advisor of choice throughout the process or appointed by the University, free of charge, for the purposes of conducting cross-examination of the other party and witnesses during a conduct hearing;
10. The right to have available at the hearing all relevant evidence and the investigative report;
11. The right to have an Advisor conduct live cross-examination of any witnesses and/or the Complainant;
12. The right to written notification of:
  - a. any finding of responsibility
  - b. findings of fact supporting the determination
  - c. statement of and rationale for the result as to each allegation
  - d. any disciplinary sanctions imposed
  - e. any remedies provided to the Complainant
13. The right to be free from retaliation regardless of participation in the University's grievance process; and
14. The right of appeal consistent with these Special Procedures.

## **ii. Rights of the Complainant**

1. The right to choose whether or not to participate in grievance procedures, with the understanding that findings may be made with or without such participation
2. The right to notice of the allegations;
3. The right to notification of the grievance procedures;
4. The right to review all directly related evidence and the investigative report;
5. The right to a prompt and impartial response and resolution of the complaint;
6. The right to have the University bear the burden of proof by a preponderance of the evidence
7. The right to present relevant statements, materials and witnesses during the grievance procedures;
8. The right to have an Advisor of choice throughout the process or appointed by the University, free of charge, for the purposes of conducting cross-examination of the other party and witnesses during a conduct hearing
9. The right to have available at the hearing all relevant evidence and the investigative report;
10. The right to have an Advisor conduct live cross-examination on any witnesses and/or the Respondent

11. The right to written notification of:
  - a. any finding of responsibility
  - b. findings of fact supporting the determination
  - c. statement of and rationale for the result as to each allegation
  - d. any disciplinary sanctions imposed
  - e. any remedies provided
12. The right to be free from retaliation for filing a complaint or participating in the University's grievance process; and
13. The right of appeal consistent with the provisions of these Special Procedures.

## **B. Acceptance of Responsibility**

At any point following a formal complaint, a Respondent has the option to accept responsibility.

Following the acceptance of responsibility, the Respondent will be sanctioned accordingly by the Conduct Review Administrator utilizing the sanctioning considerations outlined below. Acceptance of responsibility may be rejected by the Conduct Review Administrator. The Conduct Review Administrator will provide all parties written notice of the sanction(s) imposed. Acceptance of responsibility does not waive the right to appeal as outlined below.

## **C. Formal Resolution Hearing**

Formal Resolution hearings are designed to determine responsibility for alleged violations. As such, the procedures are governed by University policies consistent with federal and state law.

The Conduct Review Administrator, as assigned by the Dean of Students, will facilitate the administrative needs of the hearing and will be present during the hearing to provide assistance.

### **i. Notice and Participation**

The Conduct Review Administrator will provide the Complainant and Respondent with a written notice of the hearing. The notice will include: the specific policy violations that will be the subject of the hearing; the date, time, and location of the hearing; the name of the Hearing Decision-Maker; how to challenge participation by the Hearing Decision-Maker on the basis of conflict of interest or bias; and information regarding procedural steps consistent with these Special Procedures and the Sexual Misconduct Policy.

The Complainant and Respondent are expected to cooperate fully during the hearing. If either party fails to appear at a scheduled hearing, the hearing may proceed without them.

### **ii. Consolidation Options**

In situations involving a formal complaint against multiple Respondents, where the allegations against each Respondent arise from the same set of facts or circumstances, the Conduct Review Administrator, in consultation with appropriate University officials, will determine whether the hearing concerning each Respondent will be conducted either separately or jointly.

In situations involving multiple formal complaints pending against the same Respondent, the University has discretion to consolidate the hearings where the incidents arise out of the same facts or circumstances. The University also has discretion, but not the obligation, to solicit and consider the input of the parties regarding the consolidation of hearings. If, during the course of the hearing, further violations of the Code of Student Conduct become apparent, the decision-maker may recommend that such alleged violations be investigated and resolved as a separate case.

### **iii. Hearing Decision-Maker**

The hearing will be conducted by a fair and impartial Hearing Decision-Maker, who will conduct an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. The Hearing Decision-Maker may be a Villanova University faculty or staff member, or an external professional, as determined by the Conduct Review Administrator.

