

# Student Handbook

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## College & Student Life Policies

Saint Mary's College of California

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## *College and Student Life Policies*

### *Alcohol and Other Drugs*

Saint Mary's College is an educational and social community within which students, faculty, staff, alumni, and their guests interact in a wide variety of activities. The Saint Mary's College Alcohol and Other Drugs (AOD) Policy is intended to allow the responsible and legal use of alcohol under certain conditions (noted below) for those 21 years of age and over, and to prohibit the use of illicit and illegal drugs. This Policy seeks to promote an atmosphere conducive to the pursuit of learning, and applies to all individuals associated with the College including students, faculty, staff, alumni, and guests. Additionally, private sponsors and their guests who use the College facilities are required to comply with this Policy.

Although California state law permits the recreational use of cannabis for persons over 21 as of January 1, 2018 and as of November 2016, permits the use of medical cannabis, i.e. use by persons possessing lawfully issued cannabis cards, Saint Mary's College acts in accordance with

federal law, specifically the Drug Free Schools and Community Act of 1989(DFSCA). Thus Saint Mary's College expects students and their guests to abide by federal laws that prohibit use, distribution, or consumption of cannabis on campus by anyone of any age for any reason. Cannabis is not allowed on Campus property including Campus Housing nor is it permitted at any College sponsored events or activities off campus.

*The use, possession, or cultivation of cannabis for medical purposes is therefore not allowed in any College housing or any other College property; nor is it allowed at any College sponsored event or activity off campus.*

### **Health Risks Associated with the Use of Alcohol and Other Drugs**

Some of the health risks associated with alcohol and other drug use are specified below.

1. **Alcohol:** Contrary to popular belief, most college students do not drink alcohol excessively. Many have never consumed alcohol and others choose to drink moderately, or not at all. Individuals should consider the consequences and make responsible decisions when it comes to the use of alcohol.

You do not have to be an alcoholic to have a drinking problem. One night of excessive drinking can result in alcohol poisoning. On average, your body can only process one ounce of alcohol per hour (approximately one regular-sized drink). Drinking too much too quickly raises your blood alcohol content to the point where your body cannot effectively process alcohol, leading to overdose and possibly coma or death.

When you drink too much, your capacity to process information and make safe decisions is impaired. This places you at an increased risk for sexual assault and other violent behavior, exposure to sexually transmitted diseases, driving under the influence, and physical injury. Misusing alcohol can also have a negative impact on academic success, work performance, friendships and family relationships.

Numerous health risks are associated with drinking. Alcohol intensifies the effects of over-the-counter medications or other drugs, which may cause physical damage to the body. Long-term excessive drinking can lead to a variety of health problems such as: decreased brain function; impaired sensation, perception, coordination, reflexes, and judgment; memory lapses or blackouts, organ damage, and addiction. Research indicates that adult children of alcoholics have as much as a four to six times greater risk of becoming an alcoholic or having a problem with other drugs.

2. **Cannabis:** Immediate effects of THC (cannabis's active ingredient) vary greatly with the person, setting, dose, and expectation of the user. Cannabis can make it harder to function and succeed in an academic setting particularly when tasks require close attention and thoughtful decision-making. Using cannabis may impair your short-term memory, reading comprehension, and capacity to solve verbal and mathematical problems. Uncomfortable feelings such as paranoia and panic are often experienced with cannabis. Additionally, regular use may lead to a motivational syndrome consisting of listlessness, fatigue, inattention, withdrawal and apathy making it rather difficult to achieve your academic and personal goals.

Coordination is greatly affected by cannabis use since it slows reflexes and impairs visual perception. Driving while under the influence (or being driven by someone else under the influence) can be as dangerous as driving under the influence of alcohol. Regular use can lead to a variety of health problems such as elevated blood pressure and decreased body temperature; irritation of the mouth, throat, and lungs, and aggravation of asthma, bronchitis, and emphysema; chronic lung disease and cancer. Additionally, cannabis can lead to a positive drug test for as long as three months after your last use.

3. **Tobacco:** The ingestion of nicotine through cigarette smoking is highly toxic, addictive, and can result in emphysema and cancer. Emphysema destroys the lung's capacity to expand and contract which causes decreased oxygen intake leading to organ damage. Smoking has been linked to cancers of the lung, mouth, throat, pancreas, cervix, kidney, and bladder. Smoking cigarettes can also affect the health of non-smokers. Environmental tobacco smoke contains many of the toxic substances the smoker inhales. Alternatives to cigarettes such as chewing tobacco, snuff and e-cigarettes are not safe. They are highly addictive, contain more nicotine than cigarettes and can cause rapidly-spreading cancers of the mouth, head, and neck. E-cigarettes contain additional harmful ingredients including: ultrafine particles that can be inhaled deep into the lungs. Flavorings such as diacetyl, a chemical linked to serious lung disease and volatile organic compounds. California State Law prohibits the purchase or distribution of tobacco products to individuals under the age of 21.

4. **Ecstasy (MDMA):** Although Ecstasy (MDMA) has been publicized as a "feel good" designer drug, it is actually a hallucinogenic-amphetamine that can lead to a variety of physical problems such as cardiac difficulties, dangerously high body temperature, severe thirst and heat exhaustion, sensory distortion and heightened arousal. Even with limited use, it can permanently alter serotonin levels in your brain, which can increase the risk of chronic depression.

5. **Steroids:** Anabolic steroids are synthetic versions of the male hormone testosterone. Used medically to supplement normal hormonal levels after injury or disease, others use steroids to increase muscle mass, reduce body fat, and enhance endurance. Steroid use can lead to a variety of health problems such as: liver disease and cancer; testicular atrophy, breast reduction, failure of secondary sex characteristics, sexual dysfunction, sterility, impotence, or fetal damage; acne, growth problems, or bone fusion. Psychological problems include aggression, violence, and uncontrolled anger ("roid rage"), rapid mood swings, and psychotic episodes.

6. **Cocaine:** Cocaine is a potent drug with effects that begin almost instantly. Cocaine use can lead to many health problems, such as damaged nasal tissues, kidney damage, or stroke; diseases of the lung, heart, and blood vessels; malnutrition, cardiac arrhythmia, convulsions, seizures, suppression of respiration, or sudden death. Psychological difficulties include intense anxiety and anger, restlessness, fear, paranoia, depression, and hallucinations. The effects of increased adrenaline fade fast resulting in a desire for more which increases the risk of repeated use and addiction

7. **LSD:** LSD dramatically alters normal mental and emotional processes. Initial effects are mostly physical: dilated pupils, muscular weakness, rapid reflexes, decreased appetite, and increased blood pressure and body temperature. Subsequently, LSD scrambles your brain chemistry, significantly distorting thought and sensation which results in unusual or frightening hallucinations. LSD can trigger more serious problems for individuals with a history of

emotional difficulties or psychological problems. Effects may recur days or weeks later without further use (flashbacks).

8. **Amphetamines:** Amphetamines speed up the brain and nervous system. Even limited use can lead to many physical and emotional effects including increased heart rate and blood pressure; heart, brain, and lung damage, chronic fatigue and malnutrition. Psychological effects include anxiety, depression, mood swings, hallucinations, paranoia and psychosis.

9. **Heroin:** In recent years the potency of heroin has increased making it easier to achieve similar effects without injection. This has led to more individuals experimenting by snorting and smoking heroin. Regardless of the type of use, tolerance increases quickly resulting in a rapid addiction process as well as heightened physical cravings. Heroin use can lead to many physical effects such as: drowsiness and loss of appetite, addiction with severe withdrawal symptoms, impaired mental functioning, slowing of reflexes and physical activity; infection, hepatitis, and HIV (from needle sharing), or death from overdose.

10. **Predatory Drugs:** These drugs are given to another person without their awareness of it, usually by slipping them into a drink. Rohypnol, better known as roofies, is a potent tranquilizer that is notorious for its use in sexual assaults. It is usually slipped into a drink, rendering the person helpless and immobile. Sedation occurs 20 to 30 minutes after administration and leaves the person feeling drowsy, dizzy, and disoriented. In addition to these sedative effects, impaired balance and/or speech, and memory loss are common.

Like Rohypnol, GHB has also been associated with sexual assault. In its clear liquid form, it can easily be slipped into someone's drink undetected. Effects of the drug can be felt in 15-20 minutes and also include dizziness, heavy drowsiness, and confusion. Some people use GHB to enhance the effects of alcohol or other drugs. This combination can be especially life-threatening. GHB use can lead to a variety of physical problems such as dizziness, nausea, breathing problems, memory loss, seizures, unconsciousness, and in some cases, death.

Originally used as an animal tranquilizer, ketamine is now used as a club drug due to its hallucinogenic effects. Many serious negative effects can result from use including vomiting, numbness, and loss of muscle control, paranoia, and aggression. In larger doses, effects may include convulsions, decreased oxygen to the brain, coma and even death. Individuals who use ketamine are at increased risk for sexual and physical assault since their loss of muscle control and mental state makes them unable to combat assault.

11. **Prescription Drugs:** The misuse or abuse of prescribed medication is illegal and is increasing in our society. This form of drug abuse can have dire consequences, especially when combined with other common recreational/prescribed drugs or alcohol. If you or someone you know has physical pain or emotional suffering, we urge you to see your doctor so that your condition can be accurately diagnosed and properly treated. To use medications outside their intended use can cause unintended damage to health or even death.

### **Alcohol and Other Drugs Educational Programs and Resources for Assistance**

Saint Mary's College strives to create a campus environment that minimizes risks associated with alcohol and other drug use. In order to promote the wellbeing of the College community, and in compliance with the Drug-Free Schools and Communities Act (34CFR Part 86, Subpart B, 1989), educational programs regarding alcohol and other drugs are provided. These programs

address problems associated with alcohol and other drug misuse, coping with peer pressure, risk reduction, development of healthy lifestyles, stress management, and identifying and helping others with alcohol and other drug problems.

The College offers services to students regarding issues related to alcohol and other drug use. Those concerned about a person's life and health relative to alcohol and other drug use are urged to seek available resources. Students are encouraged to seek assistance from Counseling and Psychological Services and the Health and Wellness Center for evaluation and/or referral. Information obtained regarding a student during participation in such programs or services will be treated as confidential, in accordance with federal and state laws.

### **Information/Referral Services Alcohol and Other Drugs:**

#### On Campus

[Mission and Ministry](#) 925-631-4366

[Counseling and Psychological Services](#) 925-631-4364

[Dean of Students](#) 925-631-4238

[Health and Wellness Center](#) 925-631-4254

[Public Safety](#) 925-631-4282

[Community Life](#) 925-631-4238

[Residential Experience](#) 925-631-4236

[Student Involvement and Leadership](#) 925-631-4704

[Student Life](#) 925-631-4235

#### Community Resources

[Al-Anon](#) 925-932-6770

[Alcohol Beverage Control](#) 510-622-4970

[Alcoholics Anonymous](#) 925-939-4155

[Marijuana Anonymous](#) 510-287-8873

[Moraga Police Department](#) 925-376-2515

[National Institute on Drug Abuse](#)

[Substance Abuse and Mental Health Services](#)

### **Legal Statutes**

Students, faculty, staff, administration, alumni, and guests of Saint Mary's College are responsible for the observance of applicable laws and local ordinances or codes with respect to alcoholic beverages and illegal drug use. In accordance with the Drug-Free Schools and Communities Act of 1989, the [applicable federal laws are available online](#) as well as the [California Statutes](#) and [Local ordinances](#).

### ALCOHOL REGULATIONS - PROHIBITED CONDUCT

Students and their guests are expected to abide by the Code, this Policy and state and local laws/ordinances relative to the possession, consumption and distribution of alcoholic beverages.

Alleged violations of the following regulations will initiate the student discipline process:

1. Persons who are under 21 years of age may not possess or consume any alcoholic beverage or possess alcoholic beverage containers, full or empty, anywhere on campus, including in a residence hall room for the purpose of decoration. Underage students who are in locations where other underage persons are consuming or possessing alcohol will be considered to be in violation of this policy even if they do not have alcohol on their person.
2. Persons who are 21 years of age or older may possess and consume alcohol in their residence hall room and/or in the common area of their lower townhouse apartment when all residents are 21 years of age or older. These persons who are 21 years of age or older may not offer, give, provide or otherwise make alcohol available to anyone underage or to an obviously intoxicated person.
3. Alcohol may not be possessed or consumed in any public area of campus unless at a College sponsored activity at which alcohol is served in accordance with the guidelines provided for in this Policy. A public area is defined as those areas of the campus that are readily accessible to students, faculty, staff and guests. Public areas include, but are not limited to, lounges, lobbies, stairwells, balconies, hallways, roofs, classrooms, parking lots, courtyards, and outside areas.
4. The possession of kegs, "party-balls," "beer bongs," "beer pong tables," or similar common-source or oversized containers is not permitted on campus unless at a College sponsored activity at which alcohol is served in accordance with the guidelines provided for in this Policy. A common-source of alcohol is also defined as a quantity of alcohol more than can be responsibly consumed by an individual.
5. Violating this Policy, including but not limited to being in an intoxicated state by a student and/or their guest while on-campus or by a student attending or participating in off-campus College sponsored/affiliated events is prohibited.
6. Driving a motor vehicle after having consumed alcohol is prohibited.
7. Disorderly conduct, property destruction, violations of the rights of a roommate, intimidation or other infringements of the rights of others as a result of alcohol use is prohibited. Intoxication or alcohol abuse is not an excuse for unlawful behavior or violations of the Code or other College policies.
8. Alcohol is not permitted at athletic events or in/on College athletic facilities unless at a College sponsored activity at which alcohol is served in accordance with the guidelines provided for in this Policy.
9. Students and/or their guests may not furnish or attempt to furnish false information regarding their age and/or identity in order to possess or consume alcohol.

### **College Responses for Alcohol**

The responses outlined below are the potential outcomes for the violations listed. It should be noted that the Dean of Students or designee may determine alternative and/or additional responses are warranted on a case by case basis including parental notification.

**Category I** (*Any one of the conditions listed constitute a violation of this section of the Code*):

- a) Underage possession or consumption of alcohol.
- b) Possession or consumption in public; being present at a location where alcohol is being consumed and where it is a violation to possess alcohol.
- c) Furnishing or attempting to furnish false information regarding age and/or identity.
- d) Possession of a “beer bong,” “beer pong table” or other alcohol related paraphernalia.
  - i. **First Offense:** education project or program; and written warning.
  - ii. **Second Offense:** education project or program; written warning or probation; and \$50.00 fine.
  - iii. **Third Offense:** education project or program; probation or stayed suspension or suspension; stayed residence hall suspension or residence hall suspension; and \$100.00 fine.

**Category II:** (*Any one of the conditions listed constitute a violation of this section of the Code*). Regardless of age, student exhibits any of the following behaviors while under the influence of alcohol:

- a) Intoxication, disorderly conduct, verbally disruptive or abusive, fist fights, vomiting but coherent and conscious.
- b) Providing alcohol to an underage or obviously intoxicated person.
- c) Possession of kegs or other common source or over-sized containers.
- d) Consumption of large quantities of alcohol regardless of physical appearance.
  - i. **First Offense:** education project or program; written warning or probation; and \$50.00 fine.
  - ii. **Second Offense:** education project or program; probation or stayed suspension; stayed residence hall suspension or residence hall suspension; and \$100.00 fine.
  - iii. **Third Offense:** education project or program; stayed suspension or suspension or expulsion; residence hall suspension or residence hall expulsion; and \$150.00 fine.

**Category III** (*Any one of the conditions listed constitute a violation of this section of the Code*). Regardless of age, student exhibits any of the following behaviors:

- a) Vomiting and/or incoherent, unconscious, needed or received medical attention (including treatment by EMTs and/or transport to hospital, and/or including treatment at College sponsored events), loss of control of bodily functions, memory loss.
- b) A pattern of alcohol abuse.
- c) Driving a motor vehicle after the consumption of alcohol.
  - i. **First Offense:** education project or program; probation or stayed suspension; stayed residence hall suspension or residence hall suspension; and \$100.00 fine.
  - ii. **Second Offense:** stayed suspension or suspension or expulsion; residence hall suspension or expulsion; and \$150.00 fine.

### ILLEGAL DRUGS REGULATIONS - PROHIBITED CONDUCT

*The College reserves the right to confiscate, retain, and dispose of/destroy any and all drug related items regardless of value or ownership.*

Alleged violations of the following regulations will initiate the student discipline process:

1. The possession, use, sale, distribution or manufacture of any controlled substance, illegal drug and/or drug paraphernalia or the association with gatherings involving such possession, use or distribution is prohibited. Drug paraphernalia includes, but is not limited to, bong, pipes, hookahs, water pipes, “whip- its,” and roach clips. Students who are in locations where any controlled substance and/or illegal drug is being used will be considered in violation of this Policy even if they do not have the substance and/or drug on their person.
2. Possession of large quantities (28.5 grams or more) and/or the actual or attempted sale, distribution, cultivation or manufacture of any controlled substance, illegal drug and/or drug paraphernalia is prohibited.
3. The illegal use of or misuse/abuse of prescription or other legal drugs is prohibited.
4. Driving a motor vehicle after having used any illegal drugs or controlled substances is prohibited.
5. All illegal drugs or controlled substances and paraphernalia will be impounded and are subject to forfeiture without reimbursement or return to the person from whom they were confiscated.

### **College Responses for Illegal Drugs**

The responses outlined below are a list of potential outcomes for these violations. It should be noted that the Dean of Students or designee may determine alternative and/or additional responses are warranted on a case by case basis including parental notification

#### **Category I** (*Any one of the conditions listed constitute a violation of this section of the Code*):

- a) Possession of drug paraphernalia or objects that could be used as drug paraphernalia.
- b) Being in a location where controlled substances and/or illegal drugs are present.
  - i. **First Offense:** education project or program; and written warning.
  - ii. **Second Offense:** education project or program; written warning or probation; and \$50.00 fine.
  - iii. **Third Offense:** education project or program; probation or stayed suspension or suspension; stayed residence hall suspension or residence hall suspension; and \$100.00 fine.

#### **Category II** (*Any one of the conditions listed constitute a violation of this section of the Code*):

- a) Possession and/or use of any controlled substance or illegal drug regardless of quantity, including seeds and/or residue.
- b) Illegal use of or misuse/abuse of prescription or other legal drugs.
  - i. **First Offense:** education project or program; written warning or probation; and \$50.00 fine.
  - ii. **Second Offense:** education project or program; probation or stayed suspension; stayed residence hall suspension or residence hall suspension; and \$100.00 fine.

- iii. **Third Offense:** education project or program; stayed suspension or suspension or expulsion; residence hall suspension or residence hall expulsion; and \$150.00 fine.

**Category III** (*Any one of the conditions listed constitute a violation of this section of the Code*):

- a) Possession of a large quantity (28.5 grams or more) and/or the actual or attempted sale, distribution, cultivation or manufacture of any controlled substance, illegal drug and/or drug paraphernalia.
- b) Driving a motor vehicle while under the influence of illegal drugs or controlled substances.
  - i. **First Offense:** education project or program; probation or stayed suspension; stayed residence hall suspension or residence hall suspension; and \$100.00 fine.
  - ii. **Second Offense:** stayed suspension or suspension or expulsion; residence hall suspension or expulsion; and \$150.00 fine.

