

Undergraduate Student Handbook

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Article III: Proscribed Conduct

Saint Mary's College of California

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ARTICLE III: PROSCRIBED CONDUCT

A. Jurisdiction of the Code of Conduct

The Code shall apply to conduct that occurs on campus, at College sponsored activities, and to off-campus conduct that adversely affects the College environment and/or the pursuit of the College community's objectives. Each student shall be responsible for his/her conduct from the time of enrollment for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Dean of Students, or designee, shall decide whether the Code shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

Students are expected to conduct themselves as mature and responsible members of the campus, local, and any community in which the student resides while a student at Saint Mary's College of California. This policy also applies to students studying abroad, either in a program sponsored by Saint Mary's College of California, or otherwise. As such, students are responsible for upholding all federal, state and city laws and ordinances, including those related to noise, traffic, parking, zoning and consumption of alcohol. Students may also be found in violation of the Good Neighbor Policy as listed in this Handbook. In addition, as responsible members of society, students are expected to foster an atmosphere that nurtures positive educational pursuits, the development of understanding and tolerance of those with different cultural and political points of view and an environment that encourages responsible behavior in the community.

Discipline may be imposed if: 1. The off-campus conduct is specifically prohibited by law or the Code of Student Conduct; 2. The off-campus conduct demonstrates that the continued presence of the student on campus presents a danger to the health, safety, or welfare of the campus community, is disruptive to the orderly conduct, processes and functions of the College, or is intimidating or threatening to the campus community or member of the campus community; or 3. The off-campus conduct is of such a serious nature that it adversely affects the students' suitability to remain a part of the campus community.

B. Conduct—Rules and Regulations

Students are subject to disciplinary sanctions when acting contrarily to the general principles outlined in the Code's Preamble. Included are violations of any College policy, rule, or regulation published in hard copy or available electronically on the College website or violation of any federal, state or local law. The commission, aiding, abetting, attempting, inciting, and/or complicity in of any of the following constitutes an offense for which a student or student organization may be subject to the student discipline process. This list does not define misconduct in exhaustive terms and may not describe all potential violations. Examples of specific incidents of contrary action are outlined below.

1. Dishonesty

Acts of **dishonesty**, including but not limited to the following:

- a. Furnishing false information to any College official, staff or faculty member, or department.
- b. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
- c. Possessing or distributing unauthorized College keys.

2. Disruptive Conduct

All members of the College community are entitled to be a part of and are responsible for maintaining an environment of civility that fosters respect, peace, self- dignity, tolerance, and freedom of expression. Therefore, the community expects that students will avoid **disruptive conduct** that includes, but is not limited to action that impairs, interferes with or obstructs the orderly conduct, processes and functions of the College and covers acts and attempted acts, regardless of whether the act or attempt was deliberate and whether the potential outcome was intended.

- a. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities either on or off campus.
- b. Self-destructive conduct that may endanger not only the person acting in that manner, but also impacts the entire community. The College will take into account factors that impact or cause such conduct including, but not limited to, suicidal ideation, threats or attempts, eating disorders and cutting and other self- mutilation.
- c. Interference with the freedom of movement or speech of any person or guest of the College.
- d. Interference with the rights of others to enter, use or leave any College facility, service or activity, or inappropriate or disruptive behavior in the classroom.
- e. Intentional misuse, disabling of or tampering with any fire alarm, firefighting or safety equipment or issuing, falsely or not, a bomb threat or other warning of impending disaster is prohibited.
- f. Hindering another's exit or failing to exit during an alarm or evacuation or intentionally starting or attempting to start a fire on campus is prohibited.

3. Disorderly Conduct

The College endeavors to be a community that nurtures the growth and development of all of its members, demonstrates respect for one another, is sensitive to differences, and engages in interactions based on a standard of fairness. Therefore, the community expects that students will avoid conduct that is **disorderly** in nature which subsequently threatens, harms or interferes with members of the College community, including but not limited to, conduct such as:

- a. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
- b. Violence, being unruly, disturbing the peace and/or fighting.
- c. Public intoxication.
- d. Indecent or obscene conduct, whether on or off campus, including, but not limited to, in person communication, third party communication, and/or electronic communication.
- e. Hosting guests who act in a disorderly or disruptive manner.
- f. Aiding, abetting, or procuring another person to breach the peace on campus or at functions sponsored by, or participated in by, the College or members.
- g. Conduct toward another student and/or employee that has the observable effect of unreasonably interfering with that individual's ability to work or to participate in the educational benefits at the College.

4. Damage to Property, Vandalism and Unauthorized Use

College community members are expected to respect College property, the private property of other members of the College community and the property of the larger community in which we live. **Damage to property, vandalism and unauthorized use** includes, but is not limited to:

- a. Damaging, vandalizing or tampering with property owned, operated or controlled by the College or one of its members (i.e. students, faculty, staff or visitor) is prohibited. The theft, attempted theft, or the unauthorized use or possession of property or services owned or controlled by an individual or the College regardless of location.
- b. The entry of, or attempt to enter, any College owned or operated building or facility without authorization or a legal right to do so, or except with such authority or right, against the will of the occupant or the individual in charge of the building or facility. Unauthorized presence on, in or within any building or property owned or operated by the College, including roofs, balconies or other areas that are not designated as acceptable.
- c. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College campus.