Any individual serving as a Hearing Decision-Maker will be free from conflicts of interest and bias for or against either party, and trained on the definitions of sexual misconduct, including sexual harassment, the scope of the University's education program or activity, how to conduct a hearing, how to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and how to serve as an informed and impartial decision-maker. Training for Hearing Decision-Makers will include training content provided to investigators, as well training on any technology to be used at a live hearing and on issues of relevance of questions and evidence.

The Complainant and/or the Respondent may challenge the Hearing Decision-Maker if they believe that an actual conflict of interest or bias exists. The party making this challenge must submit a written request to the Title IX Coordinator with specific and verifiable information or documentation. All objections must be raised within five (5) business days of receiving notification of the appointed Hearing Decision-Maker. The Title IX Coordinator will make the determination whether to replace the Hearing Decision-Maker. The Complainant and Respondent may not contact the Hearing Decision-Maker or have third parties contact the Hearing Decision-Maker, prior to the hearing.

### **iv. Hearing Procedures**

Hearing Decision-Maker shall ask questions, run the hearing, make determinations on procedural issues, make findings of responsibility, make findings of fact supporting any determination of responsibility, and compile a written Determination Regarding Responsibility including a statement of and rationale for the result as to each allegation.

All hearings shall be held in an appropriate venue as determined by the Conduct Review Administrator and shall be private. The Conduct Review Administrator can provide for the hearing to occur virtually with technology that enables the parties to appear remotely from separate locations. The University

does not permit unauthorized observers, as determined by the University, to attend or participate in any meetings, hearings, or other proceedings as part of the resolution process. Additionally, unauthorized recording of any such proceedings is strictly prohibited.

The University will create and maintain a transcript of the hearing which, when complete, will be made available to the parties and their advisors.

Disruptive, threatening, intimidating, or uncivil behavior by the parties or their advisors will not be tolerated. Violations will normally result in a warning being issued by the Hearing Decision-Maker, or the Conduct Review Administrator. Repeated violations may result in offending party being asked to leave the hearing and the hearing may continue in their absence.

#### **v. Advisors**

A Complainant, and/or a Respondent participating in a Formal Resolution Hearing must be accompanied by an Advisor. This can be an Advisor of their choosing or, if the party does not have an Advisor or their Advisor is unavailable, a University-appointed Advisor provided free of charge for the sole purpose of facilitating cross-examination of the other party and witnesses. The Advisor may, but need not be, an attorney. If the party's Advisor of choice for the hearing is different from the Advisor attending previous meetings with the Conduct Review Administrator, the party must inform the Conduct Review Administrator of the change. This notification must be in writing, a minimum of five (5) business days in advance of the hearing and include the name and contact information for the Advisor.

A party's Advisor of choice may provide support and advice to their advisee at any meeting and/or hearing. With the exception of the advisor's cross-examination during a hearing, they may not speak on behalf of their advisee or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or hearings. The Advisor will offer no testimonial evidence or answer questions on behalf of their advisee; the Advisor may not conduct direct examination of their advisee; and the advisor may not present opening or closing remarks. The Advisor, and not the Complainant or Respondent, will conduct cross-examination of any witness in compliance with the hearing's procedures and the University's policies and procedures.

Advisors may ask to suspend any meetings, interviews, or hearings briefly to provide consultation; the University retains the discretion to deny such requests if they are excessive, burdensome, or otherwise unreasonable. The University may remove or dismiss advisors who do not abide by the restrictions on their participation or who are otherwise disruptive. An advisor may be asked to meet with the Title IX Coordinator in advance of any meetings or hearings to receive and acknowledge the University's overview of the policy, expectations of the role, privacy considerations, and appropriate decorum.

An advisor should plan to make themselves reasonably available for all meetings and hearings. Villanova will not intentionally schedule meetings or hearings on dates where the advisors for all parties are not available, provided that the advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules. Villanova's obligations to investigate and adjudicate in a prompt timeframe applies to matters governed under the University's Sexual Misconduct Policy and the University cannot agree to extensive delays solely to accommodate the schedule of an Advisor. Villanova will not delay a meeting or hearing under the Sexual Misconduct Policy for more

than five (5) business days due to the unavailability of an advisor and may offer the opportunity to obtain a different advisor or utilize one provided by Villanova. An advisor is entitled to review all information gathered in the investigation that is directly related to the allegations (as part of evidence review), to access to the investigation report, and to cross-examine the other party and all witnesses during the hearing.