#### GUIDELINES FOR EVENTS WHERE ALCOHOL WILL BE AVAILABLE

All events at which students may be in attendance (sponsored by any campus constituency) and alcohol is served must be registered and/or approved through Student Involvement & Leadership (SIL). Please contact SIL at 925-631-4704 for information. The Alcohol Registration Form can be found at <https://www.stmarys-ca.edu/student-life/planning-events/serving-alcohol-at-events>.

The 1928 Pub and Athletics Facilities approved to serve alcohol are not included in these guidelines.

#### **Definitions**

**Student Organizations:** A student organization is defined as a group of students that is registered under a department or chartered under Associated Students/Student Involvement & Leadership. These groups/organizations must have a defined relationship with the above mentioned groups and structured officer positions. They must also have staff/faculty advisory support as well as more elaborate/complex activities and initiatives in conjunction with the College's mission.

**Trained/Certified Bartender:** A trained and certified bartender is someone that has gone through a course in serving alcohol. The bartender should be knowledgeable in pouring alcohol responsibly, understand liquor laws, uses appropriate glassware, and utilizes proper hygiene practices.

*\*Note: The College's Food Service provider is able to provide a trained and certified bartender. Inquire with their catering department for costs associated with this service.*

#### **For Student Sponsored Events**

Only student organizations as defined in this document may sponsor events where alcohol is served. The sponsoring organization must submit a request to serve alcohol to Student Involvement & Leadership (SIL) a minimum of ten (10) business days prior to the proposed event date (late proposals will NOT be considered). Only beer or wine may be served at student-

sponsored events. Distilled liquor in any form is not permitted. The sponsoring organization's advisor must be present for the duration of the event to serve as the on-site event manager. This person may not consume any alcohol or other drugs prior to or at the event and is responsible for monitoring compliance with the Alcohol and Other Drugs Policy.

For all student-sponsored events, alcohol must be served by trained and certified bartenders as well as served and consumed in a specific area designated for persons 21 and older. Designated areas accessible to the public and underage students must have clear and non-penetrable barriers (i.e. double barriers). Only one (1) drink may be served at one time. No more than three drinks may be served to a student at any given event. Tabled wristbands must be used at all events serving alcohol. Wristbands can be purchased from Student Involvement & Leadership or through a SIL approved vendor. Sponsoring organizations are responsible for all costs associated with the event including, but not limited to, bartenders, barricades and wristbands.

Food and non-alcoholic beverages must be available at the event and a reasonable portion of the budget must be designated for this purpose. Non-alcoholic beverages must be attractive, and displayed with equal prominence as the alcoholic beverages.

The amount of alcoholic beverages and food items available at an event is to be appropriate for the expected number of guests and duration of the event as determined by Student Involvement and Leadership. Oversized containers (including, but not limited to, kegs, party balls, or beer trucks) may be allowed at student-sponsored events only with the approval of the Director of Student Involvement and Leadership and the Assistant Dean of Students.

Alcoholic beverages may not be served during or after the last hour of any student-sponsored event. The hours and timing of the event will be determined in consultation with Student Involvement and Leadership.

Student Involvement and Leadership has the right to alter or redefine, as a condition of approval, any of the above regulations as they relate to a specific department or organization. If, at any time, the well-being of the community members is deemed to be threatened, appropriate and prompt action will be taken by the College.

### **Private-Closed Events**

A private-closed event is a student-sponsored event that is not open to the public and must meet the following criteria:

- The sponsoring organization conducts presales for event entrance.
- A minimum fee of five dollars (\$5) must be charged for event entrance.
- A minimum of two staff (including the advisor) for events expecting less than 50 guests (for every additional 20 guests expected, an additional staff member will be required).

### **Public Events**

A public student-sponsored event is for student participation only, but takes place in a public space and allows for the purchase of tickets at the entrance of the event and must meet the following criteria:

- A minimum fee of five dollars (\$5) must be charged for entry (presales are acceptable as well).
- A minimum of 2 staff (including the advisor) for events expecting less than 50 guests (for every additional 20 guests expected, an additional staff member or public safety officer with qualifying training will be required).

Anyone who is displaying indicators of intoxication may not be served or permitted to consume, alcoholic beverages at any event. Identification must be checked by entry monitors prior to being served alcohol and must consist of valid government-issued identification, and, for Saint Mary's College students, a Saint Mary's College student ID card. Students of legal age are required to wear wristbands during the event.

The hours and timing of the event will be determined in consultation with Student Involvement and Leadership. Student Involvement and Leadership has the right to alter or redefine, as a condition of approval, any of the above regulations as they relate to a specific department or organization. If at any time, the well-being of the community members is deemed to be threatened, appropriate and prompt action will be taken by the College.

#### **For Faculty/Staff/Administration Sponsored Events**

College departments (academic or administrative) may sponsor events where alcohol will be served and where students will be present. The sponsoring department must submit an Alcohol Service Form to Student Involvement and Leadership (SIL) ten (10) business days prior to the event. This document lists the sponsor(s) of the event and requires acknowledgment of understanding and agreement to adhere to College policies and procedures as well as approval from the department chair, dean of the school or appropriate Vice President/Vice Provost.

#### **Criteria to host events:**

- The sponsoring department must have a faculty or staff member present for the duration of the event to serve as the on-site event manager.
- A minimum of two 2 staff (including the advisor) for events expecting less than 50 guests (for every additional 20 guests expected, an additional staff member will be required).
- This person may not consume any alcohol or other drugs prior to or at the event and is responsible for monitoring compliance with the Alcohol and Other Drugs Policy, obtaining the necessary one-day permit through the California Department of Alcohol Beverage Control (only if alcoholic beverages will be sold), and possessing the permit at all times during the event.
- No individual who is displaying indicators of intoxication may be served or permitted to consume, alcoholic beverages at any event.
- Identification must be checked by entry monitors prior to being served alcohol and must consist of a valid driver's license, passport, or official California identification card, and, for Saint Mary's College students, a Saint Mary's College student ID card. Students of legal age are required to wear wristbands during the event.

If the event involves students under the age of 21, alcohol must be served by trained and certified bartenders and served and consumed in a specific area designated for persons 21 and older. Only one (1) drink may be served at one time. No more than three drinks may be served to a student at any given event.

Student Involvement and Leadership has the right to alter or redefine, as a condition of approval, any of the above regulations as they relate to a specific department or organization. If, at any time, the well-being of the community members is deemed to be threatened, appropriate and prompt action will be taken by the College.

### **Guidelines for Off-Campus Events**

Saint Mary's College recognizes the role and importance of off-campus events. Groups associated with the College who participate in and sponsor social, service, and educational events must adhere with the Policy and understand their responsibility as a result of their association with the College. In addition, sponsoring groups must provide supervision by designated College official(s) for the duration of the event. Further, groups must adhere to the College's policies for on-campus events, including submitting an alcohol request form, and additional stipulations depending on the nature of the event. Student Involvement and Leadership reserves the right to modify events in order to meet college policies and procedures.

The following guidelines regarding the availability of alcoholic beverages at off-campus events pertain to all members of the College community. These guidelines in no way relieve any public establishment of their obligation to observe and enforce the law.

1. The sponsoring group must abide by applicable laws and local ordinances or codes regarding alcohol. The group should take appropriate steps to prevent underage drinking and the consumption of alcohol by intoxicated persons.
2. The sponsoring group should promote responsible behavior and the general welfare of the sponsoring group, its individual members, and others participating in or associated with the event during that time.
3. At such events, the behavior of the group, individuals, and guests are governed by the regulations set forth in the Code and other College policies.
4. At no time should faculty and staff serve in the role of bartender, pour or purchase alcoholic beverages for students.

### *Publicity and Sponsorship for Student Sponsored Events Where Alcohol will be Served*

The consumption of alcoholic beverages shall neither be the primary purpose of a student event (including, but not limited to, progressive drinking events) nor be used as an inducement to participate in an event. Promotion and advertising of an event may indicate that alcohol will be available for purchase and must indicate, "ID will be required." Also, the promotion and advertising of an event shall not portray symbols of alcoholic beverage consumption (including, but not limited to, foaming mugs, cans, wine glasses and kegs), excessive consumption (including, but not limited to, drinking contests and competitions) or emphasize frequency or quantity of alcoholic beverage consumption.

The sponsorship of events by alcoholic beverage companies is limited to cash donations, donated materials for College alcohol educational programs, and donated products (other than those which directly promote or advertise alcoholic beverages) in support of fundraising or other special events as approved by the Vice Provost for Student Life or the Assistant Dean of Students.

### ***Behavioral Intervention Team***

The Saint Mary's College **Behavioral Intervention Team (BIT)** assists in addressing situations where students are displaying behaviors that are threatening, or concerning in nature that potentially impede their own or others' ability to function successfully or safely. The BIT is responsible for assessing reports of troubling behavior and initiating interventions for risk mitigation that are in the best interest of the College and the individual. We are committed to providing an environment where individuals are free to work, learn and teach, unencumbered and uninhibited by threats of intimidation or harm.

It is the responsibility of all faculty, staff, and students to immediately report any situation that could reasonably result in harm. Any member of the campus community may become aware of troubling behavior by a person or situation that is causing serious disruption or inability to conduct normal business. However, assessment of behavior that might constitute a threat should not be confused with management of a crisis.\*

*\*A crisis may be defined where a person may pose an active or immediate risk of violence to self or others.*

***In these cases, Public Safety should be contacted at (925) 631-4282.***

The team is composed of campus personnel who have decision-making ability in dealing with troubling situations. A collaborative process to assess threats will be used and depending on the situation, personnel with areas of specialization may be called upon to assist the BIT. The team broadens the scope of involvement and includes other faculty and staff members, when appropriate. The following individuals comprise the Saint Mary's College BIT: the Medical Director of the Health and Wellness Center, the Executive Director of Wellness & Director of Counseling and Psychological Services, the Chief and Executive Director of Public Safety & Transportation, the Director of Student Disability Services (or designee from Student Engagement and Academic Success), and the Dean of Students, who serves as the chairperson. In the absence of any of these individuals, their backup designee or a designee may be appointed by the Vice Provost of Student Life. The Chairperson keeps the Vice Provost of Student Life advised of the situations.

Information from faculty, staff and students is confidentially shared among the team members. The BIT reviews all information on the student's behavior and background, and the team will then determine courses of action/interventions and monitor the student on a case-by-case basis. Any violations of the Code of Student Conduct will be referred to the Office of Community Life for adjudication in accordance with the processes outlined in the Code of Conduct.

**The role of the BIT is:**

- to lead a collaborative effort to promote optimal health and safety of students and all members of the College community;
- to ensure a systematic response to students' behavior that may be disruptive in the residences, classroom, or other areas of the campus;
- to develop strategies that best utilize campus and community resources to assist students through case management; and
- to support student success.

**Actions that BIT may initiate:**

- Refer and/or contact other officials/professionals
- Mandate Assessments
- Warning/Recommendation Letters
- Immediate Interim Suspension of Privileges and No Contact Directive
- Involuntary Administrative Withdrawals
- Parental Notification

**If you are concerned about a student, please let us know. You may report a student of concern by submitting detailed information to: [dos@stmarys-ca.edu](mailto:dos@stmarys-ca.edu) or online: [stmarys-ca-advocate.symlicity.com/care\\_report/](https://stmarys-ca-advocate.symlicity.com/care_report/).**

**If you have questions, need to submit a report, or need further assistance, contact:**

Dean of Students  
Ferroggiaro Hall, Room 200  
925-631-4238

**If you are concerned that someone is in danger of harming themselves or others, contact immediately:**

Public Safety  
Assumption Hall West  
925-631-4282

**If someone needs medical attention, contact:**

Health and Wellness Center  
Augustine Hall, Ground Floor  
925-631-4254

**If someone needs emotional/psychological attention, contact:**

Counseling and Psychological Services  
Augustine Hall, Ground Floor  
925-631-4364

**If there is an academic or classroom concern, contact:**

Student Success Office

Filippi Academic Hall, Room 190 or Filippi Hall, Room 134

925-631-4800

***Bias Incident Response***

We at Saint Mary's College of California cherish the inherent dignity of each member of our diverse community. Grounded in Saint Mary's mission, three traditions, and the five Lasallian core principles, the Bias Incident Response Team (BIRT) strives to promote a safe, hate-free environment where all people can live, work, and learn. BIRT's primary roles are to recommend preventative education as well as report and respond to bias incidents and hate crimes.

***What is a bias incident?***

Generally, a harmful act motivated by bias towards a category of people or an individual based on actual or perceived social identification is a bias incident. These social categories include, but are not limited to, the following:

- Disability
- Ethnicity
- Gender Identity
- Nationality
- Race
- Religion
- Sex
- Sexual orientation
- Association With

Bias incidents can include criminal and otherwise illegal conduct, but they may also include violations of College policy(s) regarding civility, professionalism, and/or harassment.

***What is the College's Bias Incident Response Team (BIRT)?***

The Bias Incident Response Team (BIRT) was established to promote a safe, hate-free environment where all people can live, work, and learn. BIRT's primary roles are to recommend preventative education as well as report and respond to bias incidents and hate crimes. The responsibilities of BIRT are to:

- Educate the Saint Mary's community about the protocol for reporting bias incidents and hate crimes and preliminarily assess whether reports are bias-related.
- Support reporters of bias incidents and hate crimes, including those who are directly involved as well as social identity groups that may be affected.
- Collect and share all bias incidents and hate crime reporting patterns with the Saint Mary's community.
- Monitor the campus climate around issues of diversity and civility.
- Recommend appropriate actions and educational programs (ex. trainings, restorative justice practices, mediations), to responsible offices, that are both preventative and responsive to bias incidents and hate crimes.

***What should I do if I witness or am the target of a bias incident?***

The College encourages prompt reporting of all bias incidents. Bias incidents should never be written off as “pranks” or “harmless behavior.” This type of behavior should not be tolerated in the classroom, residence halls, offices, study areas, social spaces, or anywhere else on campus, online, or as part of any College activity. There are several reporting options:

- **Call Public Safety at 925-631-4282.**

Preserve all evidence and document the incident as thoroughly as possible (graffiti, voicemail, email, letter, etc.) by taking pictures, videotaping, and writing down everything you can remember and keeping the contact information of the target(s) and any other witness(es).

- **Report the incident online at [stmarys-ca-advocate.symplicity.com/care\\_report/](https://stmarys-ca-advocate.symplicity.com/care_report/), which can be done confidentially and anonymously.**
- **Report the incident to any of the following administrators:**

*For bias incidents committed by a student, contact:*

Evette Castillo Clark, Ed.D.  
Dean of Students  
Ferroggiaro Center 200  
Phone: 925-631-4238

*For bias incidents committed by an employee of the College, or third party vendor, contact:*

Human Resources  
Filippi Hall, Garden Level  
Phone: 925-631-4212

***What are some available resources?***

- |   |              |
|---|--------------|
| • Dean of Students  | 925-631-4238 |
| • Community Life  | 925-631-4238 |
| • Counseling and Psych. Services  | 925-631-4364 |
| • Human Resources   | 925-631-4212 |
| • Intercultural Center  | 925-631-8317 |
| • Public Safety   | 925-631-4282 |
| • Residential Experience  | 925-631-4236 |
| • Student Disability Services   | 925-631-4358 |
| • Center for Women and Gender Equity  | 925-631-4171 |
| • BIRT Website: <a href="https://www.stmarys-ca.edu/student-life/your-safety-resources/bias-incident-response-team-bir">https://www.stmarys-ca.edu/student-life/your-safety-resources/bias-incident-response-team-bir</a> |              |

***Campus Rules Related to Animals***

**General**

It is the Policy of Saint Mary’s College of California (“College”) that Pets are not allowed in campus facilities (See the Pet Policy). Notwithstanding the Pet Policy, there are situations and circumstances where Animals are allowed in some campus facilities. The following rules are applicable to all individuals who have been granted permission to bring an Animal into campus

facilities, unless the application of a particular rule is prohibited by law. These rules do not apply to College provided Animals which have been provided as part of academic laboratory activities, research or study.

## **Definitions**

For purposes of these rules, the following definitions are applicable:

- **Animals:** The use of this term is inclusive of, but not limited to, dogs, cats, rabbits, gerbils, rodents, fish, snakes, reptiles and birds. When using the term “Animals,” there is no distinction being made between Service Animals, Emotional Support (Assistance) Animals and Pets.
- **Pets:** All Animals except Service Animals and laboratory Animals.

## **Rules**

1. Pets that have been permitted to be brought into a campus housing facility must:
  - a. If a dog, be licensed.
  - b. Be vaccinated in compliance with local vaccine requirements.
  - c. Be spayed or neutered.
  - d. If a cat, be declawed.
  - e. Be securely controlled, restrained or maintained (e.g., leash for dogs, appropriate confinement for cats, secure cage or terrarium for rodents or reptiles, etc.)
2. If an Animal is maintained or housed in a campus housing facility (e.g., residential unit) the individual maintaining the Animal must complete an initial residential unit condition inventory. Pet Owners must have applied for and received express written permission to house a Pet in campus housing.
3. No Pet in excess of 40 pounds, or a Pet that is a breed that typically reaches a mature adult weight in excess of 40 pounds, is ever permitted in a campus facility.
4. The number of Pets permitted in one residential unit is subject to approval by the Director of Campus Housing but may not exceed two (2). If there is a conflict between a Pet and a Service Animal or an Emotional Support Animal in a residential unit, the non-Service or non-Emotional Support Animal shall be disallowed. For purposes of this rule, a single aquarium with fish, sea mollusk, invertebrate or live rock shall be counted as a single Pet, but a terrarium with arachnids, reptiles or snakes shall be counted based on the individual Animals contained therein.
5. Where an individual has approval to house a Pet on campus, the Pet shall only be allowed in an individual's particular residential unit, in the building common areas for the sole purpose of ingress and egress to the individual's unit and in the common outdoor areas of the campus under the direct control and supervision of the individual or a person authorized by the Pet

Owner. Pets are not permitted in other resident rooms, halls or any other campus facility. When not within the permitted residential unit, Pets shall be restrained on a leash at all times.

6. Service Animals must be maintained in control of their owner, but need not be physically restrained. Emotional Support Animals, when outside the approved residential unit, shall be maintained consistent with the rules applicable to Pets.
7. Individuals maintaining Animals on campus must take all appropriate actions to remove, temporarily relocated, or otherwise contain their Animal(s) off campus when there is a campus need for the facility to be animal free (e.g., fire inspections, health and wellness inspections, facility maintenance activities, including pesticide spraying and janitorial services, etc.). Individuals maintaining Animals must cooperate with Saint Mary's and coordinate the handling of the Animal(s). Pet Owners shall properly crate, kennel or temporarily remove Animal(s) from the campus facility during such times.
8. In the event of emergency or other exigent circumstance, Saint Mary's may attempt to remove an unattended Animal in order to protect the health and safety of it, its owner or others.
9. Animals must be housebroken and individuals must pick up after their Animals and dispose of their waste properly and immediately. Waste is to be sealed in bags or other individual containers and disposed of in dumpsters. All waste must be removed from campus facilities promptly to avoid the creation of offensive odors or other health hazards in campus facilities.
10. Animals must be maintained in a manner such that the academic environment of the residential unit, the residence hall or other campus facility is not disturbed.
11. Individuals maintaining Animals will take all reasonable precautions to protect College property and other individuals from harm, injury or damage caused by the Animal.
12. Upon vacating a residential unit, the unit must be returned in good condition. Damage caused Animals shall be addressed by the College at the sole expense of the individual maintaining the Animal.