5. Illegal Drugs

The sale, use, possession, manufacturing, or distribution of **illegal drugs**, or being under the influence of controlled substances or illegal drugs, and/or the sale, use, manufacturing or distribution of drug paraphernalia, except as permitted by law or College policy (refer to Alcohol & Other Drugs Policy).

6. Sale, Use, Possession, Distribution, or Under the Influence of Alcohol

The sale, use, possession, or distribution of alcohol or being under the influence of **alcohol**, except as permitted by law or College policy (refer to Alcohol & Other Drugs Policy).

7. Intimate Partner Violence, Non-Consensual Sexual Contact, Sexual Assault, Sexual Misconduct, and Stalking

Engaging in non-consensual sexual conduct with another person as defined in the College's *Policy Prohibiting Discrimination, Harassment, Sexual Assault, Sexual Misconduct, and Retaliation (including intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking)* is a form of discrimination prohibited not only by these policies, but, also, by the law (refer to Title IX policy).

8. Hazing

Defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The expressed or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.

9. Weapons and Explosives

Knowledge of or the possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item in a manner that harms, threatens or causes fear to others.

- a. **Weapons** include, but are not limited to, studded wristbands, nunchakus, firearms, replica weapons, knives, swords, air-powered guns (including, but not limited to, paintball guns, BB guns, and CO₂ guns), Stun guns, Tasers or any object that normally would not be considered a weapon, but by alteration, modification or redesign, or by intended use, would be readily recognized or considered as a weapon by any reasonable and prudent person.
- b. **Explosives** include, but are not limited to, firecrackers, ammunition, and fireworks.
- c. All weapons and explosives will be impounded and are subject to forfeiture without reimbursement or return to the person from whom they were confiscated.

10. Illegal Gambling

Engaging in illegal **gambling** activities as defined by federal, state, or local law, is prohibited. Using College owned or controlled technology equipment for gambling is prohibited.

11. Abuse of Technology

Any abuse of computer facilities and resources, including but not limited to any violation of the College's **Technology Policy**.

12. Failure to Comply

Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

13. Misuse of the Student Discipline Process

Misuse of the discipline process may result in additional disciplinary fines and include, but are not limited to:

- a. Failure to comply with notice from a College official to appear for a meeting or hearing as part of the student discipline process.
- b. Falsification, distortion, or misrepresentation of information before any College official.

- c. Disruption or interference with the orderly conduct of a student discipline hearing proceeding.
- d. Institution of a Code proceeding in bad faith.
- e. Attempting to discourage an individual's proper participating in, or use of, the Code process.
- f. Attempting to influence the impartiality of a College official, a Disciplinary Hearing Board panel member, or a Peer Conduct Council panel member prior to, and/or during the course of, the student discipline hearing proceeding. Harassment (verbal or physical) and/or intimidation of a College official, a Disciplinary Hearing Board panel member, or a Peer Conduct Council panel member prior to, during, and/or after a student conduct code proceeding.
- g. Failure to comply with the sanction(s) imposed under the Code.
- h. Influencing or attempting to influence another person to commit an abuse of the student discipline process or other College policy.

14. Retaliation and/or Violation of Interim Protections

Threats or other forms of intimidation and/or retaliation against a student or employee for bringing a complaint of any alleged discrimination, harassment (including intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, or stalking) or of any other violations of College policies, including but not limited to the Student Code of Conduct, are prohibited. This prohibition includes threats or other forms of intimidation and/or retaliation against the family or friends of a student or employee who brings a complaint under this policy, or those who assist a student or employee in bringing a complaint, or those who participate in an investigation and/or student discipline process for an alleged violation of the Student Code or other College policy. Retaliation is a violation of College policy and may also be a violation of the law. Interim protections mean steps the College takes to reasonably protect employees and students during an investigation and/or student discipline process.

C. Violation of Law and College Discipline

The College's student discipline process is applicable to conduct which occurs on College owned or controlled premises or at activities which the College sponsors or recognizes (including, but not limited to, off-campus sanctioned events, sporting activities, study abroad, and travel), off-campus conduct between or among the College's students, or any activity of which the Dean of Students, or designee, has notice and in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred. Therefore, the student discipline process may be activated, at the discretion of the College, for alleged violations which occurs off-campus and when such actions by its students might adversely affect other students enrolled at the College or individuals visiting the College campus, the interests of the College community, the pursuit of College objectives and/or the surrounding community.

When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also being processed under the Code, the College may advise off-campus authorities of the existence of the Code and of how such matters are administratively handled within the College community. The student discipline process is separate from, and will proceed without regard to, any criminal or civil proceedings. Consistent with the College's obligations under applicable law, the College will attempt to cooperate with law enforcement and other agencies in their enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not