#### **vi. Presentation of Evidence at the Formal Resolution Hearing**

The Complainant and the Respondent, may present:

- opening and closing statements concerning the alleged violation(s);
- relevant documentation and other evidence gathered during the investigatory process;
- relevant witnesses identified during the investigatory process.

The Respondent and the Complainant and their advisors may review all evidence and the investigative report provided to the Hearing Decision-Maker prior to the commencement of the hearing and have all evidence and the investigative report available to them during the hearing.

Formal rules of evidence shall not apply. In the Hearing Decision-Maker's discretion, evidence, shall be permitted if it is relevant, reliable, not unduly repetitious, and it is the sort of information on which responsible persons are accustomed to rely in the conduct of serious affairs.

During the hearing, the parties and witnesses will provide information to and answer questions from the Hearing Decision-Maker. Except for cross-examination by the Advisor, the Respondent, the Complainant, the Advisors and the witnesses will direct their comments and/or questions only to the Hearing Decision-Maker. The Hearing Decision-Maker may consider statements of all parties and witnesses, regardless of their participation in the hearing. Before any questions are answered, the Hearing Decision-Maker will determine if the question is relevant. Questions that are determined to be irrelevant, duplicative of those already asked or harassing in nature and tone may be disallowed.

In general, the following types of evidence and questions are not relevant:

- Evidence and questions about the Complainant's sexual predisposition or prior sexual history unless:
  - Such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
  - The questions and evidence concern specific incidents of the Complainant's prior sexual history with respect to the Respondent and are offered to prove consent.
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.
- Any party's medical, psychological, and similar mental health records unless the party has given voluntary, written consent.

In addition, credible evidence regarding other reports of, or findings of responsibility for, similar conduct by the Respondent may also be deemed relevant to prove motive, intent, absence of mistake, pattern or another material fact. Similarly, prior or subsequent conduct of a Complainant, even when it involves conduct that may violate University policy, may be considered when relevant.

Any party seeking admission of prior sexual history and/or evidence of other misconduct, or seeking to challenge such evidence, must do so in writing: by advising the investigator during the investigatory process; and/or by advising the Conduct Review Administrator at least 3 business days in advance of the hearing. The written notice shall set forth the evidence the party is seeking to introduce and the relevancy of such information.

The Hearing Decision-Maker will make the determination as to the admissibility of this information or questions and will instruct all parties accordingly regarding any limit in scope or admissibility.

### **vii. Closing Statements and Deliberations**

After all statements and materials have been presented, the Complainant and the Respondent may present final comments to the Hearing Decision-Maker. Subsequently and in private, the Hearing Decision-Maker will deliberate to determine by a preponderance of the evidence whether the Respondent has violated University policy.

After the Hearing Decision-Maker has reached a determination as to responsibility, the Conduct Review Administrator will determine the appropriate sanction, as outlined below.

### **viii. Determination Regarding Responsibility**

The Conduct Review Administrator will simultaneously provide the written Determination Regarding Responsibility to all parties. The Determination will include:

1. Alleged violations of the Code of Student Conduct;
2. A description of the procedural steps taken from the filing of the formal complaint;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section(s) of the Code of Student Conduct, if any, the Respondent has or has not violated.
5. For each alleged violation:
  - a. A statement of, and rationale for, a determination regarding responsibility;
  - b. A statement of, and rationale for, any disciplinary sanctions determined by the Conduct Review Administrator (as outlined below) imposed on the Respondent; and
  - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to Villanova's education program or activity will be provided by the University to the Complainant; and
6. Procedures and the permitted reasons for the parties to appeal as outlined below, including the name of the Appeal-Decision Maker

Appropriate documentation will be maintained as required to allow the University to comply with applicable law.