### ***Cohabitation Policy***

Saint Mary's College of California, as a Catholic College, does not condone sexual relations by unmarried students and may take disciplinary action when the College has knowledge of such conduct. The College also prohibits the cohabitation by students who are dating partners, regardless of gender, in College-sponsored housing and while on College-sponsored events, classes, and programs.

### ***Community Assembly***

Saint Mary's College is a community dedicated to the intellectual enrichment and personal development of all its members through study, inquiry and continuing communication with one another. Every member of the community bears the responsibility of acting in an orderly and

civil manner in communication with others. Rational discussion is the hallmark of such communication in this educational environment committed to the active pursuit of truth, understanding, and the dignity of all.

Formal and informal dialogue, participation in committees, and the proceedings of the student government and College committees are accepted avenues of communication. The College recognizes the right of members of the community to express their views individually and collectively in matters of institutional policy or on matters of interest to the community as a whole. The College will not officially recognize any student organization, club, or group organized to advocate or promote behavior which is illegal or in conflict with the official teachings of the Catholic Church. Registration and/or approval of the gathering must be obtained from Student Involvement and Leadership prior to publicizing and the actual event. All public assemblies, therefore, are expected to assure the following factors in order to be considered both appropriate and permissible at the College:

1. It is orderly, safe, and peaceful.
2. Participants do not restrict the freedom of expression, of movement, or any other fundamental freedom of others.
3. Participants do not threaten or cause personal injury, damage or destruction of property.
4. It does not threaten, disrupt, or impair the regular or essential operations of the College, especially those of an academic or administrative nature, or of an extracurricular or social function.
5. The event or material distributed does not advocate behavior that is illegal or in conflict with the Catholic values and traditions of the College.

### ***Consensual Sexual or Romantic Relationships Policy***

#### OVERVIEW

This policy highlights the risks in sexual or romantic relationships in the Saint Mary's College of California workplace or academic setting between individuals in inherently unequal positions; prohibits certain relationships between teachers and students; and requires recusal (from supervision and evaluation) and notification in other relationships.

#### **1. *In General***

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions, and parties in such a relationship assume those risks. In the college context, such relationships include (but are not limited to) teacher and student, supervisor and employee, faculty at different ranks including adjunct faculty, mentor and trainee, adviser and advisee, teaching assistant and student, coach and athlete, and individuals who supervise the day-to-day student living environment and their students.

Because of the potential for conflict of interest, exploitation, favoritism, and bias, such relationships may undermine the real or perceived integrity of the supervision and evaluation provided. Further, these relationships are often less consensual than the individual whose position confers power or authority believes. In addition, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a sexual or romantic involvement, this

past consent does not remove grounds for a charge of inappropriate behavior based upon subsequent unwelcome conduct.

Such relationships may also have unintended, adverse effects on the climate of an academic program or work unit, thereby impairing the learning or working environment for others – both during such a relationship and after any break-up. Relationships in which one party is in a position to evaluate the work or influence the career of the other may provide grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities, or simply creates a perception of these problems. Additionally, even when a relationship ends, there may be bias (even if unintentional) for or against the former partner, or there could be an ongoing impression of such bias; in other words, the effects of a romantic or sexual relationship can extend beyond the relationship itself.

Since these relationships can occur in multiple contexts on campus, this policy addresses certain contexts specifically below. However, the policy covers all sexual and romantic relationships involving individuals in unequal positions, even if not addressed explicitly in what follows.

## 2. *With Students*

In the Lasallian tradition, the teacher-student relationship is a sacred one; it lies at the heart of the College's educational mission and its integrity must be maintained. The teacher's influence and authority can extend far beyond the classroom and into the future, affecting the academic progress and careers of our students.

Accordingly, the College expects teachers to maintain interactions with students free from influences that may interfere with the learning and personal development experiences to which students are entitled. In this context, teachers include those who are entrusted by Saint Mary's to teach, supervise, mentor and coach students, including faculty of all ranks, adjunct faculty and academic advisors. The specific policies on teachers outlined below do not apply to Saint Mary's students (undergraduates, degree completion programs, and graduate/professional) who may at times take on the role of teachers or teaching assistants, policies for whom are addressed in a separate section below.

As a general proposition, the College believes that a sexual or romantic relationship between a teacher and a student – even where consensual and whether or not the student is subject to supervision or evaluation by the teacher – is inconsistent with the proper role of the teacher.

Consequently, the College has established the following parameters regarding sexual or romantic relationships with Saint Mary's students:

First, because of the inherent vulnerability of traditional undergraduates [1] in such relationships, sexual or romantic relationships between teachers and traditional undergraduate students are prohibited regardless of current or future academic or supervisory responsibilities for that student.

Second, whenever a teacher has had, or in the future might reasonably be expected to have, academic responsibility over any student in a graduate or professional studies or certificate program, such relationships are prohibited.

No teacher shall exercise academic responsibility over any student with whom they have previously had a sexual or romantic relationship. "Academic responsibility" includes (but is not limited to) teaching, grading, mentoring, advising on or evaluating research or other academic activity, participating in decisions regarding funding or other resources, and recommending for admissions, employment, fellowships or awards.

Third, because certain staff (including and not limited to deans and other senior administrators, coaches, supervisors of student employees, and Resident Directors, as well as others who mentor, advise or have authority over students) also have broad influence on or authority over students and their experience at Saint Mary's, sexual or romantic relationships between such staff members and traditional undergraduate students are prohibited. Similarly, relationships between staff members and any students in a graduate or professional studies program over whom the staff member has had or is likely in the future to have such influence or authority are prohibited.

Preexisting sexual or romantic relationships between faculty/staff and students are not prohibited by this policy. However, in the case of such a preexisting sexual or romantic relationship, the employee must both recuse themselves from any supervisory or academic responsibility over the student, and notify their supervisor, department chair or dean about the situation so that adequate alternative supervisory or evaluative arrangements can be put in place. This obligation to recuse and notify exists for past as well as for current relationships.

Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy.

**3. *Between Students (Student Teachers, Teaching Assistants (TA), Resident Advisors (RA), and Graders)***

Many existing policies govern student responsibilities towards each other (e.g. see Student Handbook or RA/TA agreements). This policy applies when undergraduate or

graduate/professional students or post-doctoral scholars are serving in the teaching role as teachers, TAs, graders, RAs or research supervisors. The policy does not prohibit students from having consensual sexual or romantic relationships with fellow students. However, if such a relationship exists between a student teacher and a student in a setting for which the student teacher is serving in this capacity, they shall not exercise any evaluative or grading functions for that student.

The student teacher must notify their supervisor so that alternative evaluative or oversight arrangements can be put in place. [2]

Failure to notify a supervisor of past and current relationships and to recuse in the case of a current relationship in this situation will be subject to discipline under the Student Code of conduct.

There are certain circumstances in the context of student teachers where recusal can be complicated (e.g. SI/T leader). For these circumstances, the faculty or staff supervisor, upon notification from their student teacher, would be responsible to ensure impartiality in the evaluative or supervisory roles played by student teachers toward a student in their course with whom they have a current sexual or romantic relationship.

#### **4. *In Other Contexts***

Consensual sexual or romantic relationships between adult employees (including faculty) are not in general prohibited by this policy. However, relationships between employees in which one has direct or indirect authority over the other are always potentially problematic. This includes not only relationships between supervisors and their staff but also between faculty of different ranks/adjuncts, between faculty of different ranks/adjuncts and academic/non-academic staff, and so forth. This concern exists even where the employees are in a pre-existing relationship, marriage or domestic partnership.

Where such a relationship develops, the person in the position of greater authority or power must recuse themselves from any direct supervisory or evaluative function over the other person in the relationship and must, in any situation of direct or indirect authority, notify their supervisor, department chair, dean or human resources manager, so that person can ensure adequate alternative supervisory or evaluative arrangements are put in place. [3]

The obligation to recuse and notify exists for past as well as for current relationships.

Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy.

The College has the authority to take reasonable steps necessary or appropriate to carry out this policy, including transferring either or both employees to minimize disruption of the work group.

### **5. *Additional Matters***

If there is any doubt whether a relationship falls within this policy, individuals should disclose the facts and seek guidance rather than fail to disclose. Where the relationship among the individuals is that of marriage or domestic partnership, this policy will not prohibit the relationship, however all other conditions and procedures addressed in this policy will apply. Questions may be addressed to your supervisor or cognizant dean or to the Title IX Coordinator or the Associate Vice President for Human Resources. In those situations where it is programmatically infeasible to provide alternative supervision, academic responsibility and/or evaluation, the cognizant dean, director or supervisor must approve all (as applicable) academic responsibility, evaluative and compensation actions.

Employees who engage in sexual or romantic relationships with a student or other employee contrary to the guidance, prohibitions and requirements provided in the policy are subject to disciplinary action up to and including dismissal, depending on the nature of and context for the violation. They will also be held accountable for adverse consequences that result from those relationships.

The procedures for investigating alleged violations of the Consensual Sexual or Romantic Relationships policy and the sanctions for violations of this policy are outlined in the Title IX policy as well as the Student Code of Conduct for students and Faculty Staff Handbook for employees.

This Policy applies to all students (undergraduate, graduate and professional, degree-completion, and certificate), faculty of different ranks, salaried adjunct and per-course adjunct faculty, staff and others who participate in Saint Mary's College of California programs and activities.

Revised May, 2018

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[1] Traditional undergraduate students include all undergraduates except those in degree completion programs like BALOS and LEAP.

[2] It is not the responsibility of the supervisor to search out such sexual and romantic relationships between student teachers and their students but it is the responsibility of the supervisor to ensure that appropriate steps are taken when such relationships are made known to them.

[3] Because of the varied ways in which faculty evaluate the work of other faculty, e.g. UEPC review of new course proposals, recusal may be infeasible in all situations. However, recusal is always required in situations of direct supervision (e.g. chair to faculty member in the department), and notification is required in all circumstances.

### ***Consent for Photographs and Videos***

Saint Mary's regularly takes photographs and videos (including sound recordings) of campus activities and events to document and share these activities with its own community and the public. By coming onto, entering the campus, or by being an enrolled student, the Saint Mary's campus, you understand and agree that your image and sound may be captured in photographs, video or other electronic format for use by Saint Mary's. These images may be taken in common areas on campus, event venues, including but not limited to, athletic events, concerts, lectures or speeches open to the community, organized or impromptu campus events, rallies or any other campus activity. By entering the campus, you authorize Saint Mary's to use your likeness in print and electronic materials created for the purpose of sharing and telling the Saint Mary's College story. This authorization shall be irrevocable, perpetual, transferable, royalty free, and worldwide.

Photos taken in public places, for purposes of news or general information, do not require photo releases or written consent. Photos used to advertise products or services of the College may not require releases when the focus of the photo is a location or event, not a person. Saint Mary's will obtain photo releases or written consent for images that single out individuals or where a limited number of individuals are the specific focus of the picture. Saint Mary's also reserves the right to remove any photograph of a person for any or no reason.

### **USE OF MATERIAL POSTED TO SOCIAL MEDIA**

By posting your content to any part of the Saint Mary's social media sites, you are representing to Saint Mary's that you have the right to grant to Saint Mary's an irrevocable, perpetual, non-exclusive, transferable, royalty free, worldwide license (with the right to sublicense) to use, copy, publicly perform, publicly display, reformat, translate and distribute such content for any purpose, commercial, advertising, or otherwise, on or in connection with the sites.

### ***Dining Hall Policy and Behavior Expectations***

Each diner is responsible for maintaining a comfortable atmosphere in Oliver Hall. Diners must enter through the designated entrance with a valid Saint Mary's College ID card or pay cash. If a student allows another to use their SMC ID to access food service, both students will be subject to disciplinary action under the Student Code of Conduct. Diners are expected to show respect for others and clean up after themselves. Disruptive behavior (including throwing food or other objects) will not be tolerated.

### ***Family Education Rights and Privacy Act of 1974: FERPA POLICY***

FERPA stands for the "Family Education Rights and Privacy Act of 1974." You might also hear it referred to as the "Buckley Amendment." This law protects the privacy of student education records. FERPA applies to all schools that received funds through an applicable program of the U.S. Department of Education, and thus most colleges and universities are covered by FERPA.

FERPA defines the phrase "education record" broadly as "those records, files, documents, and other materials which 1) contain information directly related to a student; and 2) are maintained by an educational institution."

FERPA requires that education records be kept confidential. Records may be disclosed with the consent of the student, if the disclosure meets one of the statutory exemptions, or if the disclosure is directory information and the student has not placed a hold on the release of directory information.

FERPA gives students the following rights:

1. *The right to inspect and review the student's education records:* Students may review education records directly concerning the student within forty-five (45) days of the day the College receives a request for access. Students interested in reviewing their education records must submit their requests to the Office of the Registrar, which is authorized to review each request and to approve proper requests. The Registrar will make arrangements for access and will notify students of the time and place where the records may be inspected. Though students have the right to review their records, the College does not provide copies of the records. In the event that a particular circumstance prevents a student from coming to the College to inspect and review his/her records, the College will work with the student to make an alternate arrangement consistent with FERPA. Education records maintained by the College but provided to the College by third parties, which may include but is not limited to high school transcripts, letters of recommendation and test scores, will not be re-disclosed by the College to the students. For inspection of such records, the student must seek inspection through the third party that generated the record.

There are certain records which students are not entitled to review, including, (i) financial records of parents; (ii) confidential letters and recommendations relating to admissions, employment and honors, for which a waiver of the right of access has been signed by the student, provided that upon request the student is given the names of those persons writing letters; (iii) a physician's or psychologist's records (a student may, however, provide the College with written authorization to have his or her own physician or other appropriate professional review the records); and (iv) records of personnel of the College which are "sole possession records" (e.g. memory aids or reference tools/notes used by the maker thereof and are not made accessible to or revealed to other persons). In addition, where a record contains information that concerns more than one student, a student requesting inspection will be informed about the information only insofar as it pertains to that student.

2. *The right to request amendment of education records:* Students may ask the College to amend a record that the student believes is inaccurate. The student should write the College official responsible for the record, clearly identify the part of the record he or she believes to be inaccurate, and specify why it is believed to be inaccurate. Students also have the right to insert in their records written explanations concerning the content of the records if a request to make a change has been denied (see below). Please note that FERPA does not give any student the right to contest a grade given in a course, but does give the student the right to seek to correct an improperly recorded grade. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. A representative from the office of Academic Affairs has been

designated as the hearing officer. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. *The right to consent to disclosures of personally identifiable information:* Personally identifiable information contained in the student's education records may not be disclosed without the student's consent, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including public safety personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a discipline or grievance committee, or assisting another school official in performing his or her tasks. In addition, the College may, but is not required to, disclose personally identifiable information from an education record of a student without consent if the disclosure meets one or more of the following conditions:
- a) The disclosure to officials of other universities in which a student seeks enrollment, provided that the student is given notice of the disclosure, is provided with a copy of the records disclosed (if so requested by the student), and is given the opportunity to review and challenge the records sought. College policy is to forward only Saint Mary's College transcripts and only upon a student's written request.
  - b) The disclosure is to an authorized representative of the Comptroller General of the United States or to certain federal, state and local educational authorities.
  - c) The disclosure is in connection with financial aid for which the student has applied or which the student has received.
  - d) The disclosure is to State and local officials or authorities under applicable state laws concerning the juvenile justice system.
  - e) The disclosure is to organizations conducting studies, provided that the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted.
  - f) The disclosure is to accrediting organizations to carry out their accrediting functions.
  - g) The disclosure is to parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.
  - h) The disclosure is to comply with a judicial order or lawfully issued subpoena and the College has made a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

- i) The disclosure is in connection with a health or safety emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
  - j) The disclosure is information the educational agency or institution has designated as “directory information” (see below).
4. *Disclosures pursuant to student consent.* If the information request does not fit into one of the categories described above, you must obtain the student’s consent prior to disclosing the records. The consent must be in writing, signed by the student, and dated, and must specify the records to be released, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

The purpose of the consent form is to permit the student to have some control over the disclosure of personally identifiable information in his or her education records. The fact that a student signs a consent form, whether specific or "blanket," does not, however, bind the College to make the student's records available to the third party or parties who have obtained the student's consent to their review of his or her files. The student's records are still the property of the College and, even if a consent has been signed, the College will exercise its discretion in each case by disclosing to the third party only such information, records, and files, if any, as the College deems appropriate in light of the reason that the third party is seeking access to the student's records (e.g., background checks). The signed consent must be provided to the College by the third party at the time the request for access is made. The College will retain the provided copy of the consent. Records to which students are denied access because they are not "education records" usually will not be made available to an outside party.

FERPA imposes limitations on re-disclosure by the recipients of education records. A third party generally will not be permitted to make copies of records to which he or she is granted access, even if the consent signed by the student explicitly gives permission for such copies to be made. Additionally, if a student has provided a third party with authorization to conduct a background investigation for employment related purposes, the College may release unofficial copies of transcripts and/or general information about the following areas of student involvement: on-campus employment, resident housing, encounters with the campus Department of Public Safety and encounters with the Student Conduct Office, in conformance with the authorization.

5. *The right to file a complaint with the U.S. Department of Education:* A student may file a complaint concerning an educational institution’s alleged failure to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: *Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, DC 20202-4605.*

### **Directory Information**

Material classified as “directory” information can be released without student consent. Directory information, as defined by the College, includes the following: the student’s name, date/place of birth, photographs, periods of enrollment, degrees, awards and honors received, major fields,

campus or home address, email address, student class schedules, telephone numbers, height/weight of student athletes and the most recent previous educational institution attended by the student. A student may, however, have all of the information withheld upon written notice to the Office of the Registrar given within ten days after the beginning of each semester.

### **USA Patriot Act and FERPA**

This Act permits designated federal officials to apply for a court order to obtain copies of student records relevant to an investigation of terrorism or other crimes, without notifying the student. All requests for such information should be referred to the Office of General Counsel.

### ***Film Policy***

Only films that have been rated G, PG, PG-13, NC-17 or R by the Motion Picture Association of America (MPAA) may be rented with College funds and shown in a College facility. Any film unrated or rated X by the MPAA may not be secured with College funds or shown in a College facility. Use of films is restricted to those films rented through the appropriate distributor holding the necessary rights for public performance. Screening of any other films (for example, privately owned tapes/DVDs or those rented from a video store or owned by the library) for public viewing is a violation of copyright law, even when such screening is free, and is therefore prohibited on campus.