## **2. SANCTIONS**

After the finding or admission of responsibility, the Conduct Review Administrator will impose sanctions after considering the following:

1. The nature of the violation and the circumstances surrounding it;



2. Impact on the individuals involved and/or the community as a whole;
3. Statements made or evidence presented in the investigative report and/or hearing;
4. Prior disciplinary record of the student;

The Conduct Review Administrator may consult with other University officials as they deem appropriate.

Sanctions serve to reinforce that students are held responsible and accountable for their behavior. This is accomplished by measures to educate, to deter future misconduct and to provide consequences for one's actions.

Villanova University reserves the right to notify parent(s)/legal guardian(s) about the disciplinary status of their student, to the extent consistent with the provisions of the Family Educational Rights and Privacy Act.

Disciplinary sanctions comprise the range of official actions which may be imposed for violations of the Code of Student Conduct. Any violation of the Code of Student Conduct may result in the full range of sanctions outlined in the [Sanctioning](#) section of the Student Handbook, and one or more may be imposed in response to a given situation.

### **3. APPEALS**

Both parties have the right to appeal the final determination of responsibility and/or the resulting sanction. The trained Appeal Decision-Maker, who may be a Villanova faculty or staff member or external professional, as determined by the Dean of Students, will review appeals. The Appeal Decision-Maker's responsibility will be strictly limited to determining the issues on appeal. The Appeal Decision-Maker may consult with other University officials as they deem appropriate and all decisions made by the Appeal Decision-Maker are final, including whether or not an appeal is procedurally permitted.

During the appeal process students who have received a disciplinary sanction may be subject to certain restrictions, impacting such things as: class attendance; on-campus housing; participation and/or membership in organizations, athletic events/teams/clubs, and/or extracurricular activities; attendance at University events/functions; and access to University buildings.

#### **A. Grounds for Appeal**

The Respondent and the Complainant may request an appeal based only on one or more of the following grounds:

##### **Appeal of the Determination as to Responsibility:**

1. Material Procedural Irregularity that affected the outcome of the matter;
2. New Relevant Evidence that was not reasonably available at the time of determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or

3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a Conflict of Interest or Bias for or against an individual Complainant or Respondent, or for or against Complainants or Respondents in general, that affected the outcome of the matter. The appeal must specify the basis on which the party believes there is an actual conflict of interest or bias that affected the matter.

### **Appeal for Review of Sanction:**

4. The sanction(s) imposed were disproportionate to the violation(s).

### **B. Process to Appeal**

As part of the written Determination of Responsibility, the Conduct Review Administrator will provide the parties with the name of the Appeal Decision Maker to whom appeals are submitted. The Respondent and the Complainant may request an appeal within seven (7) business days from the time of notification of determination and access to the hearing transcript. Appeals must be submitted to the Appeal Decision-Maker in writing and:

- Be from and signed (physical or electronic) by the Complainant or Respondent;
- Consist of a concise and complete statement no more than eight (8) single spaced pages (including attachments) utilizing 12-point font;
- Set forth one or more appropriate grounds for appeal as listed above.

If the appeal does not articulate appropriate grounds for appeal, it will be denied and both parties notified. If the appeal does articulate appropriate grounds for appeal, the Appeal Decision-Maker will notify both parties of the filing of the appeal. Each party will be given the opportunity to review and respond, in writing, to the other party's appeal. This response must be submitted within five (5) business days of the notice of the filing of an appeal. Any written response to an appeal will also be shared with the other party. No further written submissions will be permitted.

The Appeal Decision-Maker will promptly review the written appeal submissions and responses (if any) and any other materials relevant to the appeal, which may include: the investigative report, hearing transcript, and the Determination of Responsibility, and notify the parties of the outcome.

1. Appeals based on appropriate grounds of a Material Procedural Irregularity, New Relevant Evidence, or Conflict of Interest or Bias, will be resolved, as outlined below, prior to addressing any Appeals for Review of Sanction.
  - a. **Material Procedural Irregularity** – if found, and depending on the nature of the procedural error, the matter may be heard by a new Hearing Decision-Maker or the Appeal Decision-Maker may remand the matter to the original Hearing Decision-Maker for further deliberation to remedy the error ;
  - a. **New Relevant Evidence** – if found, the matter will be remanded to the original Hearing Decision-Maker for reconsideration in light of the new evidence;
  - b. **Conflict of Interest or Bias** – if found, the matter will be remanded for further deliberation consistent with the appellate finding.