There are three exceptions under Copyright Law:

1. **Educator's Performance Rights:** There is a clause in the U.S. Copyright Law which gives exemption to the law through the Educator's Performance Rights. ALL six of the qualifications below must be met in order to show a film using the Educator's Performance Rights. a) Performances and displays of audiovisual works must be made from legitimate copies; b) Performances and displays must be part of a systematic course of instruction and not for the entertainment, recreation, or cultural value of any part of the audience; c) Performances and displays must be given by the instructors or pupils; d) Performances and displays must be given in classrooms or other places devoted to instruction; e) Performances and displays must be part of the teaching activities of non-profit educational institutions; and f) Attendance is limited to the instructors, pupils, and guest lecturers.
2. **Public Domain:** There are some films which fall under "public domain" and are not subject to licensing. You can find a complete listing of such films at [www.fesfilms.com/masters.html](http://www.fesfilms.com/masters.html). Most of these films are pre-1950.
3. **Short Clips:** Showing a short clip less than 15 seconds from any movie can be done without acquiring a license. Any clip longer than 15 seconds requires appropriate permission and licensing.

In short, students may show a lawfully obtained video (e.g. videos rented or purchased from a store or borrowed from a library) to a small group of friends in their own residence hall room. Faculty members may show a film for educational purposes when the six conditions cited above are met.

### ***Good Neighbor Policy***

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 local laws and ordinances, including those related to noise, parties, traffic, parking, zoning and consumption of alcohol. 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.

#### **Moraga Loud and Unruly Party Ordinance** (see Town of Moraga Website)

The College may be notified of potential Good Neighbor Policy Violations via complaints submitted directly to the College or by the Moraga Police Department in conjunction with the Town of Moraga's Loud and Unruly Party Ordinance. If the policy violation is alleged to have occurred in Moraga, California, all Saint Mary's College of California students listed on the residential lease at the location where the violation was to have occurred during the current academic year, will be subject to the College discipline process as outlined in the *Student Code of Conduct*.

### ***Good Samaritan Policy***

At Saint Mary's College, the welfare of our students is a priority. In instances of crisis or medical emergency, Saint Mary's College students are expected to care for themselves and for others throughout the community by getting help from appropriate College officials even when violations of the Student Code of Conduct may have occurred. Because the College understands that fear of disciplinary actions may deter requests for emergency assistance, the Good Samaritan Policy was created to alleviate such concerns and reduce hesitation by Saint Mary's students to seek help.

Saint Mary's College pursues a policy of limited immunity for students who seek help for themselves or others who are in need. While policy violations cannot be overlooked, Saint Mary's College will provide educational options, rather than disciplinary processes, to those who offer their assistance to others in need.

In crisis situations involving alcohol, drugs, and/or Title IX related violations (see below), the College strongly considers the positive impact of taking responsible action when determining the appropriate response for alleged policy violations relating to the incident. **This means that no formal College disciplinary actions or sanctions will be assigned to the reporting student(s) for Alcohol or Other Drug violations relating to the incident.** The incident will still be documented and educational and/or health interventions may be required as a condition of deferring disciplinary actions.

This policy does not protect repeated, flagrant, or serious violations of the Community and Student Life Policies (e.g. intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, stalking, distribution of alcohol or drugs, hazing, theft, Good Neighbor Policy violations, property damage, etc.) or violations that caused harm to another

person requiring emergency response, nor does the policy preclude or prevent action by police or legal authorities.

Failure of students to take responsible action under this policy where action is clearly warranted and results in harm may, in egregious circumstances, constitute violations under the College and Student Life Policies and will void all protections under this provision.

- **Alcohol/Drugs**

In a situation involving imminent danger to the health and safety of any individual(s), students are expected (1) to contact Public Safety at 925-631-4282 or other emergency officials to report the incident; (2) to remain with the individual(s) needing emergency treatment and cooperate with emergency personnel as long as it is safe to do so; and (3) to meet with appropriate College officials after the incident and cooperate with any College investigation as well as follow through with any recommended educational interventions.

- **Title IX Violations**

In a situation where sexual harassment (based on the College's "covered sexual harassment" definitions), has been alleged to have been committed against any individual(s), students are encouraged (1) to contact Public Safety at 925-631-4282 or other emergency officials to report the incident; (2) to remain with the individual(s) needing support and cooperate with emergency personnel as long as it is safe to do so; and (3) to meet with appropriate College officials after the incident and cooperate with any College investigation

### ***Health & Wellness Policies at Saint Mary's College***

The Health & Wellness Center (H&WC) is an on-campus resource that provides medical services to all full-time undergraduate and international graduate students in an urgent care model. In collaboration with many other offices, the H&WC also provides many programs and activities related to health promotion and prevention. There are three key requirements to complete for all incoming undergraduate students:

#### MEDICAL HISTORY FORM AND IMMUNIZATIONS

A completed electronic Medical History form and Tuberculosis (TB) Screening (with testing if indicated) must be completed by the deadline. Students must upload immunization records, showing completion of the required immunizations, to meet this requirement. This electronic form can be accessed through the Health and Wellness Portal. The Portal can be accessed through the mySMC page or the Health and Wellness Center website. Note: there are different deadlines for turning in this information to the H&WC for the fall and spring semesters.

#### HEALTH INSURANCE COVERAGE

Each year all undergraduate students are automatically enrolled in the Saint Mary's College negotiated Student Health Insurance Plan (SMC-SHIP). If you have health insurance that meets the requirements set by the College, you must actively waive the SMC-SHIP **every year**. Please go to the H&WC website for general information on the type of coverage that the SMC-SHIP insurance plan provides. If you still wish to be

covered by your own health insurance plan, there are instructions on waiving the SMC-SHIP by completing an online insurance waiver. Please save a copy of the email stating successful waiver of the SMC-SHIP for your records. If you do not waive the health insurance by the deadline, you will be enrolled in the SMC-SHIP and will be responsible for the cost of the health insurance. If at any time you lose your health insurance coverage and would like to enroll in the SMC-SHIP, please contact the Health and Wellness Center.

*\*\*All full-time undergraduate students can utilize the services at the H&WC regardless of whether they are enrolled in their own health insurance plan or the SMC-SHIP.*

#### REQUIRED ONLINE TRAINING COURSES

Successful completion of the “Alcohol Edu for College” and “Sexual Assault Prevention for Undergraduates” courses. These courses are online educational programs that address topics of alcohol consumption, drug abuse, and their impact on consent in relationships on campuses of higher education, as well as sexual assault prevention. Look for an invitation to complete these online programs through your SMC issued email. You must successfully complete these two programs by the deadline. Please see the H&WC website for the different deadlines for completion of this requirement for the fall and spring semesters.

Please note that the three above requirements are for the health and safety of our students and our community. Failure to complete these requirements by the deadline will put a student on a class registration hold. Please call the H&WC at (925) 631-4254 or email: [healthcenter@stmarys-ca.edu](mailto:healthcenter@stmarys-ca.edu) for any questions.

#### ***Housing & Residential Procedures***

Resident students and their guests are responsible for complying with the following procedures, the Code, the Residence Hall and Dining Service License and other College policies. These procedures are designed to be formative and educational.

#### RESPONSIBILITY FOR LIVING SPACE

When students are checked into their room and issued their key(s), the student is assuming responsibility for maintaining the physical condition of the room and its furnishings. Students are financially responsible for damage and/or poor conditions of their living space found through a room inspection or noted in checkout forms. Charges will be assessed to all of the residents of a room if individual responsibility cannot be determined. Students are responsible for removing all personal belongings, garbage, and any item not assigned to the room by the College and may be fined for improper checkout. Students are also financially responsible for any key(s) issued to them at the time of checking into the room.

College owned and personal furniture must be positioned and used in a manner consistent with their intended purpose and design. Lost or damaged furniture is the responsibility of the residents of the room. Students are not permitted to remove any College issued furniture from the room in which it is assigned and may not remove furniture from public areas and/or lounges. Students are not allowed to disassemble College furniture. Similarly, window screens, curtains, curtain rods or other items affixed to any part of the room may not be removed or added to the facility. There

is no storage for room furnishings. Residents will be charged for missing or damaged furniture. Residents are not permitted to loft, bunk or adjust the height of the beds.

Under no circumstances are students to place trash, trash cans, recycling or bags in the hallways outside student rooms, hall common areas or in stairways. Students are expected to empty their own trash and recycling bins on a regular basis and may be charged for cleanup of unreasonable messes. Only UV resistant, non-residue, non-surface damaging tape (such as Scotch blue Painter's Tape) is allowed for decorating purposes in the residence halls.

#### DAMAGE/LOSS TO PERSONAL PROPERTY

The College does not assume liability directly or indirectly for loss of or damage to personal property, including but not limited to, by fire, theft, water, or any other natural cause. Students are strongly encouraged to purchase personal property/renter's insurance to cover loss or damage to personal property or facilities.

#### GENDER INCLUSIVE HOUSING

Campus Housing offers gender inclusive housing options for students. It is the intention of Campus Housing to make room assignments on how the student identifies. Please contact the Housing Operations Manager (925-631-4897) to discuss housing assignment preferences. For additional support and resources, please contact the Director of the Intercultural Center (925-631-8358). Please refer to the Saint Mary's College Nondiscrimination Disclosure found in the College's *Student Handbook*.

#### HOUSING OVER BREAKS AND HOLIDAYS

The residence halls are closed over the Christmas Recess. Students must obtain prior permission from the Campus Housing Office to remain on-campus during Christmas Recess. For those permitted to stay during the Christmas Recess, there is an additional charge. There is no food service during Thanksgiving Recess, Christmas Recess, January Term Recess, and Easter Recess.

The last day of occupancy for all students (except graduating seniors and those undergraduates receiving authorization from the Campus Housing Office) is twenty-four (24) hours following the student's last final examination or 11:00AM on Friday of finals week, whichever comes first. For graduating seniors and students who have been authorized to extend their on-campus residency beyond the end of spring semester exams, the last day of occupancy is the day following Undergraduate Commencement at 12:00 p.m. (noon).

#### HOUSING ELIGIBILITY

*Incoming First Year Students:* All incoming first year students accepted for the fall, January or spring term are required to live on campus. (this mandatory residency requirement for the 2020-21 academic year has been temporarily suspended until further notice).

#### *Exemption Policy/Process for On Campus Residency Requirement*

There may be specific circumstances that would prevent a student from living in on-campus housing. Exemption from the residence requirement will only be considered for the following circumstances:

1. In a case of a student who is married or in domestic partnership and/or is a parent/guardian to dependent child(ren), as supported by documentation.

2. In a case of older students such as returning military or previously married or in a domestic partnership where, by virtue of age and experience, are incompatible with the educational objectives and values sought to be provided in the residences.
3. In a case of a student who is a primary care-giver for a parent or grandparent, as supported by documentation or court papers.
4. In a case where a student who lives with their parents/legal guardians in their permanent residence within 15 miles of the Saint Mary's College campus in Moraga AND has demonstrated unmet high financial need, as determined by Saint Mary's.
5. In a case where it appears that a full-time undergraduate student will otherwise suffer significant physical/medical hardship that is intensified by living on campus, as supported by documentation from a non-familial physician or treating professional (e.g. must live with an attendant or requires equipment that cannot be accommodated in a residence hall room.)

Please be reminded that students who anticipate having difficulties with college expenses, including housing costs, should first contact the Financial Aid Office at (925) 631-4370 for determining eligibility for assistance with the cost of attendance prior to filling out this Housing Exemption form.

All exemption requests must be received prior to July 1<sup>st</sup> for the academic year and January 1<sup>st</sup> for students entering at the beginning of the January or spring term. Students failing to submit an exemption request from prior to the deadline will be assessed mandatory housing/dining fees. An application for exemption from the on-campus housing requirement does not guarantee nor imply that an exemption will be granted. Students should assume that their request has not been granted until they receive written notification of approval and should not make other living arrangements, enter into a rental or lease agreement with a third-party realtor or lease until such notification. Upon receipt of the student's request for an exemption and all supporting documentation, the request will be reviewed by the appropriate campus committee and their decision will be communicated to the student within ten (10) business days of the July 1<sup>st</sup> /January 1<sup>st</sup> deadline. A delay in response from the committee past 10 business days does not constitute automatic approval of your request.

Questions may be directed to the Dean of Students, at 925-631-4238.

*On-Campus First Year Students continuing as Sophomores:* First Year students who receive on-campus housing, remain in housing during their entire first year, and remain eligible for housing and meet all necessary deadlines, are guaranteed on-campus housing for their sophomore year through the room selection process. Room assignments are determined by space availability, the order of placement in the room selection process, and the approval of the Campus Housing Office.

*Sophomores and Juniors continuing, respectively, as Juniors and Seniors:* Toward the beginning of the Spring semester, current sophomores and juniors who are continuing into their junior and senior years are eligible to participate in the room selection process. Students are offered on-campus housing as determined by space availability, the order of their placement in the room selection process, and the approval of the Campus Housing Office.

*Transfer Students:* Incoming transfer students are guaranteed housing provided they meet the July 1<sup>st</sup> deadline for payment of the housing deposit and submission of their Residence Hall and Dining Services License. After that date, transfer students can request to be placed on a pending list to receive housing as space becomes available. Room assignments are determined by space availability and the approval of the Campus Housing Office.

*Graduate Students:* may inquire about housing availability and apply; students are offered on-campus housing as determined by space availability and are placed by the Campus Housing Office.

### **Eligibility for Room Selection**

Any student on Probation or higher, during the academic year, or part thereof, will have his/her discipline file reviewed by the Office of Community Life for consideration to participate in the room selection process. Students who lose room selection eligibility may be placed at the end of the pending list of eligible students per written request submitted to the Campus Housing Office. Administrative room selection ineligibility is not subject to appeal.

### KEYS

Residence hall room keys are issued to students upon check-in. All residence hall keys are the property of the College and are not transferable. Students are responsible for locking rooms and taking keys with them to re-enter. The Campus Housing Office will replace lost, stolen, or otherwise missing keys at a cost to the student of \$50.00 per key. Abuse of the lock-out privilege (locking oneself out more than once per semester) will result in a service fee assessment.

### REASSIGNMENT

A student may be reassigned to another room if the College deems such reassignment is necessary or advisable in the interests of health, safety, and more prudent use of resources, or the efficient conduct of the residential system. Such reassignments are an administrative decision, not a discipline process sanction, and are not subject to appeal.

### ROOM CHANGES

Residents sometimes consider changing rooms due to roommate conflicts. In most cases, these conflicts can be resolved through discussion, mediation and compromise. Students are required to talk to their residential staff prior to requesting a recommendation for a room change.

- No room changes will be made during the first two weeks of each semester.
- Room changes may only be made by the Campus Housing Office and upon the recommendations of the Office of Residential Experience. Generally, all students involved in the room change must be in agreement before changes are made.
- Unauthorized room changes are not permitted.
- In cases of irreconcilable roommate/suitemate incompatibility, the student filing the request will be required to relocate.
- In cases where all roommates refuse to move, the Campus Housing Office may, on the recommendation of the Office of Residential Experience, reassign all residents of a room to alleviate a conflict.
- The Campus Housing Office may relocate and group students as needed.

### ***Missing Student Procedure***

All students have the option to identify a “confidential contact”: an individual to be contacted by College officials in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, College officials will notify that individual no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential contact can do so by completing the information on the “Student Emergency Information” provided by Saint Mary’s College upon application. Students are responsible for updating the College with this information as necessary.

If a member of the College Community has reason to believe that a student is missing, or receives a report from another party that a student is missing, they should immediately notify the Department of Public Safety ([925-631-4282](tel:925-631-4282)), the Office of Residential Experience ([925-631-4236](tel:925-631-4236)) or the Dean of Students ([925-631-4238](tel:925-631-4238)), whether or not the student resides on campus. All reasonable efforts will be made to locate the student to determine his or her state of health and well-being through the collaboration of Public Safety, Residential Experience, Campus Housing and Student Life.

If the student is a resident of campus, the Public Safety Department may conduct a welfare check entry into the student’s room. If the student is an off-campus resident, the Public Safety Department will enlist the aid of the police agency having jurisdiction.

Concurrently College officials will endeavor to determine the student’s whereabouts through contact with friends, associates, and/or employers of the student. College officials will try to determine whether or not the student has been attending classes, labs, recitals, and scheduled organizational or academic meetings, or appearing for scheduled work shifts. If located, verification of the student’s state of health and intention of returning to the campus will be made. When and where appropriate, a referral will be made to campus and/or community resources.

If not located, notification will be made to the student’s confidential contact on file to determine if they know of the whereabouts of the student. Notice will also be made to Moraga Police for on-campus residents and the appropriate law enforcement agency for off-campus residents, within 24 hours of receiving the initial report. The original reporting party will be assisted to make an official missing person report to the law enforcement agency, if the reporting party desires. If the missing student is under the age of 18 and is not an emancipated individual, College officials will notify the student’s parent or legal guardian immediately after it is determined that the student has been missing for more than 24 hours or overnight, whichever is shorter.

The Public Safety Department will cooperate, aid, and assist the primary investigative agency in all ways prescribed and allowed by law.

### ***Non-Discrimination Disclosure***

In compliance with applicable law and its own policy, Saint Mary's College of California is committed to recruiting and retaining a diverse student and employee population and does not discriminate in its admission of students, hiring of employees, or in the provision of its employment benefits to its employees and its educational programs, activities, benefits and services to its students, including but not limited to scholarship and loan programs, on the basis of race, color, religion, national origin, age, sex/gender, marital status, ancestry, sexual orientation, medical condition or disability.

#### **Section 504 and ADA Coordinator**

The student Section 504 and ADA coordinator (925-631-4164), is responsible for evaluating and working with qualified students regarding requests for reasonable accommodations. All questions regarding alleged violations of College policy should be directed to the Title IX Coordinator (925-631-4530) and the College's ADA coordinator (925-631-4164).

#### **Title IX Coordinator**

It is the policy of the College to not discriminate on the basis of sex in its admissions policies, educational programs, activities or employment practices as required by Title IX of the 1972 Education Amendments. Inquiries regarding compliance with Title IX may be directed to Laurie Panian, Associate Vice President & Chief Human Resources Officer/Title IX Coordinator, [lp10@stmarys-ca.edu](mailto:lp10@stmarys-ca.edu) or to the Director of the Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C.

### ***Parental Notification***

The purpose of the Parental Notification is to enhance campus safety, student health and wellness.

In accordance with the Higher Education Amendments of 1998, the College is permitted to disclose to the parents/guardians of a student who is under age 21 information regarding the student's violation of any federal, state or local law or policy of the College governing the use or possession of alcohol or a controlled substance and the College has determined through the discipline process that the student was found responsible for a violation of such possession or use. The College will use discretion as to whether or not to disclose to parents/guardians on a case by case basis.

Additional circumstances in which the College would notify parents/ guardians cannot be completely enumerated. However where not prohibited, if a true health or safety emergency exists, in order to protect the student or others, the College may make notification to parents/guardians when feasible.

### ***Pregnant and Parenting Students - Resources***

If a student becomes pregnant during their time at the College, the Health & Wellness Center, Counseling & Psychological Services, and the Center for Women & Gender Equity, the Mission & Ministry Center and Student Disability Services are resources that are available to assist the

student. Students may meet with the Director of Student Disability Services to examine the possibility of providing academic accommodations to assist with classes and student life.