Remedies for appeals based on the grounds listed above do not include automatic dismissal of the case or a unilateral determination of responsibility by the Appeal Decision-Maker.

2. Appeals for Review of Sanction will be heard subsequent to the resolution of any Appeals for Material Procedural Irregularity, New Relevant Evidence, or Conflict of Interest or Bias (if submitted). If the appeal is determined to be based on appropriate grounds for Review of Sanction, the Appeal Decision-Maker will accept as final and binding the previous decision that the Respondent has violated the Code of Student Conduct. Each party will be given the opportunity to separately meet and discuss their appeal for review of sanction and/or their response to the other party's appeal with the Appeal Decision-Maker. Each party may be accompanied by their advisor who may not participate in the discussion. Parents and guardians are permitted to participate in this discussion. The voluntary meeting will normally be scheduled within ten (10) business days of the original appeal being filed.

Within approximately ten (10) business days, the Appeal Decision-Maker will issue a written decision notifying the parties of the result of the appeal and rationale for the result.

## **SEXUAL MISCONDUCT COMPLAINT PROCEDURES FOR COMPLAINTS AGAINST FACULTY OR STAFF**

Complaints of sexual misconduct against faculty or staff governed by special procedures outlined in the University's [Sexual Misconduct Policy](#).

# Extraordinary Procedures

In exceptional circumstances, including circumstances which may involve sexual misconduct, the University may have an obligation to act before a disciplinary proceeding can be held, or to postpone its own hearing in favor of some other course of action. In such cases, the following procedures may apply:

### **A. Hold On Records**

At any time after a possible violation of the Code of Student Conduct comes to the attention of the University, the University may place a 'Hold' on the academic records of a student in order to preserve the status quo pending the outcome of proceedings under the Code of Student Conduct. A Hold may prevent, among other things, registration, the release of transcripts, and the award of a diploma.

### **B. Pending Criminal Or Civil Proceedings**

The University may proceed under the Code of Student Conduct regardless of possible or pending civil claims or criminal charges arising out of the same or other events. The University shall determine the appropriate timing for proceeding against a student who also faces related charges in a civil or criminal tribunal. If the University defers proceeding with a case against a student facing related charges in a civil or criminal tribunal, the University may subsequently proceed under the Code of Student Conduct irrespective of any time limitations set forth elsewhere in the Code. In the event a student is suspended in accordance with this Code's interim suspension provisions and the University defers proceeding under the conditions described in this paragraph regarding pending civil claims or criminal charges, the interim suspension may continue in place pending the outcome of the pending civil claims or criminal charges and the University's subsequent proceedings under the Code of Student Conduct.

Students who plead guilty, plead nolo contendere, or who are found guilty of violating State, Federal or Local law, are in violation of this Code, and the University may, in its discretion, impose sanction(s)

without an additional disciplinary proceeding. Students retain the right to appeal only the sanction consistent with this Code. Students found not guilty, or cases where criminal charges are dismissed, or cases where students are accepted for the Accelerated Rehabilitative Disposition (ARD) program or similar such programs are still subject to the provisions and procedures of the Code of Student Conduct.

### **C. Interim Suspension**

A student may be suspended on an interim basis when, in the judgment of University officials:

1. An individual poses a threat to themselves or the community; or
2. The student has been charged with a crime of a serious nature; or
3. The University determines there is a reasonable basis to believe the student has committed a serious violation of the Code of Student Conduct.

If an individual has been suspended because they pose a threat to themselves or the community, and if the behavior will not be pursued by the University as a violation of the Code of Student Conduct, the Dean of Students (or their designate) will meet with the individual to determine the appropriateness of returning to the University.

If the behavior will be pursued by the University as a violation of the Code of Student Conduct, then a disciplinary proceeding in accordance with the procedures outlined in the Code of Student Conduct will be held as soon as possible to determine the final outcome of the case, except where the University defers proceeding in light of pending civil claims or criminal charges as described in Section (B) above.