#### *Nursing Mothers and Lactation Room*

In an effort to support parenting students, the College supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during the day. The Center for Women & Gender Equity has a private lactation room on the ground floor of Augustine Hall for mothers to use. The Lactation Room is a private space within the Center for Women & Gender Equity. (While the private room is a multipurpose space, lactating or nursing moms always get priority.) If a student needs to use the space outside of regular office hours, they are encouraged to contact the director so that accommodations can be made.

#### *Parent Drop-in Group*

Student, faculty and staff mothers seeking support and resources can visit the Center for Women & Gender Equity to learn more about the parent drop-in group as well as find information and support for those navigating parenting.

#### Contact Information:

Sharon Sobotta, Director of the Center for Women and Gender Equity  
Augustine Hall, Ground Floor  
[ssobotta@stmarys-ca.edu](mailto:ssobotta@stmarys-ca.edu); 925-631-4171

#### ***Public Event Guest Speaker Policy***

*The Guest Speaker Policy is an institutional guide for anyone wishing to hold a public event with a guest speaker.*

The sponsor of the guest speaker must determine prior to approval of the event that the guest speaker's presentation aligns with the College's Mission and meets the criteria spelled out in the speaker policy. The sponsor must receive approval for the guest speaker from their academic chair, dean or supervisor.

#### EXTERNAL SPEAKER AND PUBLIC EVENT POLICY

##### A. PREAMBLE

Saint Mary's College of California is a Catholic institution of higher education in the Lasallian tradition where the liberal arts inform, enrich, and shape all areas of learning and where special importance is placed on fostering the intellectual skills, habits of mind, and activities which liberate persons to probe deeply the mystery of existence and live authentically in response to the truths they discover.

Our mission challenges us to pursue truth wherever it can be found, confident that between faith and reason there can be no fundamental conflict. While we place a high value on freedom of inquiry and discussion, and on the opportunity for intellectual stimulation, which can be the product of controversial content, with this freedom also comes fiduciary responsibility. The policy which follows outlines reasonable precautions for the scheduling of controversial events, which are designed to foster authentic dialogue and to protect the reputation of the *alma mater* we all cherish.

## B. POLICY ON PUBLIC PRESENTATIONS

### 1. Definitions

- a. “Public presenter” means a person neither attending Saint Mary’s College nor otherwise employed by the College who is invited to make a public address or give a public performance.
- b. “Public” qualifies audiences composed in whole or part of persons neither attending nor employed by Saint Mary’s College.
- c. “Public” qualifies presentations, including performances or addresses, open to public audiences.
- d. The following guidelines do not apply to faculty members in the teaching of their classes. (Cf. *Faculty Handbook* 2.9.1.b.)

### 2. Considerations for Public Presentations

- a. Public presentations must serve the mission of the College, as provided in the Preamble.
- b. All applicable procedures for contracting and scheduling, as provided in the Faculty, Staff or Student Handbook, must be followed.
- c. Public presentations must be ticketed, if seats are limited.
- d. Significant access for SMC students must be assured.
- e. If the presentation involves audience participation (e.g., a question period), SMC students must enjoy priority.
- f. Sponsors’ announcements or advertisements will declare that public presenters’ views are not necessarily those of Saint Mary’s College or the sponsoring collegiate entity.
- g. The Office of College Communications must approve announcements and advertisements.
- h. Sponsors will take reasonable steps to ensure that debate or discussion attending public presentations is conducted in a fashion worthy of a community of learning.
- i. It belongs to the exercise of that deliberate responsibility for the common good which is supposed in the Preamble that sponsors of foreseeably controversial presentations take counsel with the appropriate Dean or other supervisor, who may in turn seek the counsel of the Provost or President.

3. Conditions under which the President may preclude, rescind or modify invitations to public presenters, In extraordinary circumstances, the President may deny a requested invitation, reschedule or relocate the presentation, or rescind the invitation if in the President’s judgment one of the following conditions apply:
  - a. The presentation is egregiously contrary to the College’s mission;
  - b. The presentation presents an immediate and unmanageable risk to the physical safety of members of the College community or their guests; or

- c. The presenter(s) or his/her (their) agent's refusal to agree to the College's expressed policies or contracting terms presents an unacceptable risk to the College.

The President will explain to the Senate a decision to deny or withdraw an invitation. Approved, Board of Trustees on October 16, 2009.

### ***Public Safety and Transportation Policies***

The Office of Public Safety and Transportation is responsible for safety and security programs, crime prevention, parking control, lost and found and escort services on campus property. Public Safety officers patrol the campus; respond to reports of crimes, fire alarms, medical emergencies and requests for assistance; and enforce campus traffic and parking regulations. While the Moraga Police Department is the official governmental law enforcement agency for the Saint Mary's campus, the Department of Public Safety and Transportation, as a non-sworn security organization, provides the day-to-day, 24-hour security and safety presence on campus. The College requests that all crimes be reported to the Department of Public Safety and Transportation at 925-631-4282. While the Department of Public Safety and Transportation contacts the Moraga Police Department for further investigation and follow-up on criminal matters as appropriate, all victims of crimes retain the right to contact the Moraga Police Department directly for any criminal matter.

### TRAFFIC AND PARKING

Parking and vehicle use regulations are designed to provide for orderly parking as well as the safe flow of traffic on campus. Operators of vehicles (including, but not limited to, cars, trucks, motorcycles and scooters and bicycles) on campus are expected to safely operate their vehicle while maintaining a maximum speed of 15 mph and observing all College traffic rules and regulations. Recreational vehicles (RVs) are not permitted on campus without prior written approval from the Executive Director of Public Safety & Transportation. The rules and regulations include, but are not limited to: yielding to pedestrians, obeying traffic signs and devices, complying with all California vehicular regulations (e.g. wearing safety belts, wearing helmets, driving under the influence), non-entry or storage in any building, and removal of vehicles from campus at the end of the academic year. **All vehicles entering campus are subject to search. Drivers and passengers may be required to show identification before entering campus.**

Bicycles, scooters, skateboards, "hoverboards" and any other conveyance not used to accommodate a disability are prohibited from covered walkways and breezeways. Non-motor conveyances of these types are allowed on sidewalks only if used safely and in consideration for the flow and density of pedestrian traffic.

All non-visitor motor vehicles on campus must be registered with the Department of Public Safety and Transportation and must properly display the appropriate parking permit at all times. For information on obtaining and paying for a parking permit, please visit the Public Safety webpage at: [stmarys-ca.edu/public-safety](http://stmarys-ca.edu/public-safety) . Daily visitor parking permits may be purchased at

the machines in visitor lots and Soda Center lot. Violation of these regulations may result in violation notices, vehicle immobilization, towing, loss of parking privileges and referral to the student or staff discipline process. At its discretion, the College may remove and impound motor vehicles or bicycles blocking the entry or exit of any building on campus, if found improperly parked or abandoned.

The fines parking and traffic violations are paid at the Business Office or may be appealed within fourteen (14) days from issuance. Appeals are handled on-line at: <https://stmarys-ca.citationportal.com/>. Fines not paid or appealed within 14 days will be doubled and placed on the student's term bill. Failure to pay fines also subjects a vehicle to being immobilized, typically with a tire boot. Vehicles that are immobilized are assessed an immobilization fee in addition to any other fines for violation of parking regulations. The tire boot/immobilization device is not removed from the vehicle until the fee and all fines are paid to the Business Office. Vehicles that are towed from campus are done so at the owner's expense.

Contact the Department of Public Safety and Transportation for more detailed information concerning campus parking and vehicle use regulations. Parking and permit purchasing information can be found on the Public Safety website: <http://www.stmarys-ca.edu/public-safety>

#### CLERY AND SEX OFFENDER NOTICE

As provided by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Saint Mary's College of California, through its Department of Public Safety and Transportation, annually provides notice and makes available copies of the Annual Security & Fire Safety Report, to the campus community, prospective students, employees and the public. The Report includes statistics for the previous three calendar years concerning crimes and incidents which occurred on campus, in off-campus buildings, property owned or controlled by the College, or on public property adjacent to campus, that were reported to campus security authorities or local police. The Report also provides campus policies and practices concerning security, how to report sexual assaults and other crimes, crime prevention efforts, policies/laws governing alcohol and drugs, victims' assistance programs, student discipline, College resources, and other matters. The Annual Security & Fire Safety Report is available electronically at: <http://www.stmarys-ca.edu/public-safety>. Request a copy via telephone at: 925-631-4282. Request a copy by mail at:

Department of Public Safety and Transportation  
101 Assumption Hall  
1928 Saint Mary's Road  
Moraga, CA 94575-3111

In addition, as provided by the Campus Sex Crimes Prevention Act, the Contra Costa County Sheriff's Office maintains a Megan's Law database of sex crime offenders. Information may be obtained through the California Department of Justice website which lists designated registered sex offenders in California at: <http://www.meganslaw.ca.gov>

#### IMPOUNDING OF PROHIBITED MATERIALS OR EQUIPMENT

The College may impound materials specifically prohibited by the Code, College policy or law. The College may also impound equipment used in a dangerous manner or in violation of the Code or other College policy, including but not limited to kegs, drug paraphernalia,

skateboards, "hoverboards" and instruments of potential violence. Once equipment is impounded, the individual will lose all further privileges of use or possession of such equipment or similar equipment on College property permanently. Prohibited materials or equipment may be destroyed without remuneration.

### ***Residential Living Policies***

Resident students and their guests are responsible for complying with the following policies, the Code, the Residence Hall and Dining Service License and other College policies. When an alleged violation occurs in the residence halls, staff or other students should report the alleged violation to their residential staff, the Office of Community Life, or to Public Safety.

#### **FIRE SAFETY**

All students are expected to observe the following regulations critical to the prevention of residence hall fires:

1. The use or possession of any dangerous chemical or explosive material, including but not limited to, fireworks, gunpowder, gasoline or propane is prohibited within the residence halls.
2. Tampering with fire alarms, fire sprinklers, smoke detectors or fire extinguishers is a violation of state law and is prohibited.
3. Propping open doors for any purpose other than emergency evacuation is prohibited.
4. Room doors, breezeways, corridors, stairways, and building exits must be kept clear of obstructions at all times. Balconies, breezeways and patios must not be used as storage areas.
5. All students and guests must evacuate any building in which a fire alarm sounds in accordance with all local, state and federal law.
6. Students who continually activate a fire alarm because of cooking or preventable circumstances may result in the student receiving disciplinary action and/or a service fee.

#### **BALCONIES & BREEZEWAYS**

Furniture is not permitted on the balconies and breezeways with the exception of specifically constructed outdoor deck furniture approved in advance by the Campus Housing Office. No more than six (6) persons may be on a townhouse balcony outside the suite of a townhouse at any one time. Alcohol is not allowed on balconies, breezeways, courtyards, or patios, which are considered public areas. Barbecues, cooking, refrigerators and/or other appliances are not allowed on balconies, breezeways, courtyards, or patios. No materials, including but not limited to flags and banners, may be hung on balconies without permission from the Office of Residential Experience.

#### **SMOKING/VAPING**

Saint Mary's College promotes and fosters the health, safety, and comfort of all members of the residence hall community. Smoking/vaping is not permitted in residence rooms, on the breezeways, or in public areas of the residence halls (hallways, lounges, etc.). Also, students who smoke/vape are asked to be mindful of their location with regards to open doors and windows, and to ensure that smoking materials are disposed of properly. Any room damages created by smoking/vaping within the room are the responsibility of the residents of the room. See the Tobacco Policy for further details.

### COOKING & MICROWAVES

Cooking is not permitted in the residence halls other than in those areas that are specifically designed or equipped for cooking by the College (i.e. townhouses and staff apartments). Kitchens in residence hall lounges are available for hall events and not intended for regular personal use. The heating of beverages, snacks, and popcorn in College approved microwaves is permitted. Students may use a personal microwave as long as it does not exceed 1,000 watts.

Barbecue (BBQ) Grills in/near Residences – Saint Mary’s College allows students and student organizations the freedom to use outdoor BBQ grills for the purpose of achieving positive social interactions and community, while accepting responsibility for the use of the BBQ grills on campus. As with any other scheduled or non-scheduled social event, the sponsoring/attending students or student organization is responsible for managing the event involving the BBQ grills with concern for the health and safety of individuals present at the event. All policies and procedures of the College must be followed at all times. College staff/faculty members, Residential Experience staff, may ask students to discontinue the use of a BBQ grill at any time, for hazardous conditions (such as high winds, burn bans, fire season, etc.), or if smoke emissions become offensive to occupants of surrounding property. Failure to comply with a request to extinguish the fire/grilling may result in disciplinary action for the individual or organization hosting the event.

### GUIDELINES FOR USE

- Only non-treated wood, paper and charcoal briquettes may be used as burning materials. It is the responsibility of the individual/organization to provide needed materials. In addition, the individual/organization is responsible for any damage caused to surrounding grounds caused by fire/grilling.
- Fires must be completely extinguished immediately following the conclusion of the event. Smoldering coals, smoke, or residual heat may indicate the ability for a fire to reignite and must have dissipated prior to individuals leaving the area unattended. Lit fires must always be attended.
- Unauthorized possession or use of alcohol at the BBQ grills is prohibited.
- BBQ grills should only be used for cooking food and for no other purpose.
- If fire/smoke becomes unmanageable with use of fire extinguisher call Public Safety: 925-631-4282.

### HALL RECREATION

Respect for the community involves respect for the building and its residents. Recreation such as wrestling or dribbling or throwing balls/objects, skateboarding, rollerblading and bicycle riding are prohibited in all residence halls. Such activity is potentially damaging to fire and safety equipment, and could cause structural damage. Occurrences may result in a fine, charged to a student account for damages and/or student conduct action.

### NOISE

The primary purpose of noise and quiet hour regulations is to create residence hall environments that promote rather than detract from effective study. Residents are expected to adhere to quiet hours and noise level standards, and be considerate of others' rights to sleep and study, regardless of the time of day. Quiet hours are in effect from 10:00 p.m. to 9:00 a.m. Sunday through Thursday, and from midnight to 9:00 a.m. Friday and Saturday. These hours may be lengthened to meet the needs of an individual floor. During quiet hours, noise from speakers, stereos, radios, TVs, voices or any other identifiable source should not be heard outside of or between any residence hall rooms. Twenty-four (24) hour quiet hours begin the Friday before the first final exam of each semester through the close of the residence halls. All other hours are courtesy hours in that students should comply if a staff member or another student asks for quiet.

### NOXIOUS ODORS

Any odor or aroma (including, but not limited to, cigarettes, cigars, pipe smoke, perfume, air freshener, dirty laundry, personal cleanliness) of such intensity that it becomes apparent and/or offensive to others is prohibited.

### PROHIBITED ITEMS

Any type of firearms, air pistols/rifles, "bb" guns, slingshots, bow and arrows, explosives, fireworks, candles, incense, flammable fluids or gases, dangerous chemical mixtures, propelled missiles, smoke bombs, sparklers, large knives, martial arts or other weapons or common items that are modified to become a weapon, and/or other flammable are prohibited in the residence halls and may result in fines and/or disciplinary action if found.

Other examples of items prohibited in College housing include, but are not limited to, the following:

- Open flames, candles, sunlamps, incense, hookahs or any device capable of producing an open or enclosed/contained flame
- Cinder blocks
- Stolen materials including, without limitation, items such as College owned furniture, street signs, etc.
- Motorcycles, motorbikes and any type of gas-powered engines located in the housing units
- High-resistance electrical appliances (including but not limited to, hot plates, space heaters, heating coils, electric blankets, sunlamps, halogen lamps and toaster ovens)
- Water-filled furniture
- Exterior antennas and satellite dishes
- Metal tipped dart board sets
- Empty alcohol bottles or paraphernalia displayed as decoration
- Animals not approved through Student Disability Services
- Drum sets or any musical equipment connected to an amplifier
- Any attachments to interior/exterior walls and doors other than those provided by the College
- Extension cords without a UL approved circuit breaker

### RIGHT OF ENTRY

The College will respect students' right to be free from unreasonable searches and intrusions into the student living area. However, College officials may enter a student's residence with or without notice under certain circumstances. The College reserves the right to enter and search a student's room or apartment for reasons pertaining to health, safety, general welfare, necessary repairs or improvements and/or to insure compliance with College policies and guidelines. College officials also may enter a student room on the premise that an action violating college policies or state or local law did or is about to take place.

### ROOM OCCUPANCY

No more than two (2) guests per resident in dormitory style building (Central and Canyon areas) or more than fifteen (15) people in a townhouse style building (Becket, More and other townhouses), are permitted at any given time.

### VISITATION AND OVERNIGHT GUESTS

Visitation by others in individual student rooms is permitted during the hours of 7:00 a.m. to 2:00 a.m. only. In compliance with College policy, personal guests of students should restrict the length of their campus visits, unless specifically approved by Residential Experience. Students are not permitted to bring non-sibling minors under the age of 18 into their residences. Only guests of the same sex are permitted to stay overnight in a resident's room, with the advance permission of the roommate/suitemates, and after having notified the residence hall staff. Cohabitation between students is prohibited. No overnight guest may stay in the halls more than three (3) nights in a seven (7) day period and no overnight guest will be permitted for more than twelve (12) days total in any given academic year. Overnight guests are not permitted during final examination days or during vacation periods and other days established by Campus Housing.

### ***Safety & Protection of Minors Policy***

Saint Mary's College is committed to protecting the safety and wellbeing of all visitors to our campus, especially minors. This policy applies to all college departments and organizations, Athletics and other summer camps, instructional programs and any other organized activities where minors participate, including those that involve overnight housing in the residence halls as well as daily activities. All faculty, staff, students, volunteers and third-party contractors who work with minors on campus are responsible for their protection in compliance with both Saint Mary's College policy and all relevant laws governing child abuse and neglect. Failure to comply with this policy may lead to disciplinary sanctions.

### **Definitions**

Minor: anyone under 18 years of age, excluding enrolled SMC students who have attained the age of 17 prior to enrollment.

Child abuse: serious endangerment of a child's physical or mental health due to injury by act or omission, including acts of sexual abuse.

### **Minors Not Participating in College-related Programs and Activities**

Unless they are participating in an organized program or activity designated for minors, Saint Mary's College is not designed to accommodate minors. Minors should not be on campus unsupervised. The Office of Public Safety will be notified of unattended minors.

### **Requirements for College-related Programs and Activities Where Minors Participate**

1. Campus sponsored youth programs include but are not limited to day camps, overnight camps, clinics, instructional programs and sports camps. Designated program or activity sponsors are responsible for identifying the names, ages and headcounts of minor attendees. A parent or guardian must sign a program-specific waiver before each minor can participate, as well as provide emergency contact information and emergency medical treatment authorization and release forms. Authorization for sports-specific physical requirements, equipment safety, and use of facilities (including pools) must be included.
2. Programs and activities sponsored by a third party must properly register with the Office of Meetings, Events, and Conference Services by submitting a Campus Facility Use Agreement ([conferences@stmarys-ca.edu](mailto:conferences@stmarys-ca.edu); (925)631-4156). Designated program or activity sponsors are responsible for identifying the names, ages and headcounts of minor attendees.
3. All activity and program sponsors are required to provide names and contact information for all adult staff, students, faculty, volunteers or third-party contractors who work with minors. Each must complete a criminal background check before they are authorized to participate in college-related programs or activities. Each must complete an online training course for working with minors before the program or activity begins. The course addresses how to recognize, prevent and report sexual misconduct.  
<http://link.brightcove.com/services/player/bcpid3476195646001?bckey=AQ~~,AAA AJwvmNek~,uv3gG8S9SI7eIEduCKQOwrhf7Vv7ehS-&bctid=4286060740001>
4. Every program must meet the minimum appropriate staffing ratio of adults to minors as follows:
  - a. For participants ages 6-8 years, 1 staff for every 8 day participants;
  - b. For participants ages 9-13 years, 1 staff for every 10 day participants. SMC does not permit overnight campers under the age of 13; and
  - c. For participants ages 14-17, 1 staff for every 12 day participants and every 10 overnight participants.
5. All staff, students, faculty, volunteers or third parties who work with minors are required to immediately report any suspected inappropriate behavior, molestation, abuse or neglect of minors to the campus Office of Public Safety at (925) 631-4282.

Responsible Office: Human Resources

### ***Social Events***

All events sponsored by Saint Mary's College are closed to the general public unless otherwise indicated. For student sponsored events, students are limited to one (1) guest per SMC student-host (to events in which guests are permitted). A valid student ID card must be presented for admission to ALL events. Guests must present a valid picture ID (i.e., driver's license, passport

or California ID card) and must be accompanied by their Saint Mary's College host at all times. Non SMC Affiliated guests are not permitted to gain admittance to student sponsored events.

Requests for student-sponsored events must be submitted to Student Involvement and Leadership via SPOT and must observe the appropriate timeline given the type of event. Recognized student organizations must submit the appropriate forms, gain approval and seek guidance in their planning from the appropriate staff member and advisor. Alcoholic beverages must be served in accordance with state law and College policy. Written permission to serve such beverages must be secured through Student Involvement and Leadership at least ten days (10) prior to the event. Specific guidelines regarding the serving of alcoholic beverages are available from Student Involvement and Leadership (refer to Alcohol and Other Drugs Policy, Part II).

#### Admission to the Event

- Saint Mary's students must have a current Saint Mary's ID for entrance and be currently enrolled.
- Non SMC Affiliated guests (limit of 1 per student) must be 18 and have a current state ID.
- There is a no re-entry policy at all dances and concerts.

#### ***Social Media Statement***

The College Committee on Inclusive Excellence (CCIE) recognizes the power and ability of social media to build community, foster positive relationships, and promote free expression. However, these same media platforms can be used to inflict harm on individuals or groups. In keeping with the inclusive vision of Saint Mary's College and existing social media guidelines, we urge all community members to recognize that uncivil behavior, harassment and/or name calling on SMC webpages or social media platforms is unacceptable, will not be tolerated and can violate *Student Code of Conduct* and legal guidelines. The College's core principle of respect for all persons must apply in all environments, including the virtual world of social media.

#### ***Solicitation, Distribution and Advertising Policies***

##### COPYRIGHT/USE OF COLLEGE NAME AND LOGO

The College's name, logos, seal and other marks, including but not limited to the image of the Chapel, are protected under state and federal law and the unauthorized use of these marks is prohibited. Furthermore, the De La Salle statue is protected by copyright. Permission for any student or recognized student group to use these marks must be coordinated through the Assistant Dean of Students, who shall obtain permission in writing from the appropriate Saint Mary's official charged with managing the use of Saint Mary's marks.

##### POSTING POLICY

Saint Mary's College is a community dedicated to the intellectual enrichment and personal development of all of its members through study, inquiry and continuing communication with one another. In accordance with its Lasallian heritage and Core Principles, the College encourages a balanced approach in the expression of opinions. The posting, distributing, or disseminating of printed materials (i.e. fliers, posters, table tents, banners, handbills) that

advertise, publicize, or otherwise provide notice of activities, events, or information are subject to this Posting Policy.

Student Involvement and Leadership (SIL) grants permission to on- and off-campus individuals and groups to post, distribute or disseminate printed materials on campus. The College maintains the authority and right to prohibit the distribution of any material, which in the estimation of the college might cause a security problem or interferes with any instructional or college event. The College also maintains the right to regulate the time, manner, and place of any distribution of written material which is likely to cause harm to college property, physical danger to any individual, or in any other way breaches the security of the college or disrupts the furtherance of education.

When posting, anywhere on campus, the following must be observed:

1. The posting, distributing, or disseminating of printed materials (i.e. fliers, posters, table tents, banners, handbills, etc.) that are used to advertise, market, promote and/or provide notice of activities, events or information are all subject to the Posting Policy.
2. Approval to post, distribute or disseminate printed materials for on-campus and off-campus individuals is granted through Student Involvement and Leadership (SIL).
3. A maximum of 50 posters or fliers must be submitted to Student Involvement and Leadership for approval and posting. Off-campus individuals may not post their own materials on campus. Materials should measure a minimum of 8 1/2" x 11" and not exceed 11" x 17" in size.
4. All printed materials must indicate the name of the sponsoring department, or student organization and contact information, as well as the location, date and time of the event. It must also include contact information for Student Disability Services for students that may need accommodations.
5. Printed materials may not be placed on or against, attached to, or written on any structure or natural feature of the campus such as, but not limited to, the surface of walkways or roads (floors), fountains, posts, pillars, waste receptacles, lawn, trees, or on vehicles parked on campus, doors or buildings, windows, surfaces or stanchions and wooden standards.
6. The use of chalk, for marketing purposes, on any surface is not permitted.
7. Only one (1) posting of any kind is permitted in any posting location. Posting is permitted on a first-come, first-served basis, and existing postings may not be removed or covered by new ones.
8. Materials promoting a single event can be posted for a period of two (2) weeks. Materials promoting a series of events may be posted until the end of the series.
9. No individual or group may leave fliers, announcements, or printed literature of any kind on campus grounds, parked vehicles, or inside any campus building, nor otherwise affix or insert such materials into campus lawns or grounds.
10. Postings must be removed within 24 hours following the publicized event by the sponsoring organization.
11. Only "safe-release" painters' tape (blue tape) may be used to post fliers and posters. Other tapes will damage the surfaces of walls and buildings. Fliers posted on bulletin boards may be attached with staples, pushpins, or blue tape. Please note that blue tape can be

purchased through the College's warehouse or Office Depot; Student Involvement and Leadership does NOT provide it for college departments.

### ***Off-Campus Individuals***

1. The posting, distributing, or disseminating of printed materials that are used to advertise, market, promote and/or provide notice of activities or events are all subject to the College's Posting Policy. Postings for employment, sales, discounts, etc. that are not attached to an event cannot be posted and should seek alternative modes such as buying an ad in the college's newspaper (The Collegian) or the Career and Professional Development Services, for employment notices.
2. A maximum of 25 posters or fliers must be submitted to Student Involvement and Leadership for approval and posting. Off-campus individuals may not post their own materials on campus. Materials should measure a minimum of 8 1/2" x 11" and not exceed 11" x 17" in size.
3. All printed materials must indicate the name of the sponsoring business or organization and contact information, as well as the location, date and time of the event.
4. Materials can be posted for a period of up to two (2) weeks.
5. No individual or group may leave fliers, announcements, or printed literature of any kind on campus grounds, parked vehicles, or inside any campus building; nor otherwise affix or insert such materials into campus lawns or grounds.
6. Promotion and advertising of an event may indicate that alcohol will be available for purchase and must indicate that "ID will be required." Also, the promotion and advertising of an event shall not portray symbols of alcoholic beverage consumption (including, but not limited to, foaming mugs, cans, glasses and kegs), excessive consumption (including, but not limited to, drinking contests and competitions) or emphasize frequency or quantity of alcoholic beverage consumption.
7. Failure to meet Posting Policy Guidelines will result in the loss of on-campus posting privileges.
8. Off-campus advertisers do not have access to residence halls.

### ***Posting Areas***

1. External Posting Spaces
  - i. There are less than 25 high-traffic areas located throughout the central campus for posting fliers. These areas are painted in a brown color and are clearly marked as posting areas for approved materials which should measure a minimum of 8 1/2 " x 11" and not exceed 11" x 17" in size.
2. Bulletin Boards and Display Cases
  - i. Departmental bulletin boards, typically located outside of administrative or academic department offices, are maintained by the respective departments. Permission for posting at these locations must be obtained from the specific department head or designee.
3. Residence Halls
  - i. Departments, student organizations and individuals do not have access to Residence Halls and must not post on any area in or surrounding the building. Posting on the exterior of the building, doors, windows, lamp posts and light fixtures is not permitted.

- ii. Copies of fliers, posters and other promotional materials must be submitted to the Office of Residential Experience for posting.
4. Large Banners
    - i. Departmental/Organizational event-related vinyl banners (not to exceed 10' x 3' in size) that are associated with a pre-approved event can be hung from the trees in front of Filippi Administrative building. Banners must bear a Saint Mary's College approved logo, name, and/or in accordance with College Communications brand. Approval must be requested a minimum of two (2) weeks prior to the hanging of the banner. In addition, the actual hanging of banners must be coordinated through Facilities Services.
      1. Materials posted in Oliver Hall must observe the Posting Policy in its entirety. Items that are not congruent with the policy or stamped by Student Involvement and Leadership, will be removed.
5. "Day of" Posting
    - i. "Day of" posting is allowed for directional and informational purposes for campus-wide events and must be removed immediately after the event. "Day of" posting must be related to the function of the program such as schedule, directions, and registration. Pre-approval must be secured through Student Involvement and Leadership.
    - ii. A-frames may be used but cannot be placed in the Chapel Arcade, walkways or blocking egress as it limits accessibility.

### ***Sanctions***

The sponsoring organization is responsible for the removal of all publicity, including banners within 24 hours following the event. Directional signs must be taken down immediately after the event.

- Continued failure to remove expired publicity may result in loss of posting privileges.
- Student Involvement and Leadership may immediately remove any publicity not in accordance with this policy.

Residential Experience staff may remove any publicity not in accordance with this policy or guidelines set forth by the Office of Residential Experience.

### **PAINTING THE SMC**

The painting of the SMC by campus groups and individuals has been a longstanding tradition at Saint Mary's College of California. For generations, students have commemorated special events, heritage months and holidays by trekking up the hill, with paint supplies in tow, to give the "SMC" their special mark. Students, staff and faculty participate in this tradition as a way to let their presence on campus be known while building community within their group.

In an effort to encourage equitable access to the letters for all, Student Involvement and Leadership has created the following guidelines:

1. Submit a request to paint the SMC to Student Involvement and Leadership two weeks prior to your proposed date via email ([sil@stmarys-ca.edu](mailto:sil@stmarys-ca.edu)), phone or by submitting a web request at [www.stmarys-ca.edu/sil](http://www.stmarys-ca.edu/sil). Be sure to include proposed dates and the reason

for painting it. Associated Students student organizations should submit their request as an event via SPOT.

2. Upon receiving written approval from SIL, your group may paint the “SMC.”
3. The “SMC” shall remain painted for a period of no more than two (2) weeks, after which Facilities Services will repaint it to its original white color.
4. The SMC is to remain white during the following times:
  - Move-In Day
  - Mass of the Holy Spirit
  - The beginning of Fall Semester Finals’ Week through the end of the Christmas break
  - De La Salle week
  - The beginning of Spring Semester Finals’ Week through both commencement ceremonies
  - All summer

#### SOLICITATION AND COMMERCIAL ACTIVITY

The College has an obligation to preserve the student’s right to personal privacy, safety, and security. Individuals or organizations wishing to engage in commercial activity on campus may do so only with the written approval of the Vice President for Finance and Administration. The College does not allow door-to-door solicitation of products or services in the residence halls. This policy applies to all College and off-campus organizations, groups and individuals.

#### FUNDRAISING POLICY

The following principles, policies and procedures govern all student fundraising activities at Saint Mary’s College of California. The purpose of this policy is to guide Saint Mary’s student organizations in planning their fundraising activities for the benefit of the campus community. Fundraising is the responsibility of the College’s President and the Vice President for Advancement in accordance with the priorities established by the Board of Trustees.

1. Student clubs, classes and organizations may conduct on-campus fundraising after seeking the approval of their advisor and Student Involvement and Leadership.
2. Student organizations are permitted to conduct infrequent collection of food, clothing or change for charities; make requests for donated labor or donated products; and hold activities like bake sales that by and large do not solicit significant cash gifts. These student fundraising activities are only permitted on campus.
3. Student groups may solicit from individuals and businesses that have given money to the group in the past five years or that have a previous relationship with the group.
4. Student group solicitation of off-campus businesses for in-kind product and food donations is permitted on a limited basis subject to the approval of the Director of Student Involvement and Leadership, in consultation with the Advancement Office. An advance list of businesses to be solicited is required to be submitted to the Director as well.
5. Off-campus door-to-door and telemarketing type fundraising activities by student clubs and organizations are not permitted.
6. Students are not permitted to solicit alumni directly.
7. Students may not raise funds from foundations or from corporations.

8. The Vice President for Advancement will have final discretion in approving all fundraising activities. For questions, please call 925-631-4328.

### ***Student Chosen Name Policy***

Consistent with our Lasallian Catholic mission to "defend the goodness, dignity, and freedom of each person," and our espoused values of mutual respect, understanding, and inclusive community, Saint Mary's College of California will allow student members of our community to elect to utilize a chosen name beginning in the Fall 2019 semester. We recognize that some of our students may use names other than their legal name to identify themselves. These may include, but are not limited to: people who use their middle name instead of their first name, people who use nicknames of a legal name, people who use an anglicized name, and people who use a name that affirms their gender identity.

Students may request use of their chosen first name in lieu of their legal first name via an online form found on the Registrar's page. As long as the use of this chosen name is not for the purposes of misrepresentation, the College acknowledges that a chosen name may be used where possible. Saint Mary's College reserves the right to remove a chosen name if it is used inappropriately.

### **Where Can a Chosen Name be Used**

At this time, the student's chosen name will be reflected on student identification cards, Moodle, and Library systems.

We plan to add additional campus systems as they are reviewed, reconfigured, and tested. Campus announcements will accompany the rollout of chosen names to these additional systems.

The student's legal name will still continue to be used for official transcripts, diplomas, financial aid documents, payroll, and other instances where a legal name is required by law or university policy.

### **Limitations**

Chosen names are limited to first name only, alphabetical characters, a hyphen (-) and a space. The student's legal name will be written in small letters on the back of the student identification card. Although students are generally free to determine the chosen names they wish to be known by, inappropriate use of the chosen name policy (including but not limited to avoiding a legal obligation or misrepresentation) may be cause for denying the request.

If a chosen name is flagged as potentially inappropriate, a committee comprised of the Vice Provost for Student Academics, Dean of Students, and Registrar will determine appropriateness in conjunction with the student.

### **Process**

1. Student completes the form located on the Office of the Registrar homepage.
2. Office of the Registrar receives the form and notifies the Business Office. The Student Information System is updated.

3. A new student identification card is printed within 3 - 5 business days. Students must turn in their old student identification card to the Business Office when picking up the new card. There is no fee associated with this change.
4. Once the database is updated, the following systems will reflect the student's chosen name:
  - a. Student Identification Cards
  - b. Moodle
  - c. The Library database
5. We plan to add chosen names to additional campus systems as those systems are reviewed, reconfigured, and tested. Campus announcements will accompany the rollout of chosen names to these additional systems.

### **Legal Name Change**

A student's "name of record" at Saint Mary's College is defined as the legal name under which the student was admitted. Legal name is defined as that name verified by a birth certified date, marriage certificate, social security card, passport or court order. The college requires two of the following documents showing the new name:

- Driver's license
- Passport
- Marriage certificate
- Divorce decree
- Social security card
- Certified court order

Upon receipt and verification of this documentation, the Registrar will change the student's name in the student's official academic record. "Official academic record" in this section is defined as Saint Mary's College computerized student information system. Questions regarding this policy should be directed to the Vice Provost for Student Academics.

### ***Student Complaints Policy and Procedure***

This protocol gives instructions for addressing student complaints which are not otherwise covered in any subject-matter-specific grievance, complaint or appeal policy applicable to the student.

Students at Saint Mary's College of California may report a concern or complaint regarding any area of academic or student life without fear of coercion, harassment, intimidation, or reprisal from the College or any of its employees. Students have the right to expect a timely response to a complaint. Every effort will be made to resolve matters fairly and promptly. If additional follow-up and investigation is warranted, Saint Mary's will attempt to conduct the additional follow-up in a timely manner so as to not unduly delay the resolution of the complaint.

Because no single process can serve a wide range of possible complaints, Saint Mary's College provides specific processes for responding to certain kinds of student complaints. Where College policy provides a specific complaint or grievance procedure, the aggrieved student must use that

procedure. As a general guide, students should refer to the Student Handbook. Students are made aware of the Student Handbook via email at the beginning of the fall semester.

The following are some examples of established procedures for specific types of student complaints found in the Student Handbook:

- Bias Incident or Hate Crime
- Discipline process
- Discrimination or Harassment
- Grades and other Academic Complaints Procedures
- Student Disability Accommodations

Any student at Saint Mary's College who has a complaint that directly implicates the College's program of education should do the following:

1. Submit the complaint in writing to the Dean of Students. This correspondence must be submitted in one of the following ways:
  - Electronic mail – [dos@stmarys-ca.edu](mailto:dos@stmarys-ca.edu)
  - Postal mail - Dean of Students, Ferroggiaro 200, PMB 4327, Moraga, CA 94575
  - Or online form and mark "Other General Concern": [https://stmarys-ca-advocate.symplicity.com/care\\_report/](https://stmarys-ca-advocate.symplicity.com/care_report/)
2. The correspondence should describe in detail the behavior, program, process, or other matter that is the subject of the complaint, and should explain how the matter implicates the College's program of education.
3. For a response to take place, the complaint must contain the complaining student's name, student ID#, Saint Mary's email address, and current mailing address.
4. The Dean of Students will acknowledge the complaint within three business days of receipt of the written complaint. Acknowledgment may be made by electronic mail, postal service, or by personal delivery, at the discretion of the Dean of Students.
5. Within three weeks of acknowledgment of the complaint, the Dean of Students or designee, shall either meet with the complaining student, or respond to the substance of the complaint in writing. If further investigation is needed, the correspondence will indicate so and will also indicate when the investigation is anticipated to be completed. Upon completion of the initial review and any further investigation, if needed, Saint Mary's will provide the student with a substantive response regarding the final disposition of the complaint.
6. Appeals regarding decisions on complaints should be addressed to the Vice Provost of Student Life. Any decision made on appeal by the Vice Provost of Student Life shall be final.
7. A copy of the complaint and a summary of the process and resolution of the complaint shall be kept in the Office of the Dean of Students via a secure electronic filing system for a period of seven years from the date of final resolution of the complaint.

Any reports, questions or concerns can be directed to the Dean of Students at 925-631-4238; [dos@stmarys-ca.edu](mailto:dos@stmarys-ca.edu). **Please note that this procedure is not designed to address imminent emergencies.** If you have an emergency to report, please call Public Safety at 925-631-4282.

Any student may contact the Bureau for Private Postsecondary Education for review of a complaint. The bureau may be contacted at 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833, <http://www.bppe.ca.gov>, 916-431-6924 (telephone), or 916-263-1897 (fax).