When in the judgment of University officials there is reasonable basis to believe a student may have committed a crime of a serious nature or a student is alleged to have committed a serious violation of the Code of Student Conduct (except for cases involving complaints of sexual assault, sexual harassment and other sexual misconduct), the student may be suspended on an interim basis for a period of up to 90 days in order to await the determination of the Complainant and/or local governmental authorities as to whether criminal charges or Code of Student Conduct charges will be brought against the student Respondent. If criminal charges are not initiated within the 90-day period, the provisions of Section (B) regarding Pending Criminal Proceedings shall apply.

For cases involving complaints of sexual assault, sexual harassment and other sexual misconduct, the University, after considering all the circumstances, shall determine the appropriate timing for placing a student on an interim suspension and proceeding against such student.

## Student Organization Procedural Options for Resolution

Students who choose to participate in student organizations are given a special trust as representatives of Villanova. Accordingly, students who choose to represent the University as members of an organization commit to additional standards of accountability. Student organizations, their officers, and their members may be held collectively and/or individually responsible for violations of the Code of Student Conduct and/or the specific regulations governing student organizations.

Additionally, at the University's discretion, an organization may be found responsible for violations committed by one or more individual students under appropriate circumstances including, but not limited to any of the following:

- When the violation reasonably appears related to an activity of the organization, where sponsorship by the student organization was either official or reasonably implied;

- When organizational members (including new and uninitiated members), leaders, and/or alumni enable, endorse, or encourage the conduct that led to the violation, or reasonably should have known that the conduct would occur and fail to take preventive or corrective action;
- When the violation occurs on property leased, rented, owned, or otherwise controlled by the organization and/or members or alumni;
- When organizational funds are used to finance the activity which resulted in the violation, and/or if members or alumni contribute personal funds in lieu of organizational funds;
- When the student organization attempts to conceal or withhold information regarding the misconduct of individual students.

For purposes of this Code of Student Conduct, a student organization is any club, team, chapter, society, committee, or otherwise organized group of students, the organizational purpose and official status with the University notwithstanding.

### **Student Organization Procedural Resolution for Violations of the Code of Student Conduct**

When a student organization is alleged to have violated the Code of Student Conduct, the matter will be reviewed by the Dean of Students Office and the organization will typically be referred to the University office that oversees the organization for administrative resolution of the matter. The overseeing office will generally follow the resolution process outlined in the Co-Curricular Student Organization Policy. Should the circumstances warrant, the overseeing office reserves the right to take appropriate administrative action, up to and including the revocation of recognition. At any time, the organization may be referred to the Dean of Students Office for disciplinary resolution under the Code of Student Conduct. The overseeing office and the Dean of Students Office may consult with other University officials as needed during this process.

For disciplinary resolution under the Code of Student Conduct, the student organization will be represented by the current president of the organization or appropriate designee. The current president or designee will meet with the Conduct Review Administrator who will explain the rights and options available as well as describe potential sanctions for the alleged violation in question. Student organizations suspected of a Code violation that accept responsibility for their conduct as documented will be sanctioned accordingly by the Conduct Review Administrator and receive notice of the sanction(s) imposed. Acceptance of responsibility may be rejected by the Conduct Review Administrator in any case that warrants additional investigation.

Student organizations that accept responsibility do not waive their right to appeal for review of the sanction as outlined in the Code.

When student organizations suspected of a Code violation deny responsibility or the facts of a specific incident are in question, the Conduct Review Administrator will review the matter in a manner chosen by the Conduct Review Administrator that will endeavor to ensure fairness to all involved, and will generally follow the procedural options outlined in the Code of Student Conduct.

The Conduct Review Administrator may determine in their discretion that due to the seriousness of the potential sanctions, or the nature or complexity of the facts of the case, it would be beneficial to have a proceeding before a Conduct Review Board.

Student organizations in violation of University rules and regulations are subject to a maximum sanction of termination of recognition from the University, or any lesser sanction, including but not limited to, restriction or suspension of the privilege to sponsor and/or promote programs/events, the loss of funds allocated by the University, removal of leadership or members, restitution for damages, and loss of facilities use.

Additionally, fraternity and sorority chapters in violation of the University policy are subject to a maximum sanction of termination of recognition from the University or any lesser sanction, including but not limited to, denial of new member recruiting and education privileges, restitution for damage,

loss of facilities use, and restriction or suspension of the privilege to sponsor and/or promote programs/events. In all cases where applicable, the national sponsoring organization will be sent a written notification of sanctions imposed.

Student organizations have the right to appeal as outlined in the Code of Student Conduct. The Dean of Students will review appeals in cases where the sanction is termination of recognition or suspension of recognition, and the student organization believes that the sanction is disproportionate to the offense. Other sanctions are not subject to review.

# Student Conduct and Concern Records Retention and Disclosure

## 1. Retention of student conduct and concern records

As a general rule, student conduct and concern records are retained by the University until the end of the academic year that is seven years after the date of the incident, or for the period of time in which a corresponding sanction is disclosable, whichever is longer. The University reserves the right to retain student conduct and concern records for a longer period of time when the University deems necessary or appropriate. For cases resulting in a student's disciplinary separation from the University (i.e. expulsion), the records are kept indefinitely. The University may also keep records of student conduct matters that remain unresolved or pending at the time a student left or withdrew from (or otherwise ceases enrollment with) the University.

## 2. Disclosure of student conduct and concern records

Disclosure of student conduct and concern records to external third-parties will only be in accordance with applicable laws and regulations and the Student Records Policy (which is included in the Student Handbook). Student conduct and concern records are considered separate from all other University records and are not included on an academic transcript, except in cases where the awarding of a completed degree is withheld or revoked. Disclosure of specific disciplinary action or referral and the corresponding violation(s) will follow the below guidelines, subject to the additional disclosures discussed below:

1. Non-Reportable Disciplinary Sanctions (Conduct Notice, Conduct Warning, and Probationary Warning), Housing Sanctions, referrals for educational follow-up, cases where no sanction was imposed and the corresponding violation(s) are not disclosed, except when required by law.
2. Sanctions of Disciplinary Probation and the corresponding violation(s) will be disclosed for one (1) year after completion of the sanction. Students may petition the Dean of Students Office to terminate third-party disclosure at graduation in cases where the one-year disclosure period extends beyond the anticipated graduation date. This option is only available for sanctions of Disciplinary Probation and will only be considered within 90 days of the anticipated graduation date.
3. Sanctions of Disciplinary Probation with Loss of Privilege and the corresponding violation(s) will be disclosed for two (2) years after completion of the sanction
4. Sanctions of Suspension and the corresponding violation(s) will be disclosed for five (5) years after completion of the sanction.
5. Sanctions of Expulsion and the corresponding violation(s) will be disclosed indefinitely.
6. Additional disciplinary measures are not disclosed, except when required by law. However, the withholding or revocation of a degree pursuant to this Code shall be noted on a student's academic transcript until such time as the degree is awarded.

While the University only discloses sanctions and violations in accordance with these guidelines, students are encouraged to be forthright with a prospective employer, educational institution, or licensing authority regarding the student's conduct while enrolled at the University.

Notwithstanding the disclosure guidelines above, consistent with applicable laws and regulations:

- The University reserves the right to notify parent(s) or legal guardian(s) about (1) the disciplinary status of their student or (2) a health or safety concern related to their student.
- The University may also indefinitely report matters involving allegations of violations of the Code of Student Conduct that are unresolved or pending at the time a student left or withdrew from (or otherwise ceases enrollment with) the University.
- Student conduct and/or concern records may be shared internally with University personnel having a legitimate educational interest, including but not limited to, University Athletics, R.O.T.C., Fraternity and Sorority Life, and the Health Professions Advising Office to be used in the preparation of the Health Professions Advisor Evaluation, and disclosures required pursuant to Title IX.
- For cases involving: (1) a serious or continuing threat, an alleged crime of violence, or sexual offenses, certain information may be disclosed to the community and/or law enforcement and to the complainant, or (2) a Title IX disciplinary process, information regarding the findings and sanctions will be disclosed to both complainant(s) and respondent(s).