### ***Student Disability Services***

Saint Mary's College of California Student Disability Services is a committed partner to students with disabilities, working to explore reasonable and appropriate accommodations in an effort to create an equal opportunity for all students to participate in and enjoy SMC educational and campus life programs. All student accommodation requests, including but not limited to registration, housing, and classroom accommodations can be made by contacting Student Disability Services (SDS). Information about Student Disability Services can be found at our website at: <https://www.stmarys-ca.edu/academics/academic-resources-support/student-disability-services>

#### **REQUESTING ACCOMMODATIONS**

In order to start the accommodation request process students will fill out an online application, found on the Student Disability Services [website](#), to provide introductory information about the diagnosis, barriers experienced and past services received. Students will also provide appropriate documentation to verify their disability from a diagnosing professional. After the online application is submitted, the SDS office will reach out to set up an intake interview with the student to further discuss challenges and needs to help ensure access to educational programs at SMC. Some examples of accommodations offered based on the student's individual needs could include extended time on testing, reduced distractions, alternative testing environment, assistive technology and materials in alternative formats, The Americans with Disabilities Act does not permit accommodations which would fundamentally alter the nature of a course. Once the Coordinator has all of the information they need to assess the individual student's disability and the limitations experienced, the Coordinator will offer accommodations to the student.

When the student and Coordinator agree on accommodations, the student's accommodations will be approved and an Eligibility Letter will be sent via email to the student. Faculty will be notified of accommodations once the student requests the accommodation through the SDS portal.

#### **ACCESSIBILITY**

Saint Mary's College strives to provide an accessible environment for all students, staff, faculty and visitors to our campus. Electronic accessibility is also a priority. Individuals who encounter physical access barriers on campus or electronic information and website barriers can call SDS at (925) 631-4358 for information, assistance and to report any URL's or page titles that are creating barriers.

#### **GRIEVANCES**

The College and Student Disability Services support students in their right to file a grievance when a student believes they have been denied equal access in the form of appropriate accommodations, modifications, auxiliary aids or effective communication or suffered discriminatory harassment as described in Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act (ADA) of 1990. The general grievance procedures, which apply

to all students, are available to students with disabilities and can be found at this [link](#). Grievances specific to accommodations and the Student Disability Services office should be referred to the Director of Student Disability Services for review and adjudication.

#### SERVICE ANIMAL AND ASSISTANCE (EMOTIONAL SUPPORT) ANIMAL POLICY

Saint Mary's College of California ("SMC") recognizes the importance of Service and Assistance Animals. The term "Assistance Animal" is distinct from the term "Service Animal" and the two are not treated the same under the law or this policy. Additionally, the term "Emotional Support Animal," used throughout this Policy and at SMC, is used synonymously with the term "Assistance Animal." This Policy may be amended by SMC from time to time. The most current and applicable version of this Policy may always be obtained on the Office of Student Disability Services ("SDS") website at <https://www.stmarys-ca.edu/academics/academic-resources-support/student-disability-services>.

#### Definitions/Terminology

Assistive Animal: An Emotional Support Animal.

Service Animal: Means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to, performing services such as minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items. This definition includes services for individuals whose disability may include but is not limited to physical, sensory, psychiatric, and intellectual or other mental disability. A Service Animal has the capacity to recognize a situation and respond to it. The term "Service Animal" in this Policy is intended to be used in a manner consistent with the Americans with Disabilities Act (ADA), as amended and consistent with California law.

Emotional Support Animal: In the context of housing accommodations, this term means an animal that is used by a person having a disability to alleviate a symptom of the disability. In the context of employment accommodations, this term means an animal that is used by a person having a disability or medical condition to alleviate a symptom of the disability or medical condition. Under applicable state and federal law, various terms may be used in a manner equivalent or substantially similar to Emotional Support Animal. Other terms used under applicable law, which may include but are not limited to "support animal," "comfort animal," or "therapy animal," shall be interpreted to mean Emotional Support Animal under this Policy. Emotional Support Animals need not have any particular service training as the mere presence of the animal positively affects the disability. In addition, although Emotional Support Animals are often dogs, this Policy is not limited to dogs and may include other animals.

#### STATEMENT OF POLICY

SMC is committed to accommodating individuals with disabilities. Consistent with its legal obligations, SMC will accommodate students and other individuals with disabilities by permitting the use of Service Animals on campus and in all areas of campus (with limited exception) to facilitate their full-participation and equal access to the College's programs and activities. SMC is also committed to accommodating individuals with a medical need or disability to maintain Emotional Support Animals in the individual's campus work space if an employee of the College. Finally, SMC is committed to accommodating individuals with a

disability to maintain Emotional Support Animals in residential facilities. Accommodations for Service Animals are addressed differently than accommodation requests for Emotional Support Animals as the legal requirements are different.

The Office of Student Disability Services (“SDS”) collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all SMC programs and activities. All requests for accommodations need to be made through the Student Disability Services office or, in the context of workplace accommodations, the Human Resources office. Requests for accommodations will be evaluated consistent with applicable legal requirements.

Approved accommodations involving Emotional Support Animals will be limited on campus to the individual’s residence room or, if an employee of SMC, the individual’s workspace.

All animals, inclusive of Service and Emotional Support Animals, may be prohibited from the campus, including but not limited to office spaces and residential facilities, if 1) the animal is out of control and effective remedial action is not taken to maintain control, 2) the animal is not housebroken, or 3) the animal poses a direct threat of harm or substantial property damage.

Requests to bring an emotional support animal into Campus Housing must be made directly to Student Disability Services and should be made 30 days prior to move in. Contact SDS at (925) 631-4358 to initiate the request and receive the appropriate forms for student and their diagnosing professional to complete and return for evaluation of the request.

#### **Relationship to SMC’s Pet Policy**

SMC has a campus-wide Pet Policy that, with limited exception, prohibits pets on campus. Service Animals are not considered “pets” and therefore the general prohibition of pets does not apply to these animals. Notwithstanding the terms of the Pet Policy, under certain circumstances and by express written agreement, pets may be allowed on campus. Individuals who maintain approved pets are expected to comply with a uniform set of rules related to the maintenance of their animal on campus. To the extent not inconsistent with an individual’s accommodation or inconsistent with state and federal law concerning the accommodation of individuals with Service Animals, the uniform rules for animals maintained on campus shall be followed by all members of the campus community who have authorized animals on campus. Exceptions to abiding by individual rules in the uniform rules by individuals with Service Animals may be made by the 504 Coordinator where compliance with the particular rule is contrary to applicable law (e.g., SMC may not charge an individual with a Service Animal a deposit or other pet or animal fee, but it may charge an individual for the cost of cleaning or fixing damage to campus property). If the individual is an employee and seeking an exception to a rule as it may apply to a workplace accommodation, such exceptions must be reviewed by Human Resources as a part of the interactive accommodation process.

#### ***Student Services Policies***

##### **IDENTIFICATION CARDS (ID’S)**

Incoming students are issued a photo ID card on the first day of the semester. To request a photo ID card, email the student’s full name, student ID number, and headshot photo directly to [photoid@stmarys-ca.edu](mailto:photoid@stmarys-ca.edu). The ID card serves as picture identification and is valid for the

estimated four years of attendance at Saint Mary's College (less if you are a transfer or graduate/professional student). It provides various privileges/discounts. The ID card is multi-functional in that it is used for access to the Joseph L. Alioto Recreation Center, the Health & Wellness Center, residence halls, the library, and all College events including athletic events. The ID card also functions as your meal card allowing you to add more money should you choose. To add more money, please visit SMC GET at [get.cbord.com/stmarys-ca](http://get.cbord.com/stmarys-ca). Because the card is issued for numerous years, students may also be checked to a current registration listing. Students who are not registered are not eligible to utilize the privileges/discounts of the ID card. The Business Office issues replacements for lost ID cards Monday - Friday, 9:00 a.m. to 3:00 p.m. for \$10. If the ID is also used as a meal card, it will cost \$25.00 to have a meal card reissued. Replacement cards will be available for pick up within three business days. Please care for your ID card as you would a government issued driver's license or a credit card. Battered or torn cards will not work effectively.

### MEDIA POLICY

Saint Mary's College recognizes that student publications can be valuable tools in establishing and maintaining an atmosphere of free and responsible discussion and exploration, bringing student concerns to the attention of all members of the College community, and for formulating student opinion. Student publications bear a responsibility to the College as an institution of higher education in the Roman Catholic tradition and as a community of persons. Respect for truth, openness of inquiry, and good taste are hallmarks of such responsibility. To maintain these principles, the following are applicable to student publications:

1. Student media (publications and radio) are free of censorship and/or advance approval of copy, and their editors and managers shall be free to develop their editorial policies and news coverage. At the same time, this freedom entails the corollary responsibility to be governed by the canons of responsible journalism and the basic principles and traditions of the College in both print and electronic media. In addition, KSMC student radio falls within the jurisdiction of the Federal Communications Commission (FCC) and therefore, FCC broadcast standards apply to transmissions by KSMC radio.
2. Editors and managers of student media supported by recognized College bodies shall be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content that does not otherwise violate College policy or applicable laws or regulations. Only for proper and stated causes will editors and managers be subject to removal and then by orderly and prescribed procedures.
3. All student publications, radio and television should carry a statement that the opinions expressed are not those of the College or the Associated Students.

### ***Technology Use Policy***

Saint Mary's College of California ("Saint Mary's") is a non-profit public benefit corporation dedicated to offering a Catholic, Lasallian, Liberal Arts education. Saint Mary's has developed Information Technology (IT) resources to support this mission. This Policy governs the appropriate use of Saint Mary's IT Resources.

1. The primary purpose of Saint Mary's IT Resources is to facilitate and support the Academic Mission of the College.
2. The use of Saint Mary's IT resources for College business and operational activities such as Financial and Academic administration, student support, and facilities administration are also critical in support of the Academic Mission of the College.
3. The mission-aligned priorities noted above constitute the primary use of Saint Mary's IT Resources. All other uses are secondary, and must not interfere with primary use of Saint Mary's IT Resources.
4. The use of Saint Mary's IT Resources is a privilege that is extended to all qualified members of the Saint Mary's Community, and must be consistent with the priorities listed above.
5. The use of Saint Mary's IT Resources by all Users must comply with all applicable laws and Saint Mary's Policies. Violations may result in suspension or termination of User privileges.
6. By accessing Saint Mary's IT Resources, Users implicitly agree to abide by this Policy.

Because there are multiple handbooks for the various groups at Saint Mary's, all handbooks will be directed to the same website for the current policies. This will ensure that all parties are directed to the current version and avoid the possibility of outdated policies in any particular handbook.

### **Related IT Policies**

*Saint Mary's College of California General Policies Governing the Use of Information Technology*

*Saint Mary's College of California Policy Governing the Attachment and Use of Personally-owned Computer Equipment on the Saint Mary's Network (also referred to as Bring Your Own Device, BYOD)*

*Saint Mary's College of California Policy for College-Provided Mobile Computing Equipment*

*Saint Mary's College of California Password Policy*

*Saint Mary's College of California Web and Blog Use Policy*

*Saint Mary's College of California Institutional Information Security Policy*

These policies can be found on the Technology Policy page of the College's website, <https://www.stmarys-ca.edu/it-services/technology-planning-and-policy/technology-policy>

### ***Title IX Policy***

#### **INTRODUCTION**

#### **What is the purpose of the Title IX Policy?**

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or

activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how this college **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this college **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>

Based on the Final Rule, Saint Mary's College of California will implement the following Title IX Policy, effective August 14, 2020.

### **How does the Title IX Policy impact other campus disciplinary policies?**

In recent years, "Title IX" cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, Saint Mary's College of California must narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and adjudication process. **Only** incidents falling within the Final Rule's definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Policy defined below.

Saint Mary's College of California remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our campus has:

- A **Student Code of Conduct and the Faculty/Staff (employee) Handbooks** that define certain behavior as a violation of campus policy, and a separate **Title IX (Sexual Misconduct) Policy** that addresses specific types of sex-based offenses constituting a violation of campus policy and Title IX regulations, and the procedures for investigating and adjudicating those sex-based offenses.

To the extent that alleged misconduct falls outside the Title IX Policy, or misconduct falling outside the Title IX Policy is discovered in the course of investigating covered Title IX misconduct, the college retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Student Code of Conduct for students and the Faculty or Staff Handbooks for employees through a separate proceeding.

The elements established in the Title IX Policy under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

### **How does the Title IX Policy impact the handling of complaints?**

Our existing Title IX reporting structure remains in place. What has changed is the way our Title IX officers will handle different types of reports arising from sexual misconduct, as detailed in full throughout the *Making a Report* and *Filing a Formal Complaint* sections.

#### TITLE IX POLICY

##### GENERAL RULES OF APPLICATION

#### **Effective Date**

This Title IX Policy will become effective on August 14, 2020, and will only apply to formal complaints of sexual harassment brought on or after August 14, 2020.

#### **Changes to the Title IX Final Rule**

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be changed or modified by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or any invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date. Should the Title IX Policy be revoked in this manner, any conduct covered under the Title IX Policy shall be investigated and adjudicated under the existing Code of Conduct for Students and Faculty or Staff Handbook for employees.

#### **Non-Discrimination**

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at: <https://ocrcas.ed.gov/contact-ocr>.

#### DEFINITIONS

##### **Covered Sexual Harassment**

For the purposes of this Title IX Policy, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. **Quid Pro Quo** which includes an employee conditioning educational benefits on participation in unwelcome sexual conduct;

2. **Unwelcome conduct of a sexual nature** that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
3. **Sexual assault** (as defined in the Clery Act), which includes any forcible or nonforcible sexual act directed against another person (contact with genitals, objects, however slight), rape, sodomy, sexual assault with an object, fondling, incest and statutory rape, without the consent of the victim including instances where the victim is incapable of giving consent;
4. **Dating violence** (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship;
5. **Domestic violence** (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under California domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of California;
6. **Stalking** (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress;
7. **Sexual Exploitation** occurs when a person takes advantage of another person for the benefit of anyone other than that person, without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include but are not limited to: prostituting another person; recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent; distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and, viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire. Sexual exploitation may occur regardless of whether sexual activity takes place.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Code of Conduct for Students and the Employee Handbook for employees.

### **Affirmative Consent**

For the purposes of this Title IX Policy, “consent” is defined as unambiguous and willing participation or cooperation in act or attitude that is commonly understood to be consistent with the exercise of free will. Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Consent requires participants who are fully conscious, are equally free to act, have clearly communicated their willingness, cooperation, or permission to participate in a specific sexual activity, are positive and clear in their desires, and are able to cease ongoing consensual activity at any time. If you have sexual activity with someone you know to be- or should know to be – mentally or physically incapacitated (for example, by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, where, why or how of their sexual interaction. Expression of nonconsenting does not have to be verbal; it can be communicated with gestures or body language. Silence, in and of itself, cannot be interpreted as consent. A prior sexual history between the complainant and respondent does not constitute consent.

Consent is not freely given if:

- It is obtained through the use of force, through the fear of or the threat of force, intimidation, coercion, or by kidnap; or
- A reasonable person in the position of the alleged respondent at the time the alleged conduct occurred should have known that the other person was unable to give consent for any of the following reasons:
  - The individual is unable to make an informed decision as a result of alcohol or other drugs (including but not limited to predatory drugs or prescribed medications); or
  - The individual is unconscious, asleep, or suffering from shock; or
  - The individual is under the age of eighteen and therefore legally unable to give consent; or
  - The individual has a known mental disorder or developmental or physical disability, and therefore legally unable to give consent.
  - The individual has acted or spoken in a manner which expresses they refuse to give consent.

The foregoing description is what it means to have obtained affirmative consent.

### **Education Program or Activity**

For the purposes of this Title IX Policy, Saint Mary’s College of California’s “education program or activity” includes:

- Any on-campus premises.
- Any off-campus premises that Saint Mary’s College of California has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.

- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Saint Mary's College of California's programs and activities over which Saint Mary's College of California has substantial control.

### **Grievance Process**

The grievance process is the fact-finding process from the time of the filing of the Formal Complaint through the final determination of an appeal (if any).

### **Formal Complaint**

For the purposes of this Title IX Policy, "formal complaint" means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Saint Mary's College of California's education program or activity and requesting initiation of the procedures consistent with the Title IX Policy to investigate the allegation of sexual harassment.

### **Complainant**

For the purposes of this Title IX Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

### **Relevant evidence and questions**

"Relevant" evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

"Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Title IX Process:

- Evidence and questions about the complainant's sexual predisposition or prior sexual behavior unless:
  - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
  - They concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. 34 C.F.R. § 106.45(6)(i).
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege. (Legally-recognized privileges include, e.g., attorney client privilege; priest-penitent privilege, physician-patient privilege)
- Any party's medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

## **Respondent**

For the purposes of this Title IX policy, Respondent means any individual who has been reported to be the person engaging in conduct that could constitute covered sexual harassment as defined under this policy.

## **Academic Freedom**

Harassment based on sex, race, or other protected characteristics includes verbal conduct which has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or educational environment. However, harassment does not include verbal expression that is relevant to course subject matter, and the College's procedures for handling harassment complaints shall not abridge academic freedom.

## **Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to Saint Mary's College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Saint Mary's College's educational environment, or deter sexual harassment.

## **Confidentiality and Privacy**

Consistent with the requirements of this Policy, Saint Mary's College of California shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. This means that Saint Mary's College of California will protect the party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process complaints under this policy.

Confidentiality is not absolute, however. Where criminal conduct has occurred, or where the health and/or safety of others in the community may be in danger, it may be necessary for Saint Mary's College of California to take appropriate steps to protect the safety of its students and employees, including the person who has reported the misconduct.

Confidential Resources are identified in the Reporting section of this Policy. In most cases, Confidential Resources at Saint Mary's College of California, unless with the consent of the individual, will not share the substance of any such communications or that such

communications occurred. Individuals who wish to talk about issues related to sexual harassment or sexual misconduct confidentially, with the understanding that Saint Mary's College of California will not take any action based on such confidential communications, are encouraged to contact one of the Confidential Resources identified in this Policy.

Confidential resources may, however, have an obligation to disclose otherwise-privileged information where they perceive an immediate and/or serious threat to a person and/or property. This is a limited exception to the privileged nature of communications with Confidential Resources. Reports or records maintained by Saint Mary's College of California (including CAPS records), and other confidential, non-privileged records may, however, be subject to a subpoena if civil or criminal charges are filed in court.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Confidential Resources will not report Clery crimes they learn about through confidential communications for purposes of Saint Mary's College of California's compilation of campus crime statistics.

### **Disability Accommodations**

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

### **MAKING A REPORT REGARDING COVERED SEXUAL HARASSMENT**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The College will accept anonymous complaints however the College will be limited in its ability to address the concerns without identifying reporting parties to obtain supporting information.

Contact Information for the Title IX Coordinator:

**Laurie Panian**  
**Associate Vice President, Chief Human Resources Officer and Title IX Coordinator**  
**Filippi Administration Building, Garden Level**  
[imp10@stmarvys-ca.edu](mailto:imp10@stmarvys-ca.edu)  
**(925) 631-4530**

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

### **Reporting**

The following Officials will provide **privacy**, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator
  - a. Laurie Panian, Associate Vice President, Chief Human Resources Officer
- Deputy Title IX Coordinators
  - a. Evette Castillo Clark, Dean of Students
  - b. Stacy Vander Velde, Director of Community Life
  - c. Erika Roesch, Human Resources Manager
  - d. Kami Gray, Deputy Athletics Director for Internal Operations/Senior Woman Administrator
- Identified Campus Security Authorities
  - a. These people are required to report incidents as defined by the VAWA Amendments of the Clery Act.
- All members of the College Community who are employees are required by the College to report to a Title IX Officer if they observe, encounter or learn of conduct that may be subject to the Title IX Policy.

The following Officials may provide **confidentiality**:

- Confidential Resources (for students)
  1. Megan Gallagher, Director of CARE Center
  2. Counseling and Psychological Services Counselors
  3. Clergy during Confession

### NON-INVESTIGATORY MEASURES AVAILABLE

Saint Mary's College shall treat parties equitably by offering Supportive Measures to the Complainant, and by following a grievance process that complies with this policy before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures as against the Respondent. Saint Mary's will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of Saint Mary's College to provide the Supportive Measures. The Title IX Coordinator or designee is responsible for coordinating the effective implementation of Supportive Measures. The Title IX Coordinator or designee should record and retain records regarding requests and provision of Supportive Measure in accordance with this Policy.

## Supportive Measures

Saint Mary's College of California provides the supportive measures, which may include the following as appropriate:

- *counseling*
- *extensions of deadlines or other course-related adjustments*
- *modifications of work or class schedules*
- *campus escort services*
- *restrictions on contact between the parties (no contact orders)*
- *changes in work or housing locations*
- *leaves of absence*
- *increased security and monitoring of certain areas of the campus*
- *safety planning*

Supportive measures are non-disciplinary and non-punitive.

## Emergency Suspension (applies to students)

Saint Mary's College of California retains the authority to remove a Respondent from the College's program or activity on an emergency basis, where Saint Mary's College of California (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If Saint Mary's College of California determines such removal is necessary, the Respondent will be provided notice and an opportunity to challenge the decision immediately following the removal.

## Procedure for Emergency Suspension in Title IX allegations

- a. Notice: If the Dean of Students or designee imposes an emergency suspension, then the student will receive written confirmation of the emergency suspension. The notice will state the facts and circumstances warranting the emergency suspension, the conditions of the emergency suspension, that a Dean of Students (DS) hold will be placed on the student's account, and the student's review rights.
- b. Review: Within three (3) academic calendar days of the imposition of the emergency suspension, the student may petition the Dean of Students or designee to review the reliability of the information concerning the alleged harm or ongoing threat. The petition for review must be in writing and may include evidence supporting the student's position that the student does not pose or no longer poses an immediate threat to physical health or safety.
- c. Final Determination: If, after considering the petition for review and evidence, the Dean of Students or designee affirms the decision to emergency suspend, the matter will proceed promptly through the investigation and hearing process without undue delay, unless additional time is requested by the student. However, if, after considering the petition for review and evidence, the Dean of Students or designee determines that the

student has established by a preponderance of the evidence that the student does not pose or no longer poses immediate threat to physical health or safety, the emergency suspension will be lifted and the matter will proceed according to the normal Title IX process, up to and through a hearing and appeal, if required.

### **Administrative Leave (applies to employees)**

Saint Mary's College of California retains the authority to place a non-student employee respondent on administrative leave with pay during the Title IX Process, consistent with the Faculty/Staff Handbook.

### **Amnesty for Student Code of Conduct Violations**

An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of Saint Mary's College's student conduct policy at or near the time of the incident, unless Saint Mary's College determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty

### TITLE IX PROCESS

#### FILING A FORMAL COMPLAINT

The timeframe for the Title IX Process begins with the filing of a Formal Complaint. The Process will typically be concluded within a reasonably prompt manner, after the filing of the Formal Complaint, however the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator or designee a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of Saint Mary's College of California, including as an employee. For complainants who do not meet this criteria, the College will utilize existing policy in the Code of Conduct for Students and the Employee Handbook for employees.

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator or designee may determine a Formal Complaint is necessary. Saint Mary's College of California will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the Title IX Policy, Student Conduct of Conduct or Employee Handbook prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

A complainant who files a Formal Complaint may elect, at any time, to address the matter through the College's *Informal Resolution Process*. Information about this process is available in Appendix 1.

### **Multi-Party Situations**

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

### **DETERMINING JURISDICTION**

The Title IX Coordinator or designee without conflict of interest will determine if the Title IX Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in Saint Mary's College of California education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Saint Mary's College of California will investigate the allegations according to the Process which is based on whether the respondent is a student or employee.

### **Allegations Potentially Falling Under Two Policies**

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Process will be applied in the investigation and adjudication of all of the allegations.

### **Mandatory Formal Complaint Dismissal**

If any one of these elements are not met, the Title IX Coordinator designee without conflict of interest will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Policy. Each party may appeal this dismissal using the procedure outlined in "Appeals," below.

### **Discretionary Formal Complaint Dismissal**

The Title IX Coordinator designee without conflict of interest may dismiss a Formal Complaint brought under the Title IX Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by Saint Mary's College of California; or,

- If specific circumstances prevent Saint Mary's College of California from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in "Appeals," below.

### **Notice of Formal Complaint Dismissal**

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

### **Notice of Formal Complaint Removal and Referral to Code of Conduct**

Upon dismissal for the purposes of Title IX, Saint Mary's College of California retains discretion to utilize the Code of Conduct, Faculty Handbook, or Employee Handbook to determine if a violation of the Code of Conduct, Faculty Handbook, or Employee Handbook has occurred. If so, Saint Mary's College of California will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Process and referral to the Office of Community Life or Human Resources for action in accordance with the applicable Handbook.

### NOTICE OF ALLEGATIONS

The Title IX Coordinator or designee will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator or designee may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Formal Complaint Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Formal Complaint Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

### **Contents of Notice**

The Notice of Allegations will include the following:

- Notice of the institution's Title IX Process including information on informal resolution processes and a hyperlink to a copy of the processes.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the

parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.

- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);
- For Students, a statement that *Article III, section 1. Dishonesty* in the Student Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the process.
- For Employees, a statement that Section 2.14 Prohibited Conduct in the Employee Handbook prohibits knowingly making false statements or knowingly submitting false information during the process, or in the Faculty Handbook at 2.9.3.1.3 with respect to Intentionally False Reporting.

### **Ongoing Notice**

If, in the course of an investigation, the institution decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Policy, the institution will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

### **ADVISORS**

Saint Mary's College of California allows equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

For students, Saint Mary's College of California has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy (i.e., direct cross examination during a hearing), as consistent with the Final Rule, Advisors of Choice

shall not participate directly in the process as per standard policy and practice of Saint Mary's College of California.

For Employees, employees are required to participate in the process directly and not through an advocate or representative. Employees participating as a Complainant or Respondent may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend, however the Advisor shall not participate directly in the process with the exception of cross examination during a live hearing.

Saint Mary's College of California will not intentionally schedule meetings or hearings on dates where the Advisors of Choice 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.

Saint Mary's College of California's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and the College cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. The College will not be obligated to delay a meeting or hearing under this process more than five (5) academic calendar days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by the College.

### **Notice of Meetings and Interviews**

Saint Mary's College of California will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

### **Delay Requests**

Each party may request a one-time delay in the Process of up to five (5) academic calendar days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Director of Community Life, or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

For example, a request to take a five-day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five-day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator, Director of Community Life, or designee shall have sole judgment to grant further pauses in the Process.

## INVESTIGATION

### **General Rules of Investigations**

The Title IX Investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged to constitute covered sexual harassment under a reasonably prompt timeframe after the issuance of the Notice of Allegations.

Saint Mary's College of California and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from Saint Mary's College of California and does not indicate responsibility.

Saint Mary's College cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. Saint Mary's College of California will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

### **Inspection and Review of Evidence**

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020).

The institution will send the evidence made available for each party and each party's advisor, if any, to inspect and review. The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion to determine format and any restrictions or limitations on access.

The parties will have ten (10) academic calendar days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report.

The institution will provide copies of the parties' written responses to the investigator to all parties and their advisors, if any. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020). Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX process. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

The parties and their advisors agree not to photograph or otherwise copy the evidence. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

### **Inclusion of Evidence Not Directly Related to the Allegations**

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of an involved party. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a "privilege log" that may be reviewed by the parties and their advisors, if any. See, 85 Fed. Reg. 30026, 30438 (May 19, 2020).

### **Investigative Report**

The investigator designated by the Title IX Coordinator or designee will create an Investigative Report that fairly summarizes relevant evidence, and will provide that Report to the parties at least ten (10) academic calendar days prior to the hearing for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report. The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are not otherwise relevant. See, 85 Fed. Reg. 30026, 30304 (May 19, 2020).

### **Post Investigation/ Pre-Hearing Meeting**

At the conclusion of the investigation meeting, parties will be invited to participate in individual post investigation meetings to review and prepare for the live hearing. During this meeting, parties may review opportunities for an agreed resolution as outlined in the informal resolution process (see appendix 1). It should be noted that the facilitator if this meeting is not a decision

maker but rather is responsible for negotiating a resolution as well as providing pertinent process information about the live hearing.

## HEARING

### **General Rules of Hearings**

Saint Mary's College of California will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through an informal resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at Saint Mary's College of California's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through a Video Conferencing platform. This technology will enable participants simultaneously to see and hear each other. At its discretion, Saint Mary's College of California may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audio recording. That recording will be made available to the parties for inspection and review.

Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Process. Once signed, this Agreement may not be withdrawn See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

### **Continuances or Granting Extensions**

Saint Mary's College of California may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the College will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

### **Newly-discovered Evidence**

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The DHB or decision-maker will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the DHB or decision-maker in employee cases answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

### **Participants in the live hearing**

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

#### *Complainant and Respondent (The Parties)*

The parties cannot waive the right to a live hearing. The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a “statement” by that party. 85 Fed. Reg. 30026, 30361 (May 19, 2020).

- For example, a verbal or written statement constituting part or all of the sexual harassment itself is not a “prior statement” that must be excluded if the maker of the statement does not submit to cross-examination about that statements. See, OCR Blog (May 22, 2020), available at <https://www2.ed.gov/about/offices/list/ocr/blog/20200522.html>
- Saint Mary’s College of California will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party’s participation. See 34 C.F.R. § 106.71; see also 85 Fed. Reg. 30026, 30216 (May 19, 2020).
- If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross examination or other questions. See 34 C.F.R. §106.45(b)(6)(i).
- The parties shall be subject to the institution’s Rules of Decorum (Appendix 2).

#### *The Decision-maker*

- The hearing body for students will consist of a panel of three (3) decision makers known as the Disciplinary Hearing Board (DHB) and one of these panelists will serve as the Chair.
- The hearing body for employees will consist of a single Decision-Maker.
- No member of the DHB or the decision-maker will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the DHB or decision-maker serve on the appeals body in the case.

- No member of the DHB or decision-maker will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The members of the DHB or decision-maker will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a DHB member's or decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

#### *Advisor of choice*

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf. 85 Fed. Reg. 30026, 30340 (May 19, 2020).
- If neither a party nor their advisor appear at the hearing, the College will provide an advisor to appear on behalf of the non-appearing party. See, 85 Fed. Reg. 30026, 30339-40 (May 19, 2020).
- Advisors shall be subject to the institution's Rules of Decorum (Appendix 2), and may be removed upon violation of those Rules.

#### *Witnesses*

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation. See, 85 Fed. Reg. 30026, 30360 (May 19, 2020).
- If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent

witness to a witness or party who testifies at the live hearing. 85 Fed. Reg. 30026, 30347 (May 19, 2020).

- Witnesses shall be subject to the institution's Rules of Decorum (Appendix 2)

## **Hearing Procedures**

For all live hearings conducted under this Title IX Process, the procedure will be as follows:

- The DHB Chair or decision-maker will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- DHB panelists or the decision-maker will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after the DHB panel or decision-maker conducts its initial round of questioning; During the Parties' cross-examination, the DHB panel or decision-maker will have the authority to pause cross-examination at any time for the purposes of asking the DHB panel's or decision-maker's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the DHB or decision-maker. A Party's waiver of cross-examination does not eliminate the ability of the DHB panel or decision-maker to use statements made by the Party.

## **Live Cross-Examination Procedure**

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the DHB panel or decision-maker will determine if the question is relevant. See Appendix 3 for *Relevance Guide*. Cross-examination questions that are duplicative of those already asked, including by the DHB panel or decision-maker may be deemed irrelevant if they have been asked and answered.

## **Review of Audio Recording**

The recording of the hearing will be available for review by the parties within 10 academic calendar days, unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors of choice.

## DETERMINATION REGARDING RESPONSIBILITY

### **Standard of Proof**

Consistent with California law, Saint Mary's College of California uses the preponderance of the evidence standard for investigations and determinations regarding responsibility for formal complaints covered under this Policy. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Policy occurred to a neutral decision maker.

### **General Considerations for Evaluating Testimony and Evidence**

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the DHB or decision-maker.

DHB panelists or the decision-maker shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

DHB panelists or the decision-maker will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that Saint Mary's College of California allow parties to call "expert witnesses" for direct and cross examination. The College does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the DHB or decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that Saint Mary's College of California allow parties to call character witnesses to testify. The College does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the DHB or decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that Saint Mary's College of California admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the DHB or decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the DHB or decision-maker may draw an adverse inference as to that party or witness' credibility.

### **Components of the Determination Regarding Responsibility**

For Students, the written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

- A. Identification of the allegations potentially constituting covered sexual harassment;
- B. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding which section of the Code of Conduct, if any, the respondent has or has not violated.
- E. For each allegation:
  - i. A statement of, and rationale for, a determination regarding responsibility;
  - ii. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
  - iii. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- F. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

For Employees, disciplinary sanctions for employee Respondents will not be issued by the decision-maker at the conclusion of the Live Hearing.

The written Determination Regarding Responsibility will be provided to the Title IX Coordinator and Human Resources. Human Resources will submit findings to the Responsible Administrator. The Responsible Administrator is the line administrator (for example, the dean, director, vice president, or president), who is responsible for acting on the findings and for making a decision regarding discipline of the person accused in consultation with Human Resources. If the finding is that discrimination or harassment occurred, Human Resources will discuss or provide information about appropriate remedies to the responsible administrator.

### **Timeline of Determination Regarding Responsibility**

If there are no extenuating circumstances, the determination regarding responsibility will be issued by Saint Mary's College of California within ten (10) academic calendar days of the completion of the hearing.

### **Disciplinary Sanctions**

For Students, sanctions are assessed in response to the specific conduct, the disciplinary history of the Respondent as well as the impact to the community. The list of commonly used sanctions can be located in the *Student Code of Conduct, Article IV, section G*. Note, this is not an exhaustive list.

For Employees, appropriate discipline may range from an oral reprimand up to and including termination, or any other appropriate remedial action. In making a decision regarding discipline, Saint Mary's College of California may consider properly established records of previous conduct and the seriousness of the violation. Where there are allegations of discrimination or harassment and a longer pattern or practice of discrimination or harassment exists, Saint Mary's College of California shall consider the totality of events in determining appropriate discipline.

### **Finality**

The determination regarding responsibility becomes final either on the date that Saint Mary's College of California provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

#### APPEALS

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within 5 academic calendar days of being notified of the decision via the link included in their outcome letter, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- A process or procedural error was made that that was significantly prejudicial to the outcome of the matter (i.e. a failure to follow the institution's own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against Complainants or Respondents in general, that affected the outcome of the matter.
- The severity of the sanction imposed was not appropriate based on the section of the Code or other College policy which the individual was found to have violated.

The submission of a request for appeal places any sanctions on hold for the duration of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, Saint Mary's College of California will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than 10 pages (including attachments). Appeals should be submitted via the web form provided in the outcome letter using ARIAL or TIMES NEW ROMAN, 12 point font, and double-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by an appellate hearing body who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or decision-maker or DHB panelist in the same matter.

Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

#### RETALIATION

Saint Mary's College of California will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment. (see Good Samaritan Policy regarding amnesty from disciplinary action)

Complaints alleging retaliation may be filed according to the Student Conduct of Conduct for students and the Faculty/Staff Handbook for Employees.

#### RECORD RETENTION

Saint Mary's College of California shall maintain for a period of seven years records of: (A) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under this policy, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to Saint Mary's College of California's education programs or activities; (B) Any appeal and the result therefrom; (C) Any informal resolution and the result therefrom; and (D) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. Saint Mary's College of California shall make these training materials publicly available through its website.

Saint Mary's College of California shall create, and maintain for a period of seven years, records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of sexual harassment. In each instance, Saint Mary's College of California will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to Saint Mary's College of California's education program or activity. If Saint Mary's College of California does not provide a Complainant with Supportive Measures, then Saint Mary's College of California will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit Saint Mary's College of California in the future from providing additional explanations or detailing additional measures taken.

#### ALTERNATIVE PROCEDURES

Employees are encouraged to use Saint Mary's College Internal Complaint Procedure to address any complaints of discrimination or harassment based on protected class status. However, an employee may elect to file a complaint with the following:

U.S. Equal Employment Opportunity Commission (EEO), <http://www.eeoc.gov/>, 800-669-4000, 800-669-6820, TTY

U. S. Department of Education, Office for Civil Rights (OCR), 50 Beale Street, Suite 7200, San Francisco, CA 94105-1813, telephone (415) 486-5555, fax (415) 486-5570, or email: [OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov).

California Department of Employment and Housing, <http://www.dfeh.ca.gov/> 800-884-1684

Any complaint of discrimination or harassment filed under the College's procedures shall be processed even if the Complainant also files a complaint or suit with an outside agency, including the California Department of Employment and Housing, U.S. Equal Employment Opportunity Commission, or U.S. Department of Education Office of Civil Rights (OCR).

#### APPENDIX 1 – INFORMAL RESOLUTION PROCESS

##### **What is the purpose of this Policy?**

On May 19, 2020, the U.S. Department of Education issued a Final Rule governing the Title IX process, effective August 14, 2020. The Final Rule requires that all colleges and universities hold a live hearing before making any determination regarding responsibility for covered reports of Title IX sexual harassment, including sexual violence. This hearing must provide for live cross-examination by the parties' advisors.

However, under § 106.45(b)(9) of the Final Rule, colleges and universities may offer and facilitate informal resolution processes, as long as each party voluntarily agrees to the process through an informed, written consent. This option is a change from long-standing Departmental guidance discouraging the use of informal procedures to address sexual harassment and prohibiting the use of mediation to address sexual assault. In the Preamble to the Final Rule, the Department states that it views informal resolutions as a way to resolve sexual harassment allegations in a less adversarial manner than the investigation and adjudication procedures that comprise the § 106.45 grievance process.

No college or university is required to adopt an informal procedure for addressing Title IX-covered sexual assault, nor is there any obligation to create or put in place such a policy by the August 14, 2020 implementation date. Institutions should use caution in pursuing an informal resolution process to ensure that facilitators have significant training in the chosen methodology.

This Policy, in turn, provides guidance regarding the contents of a Title IX-complaint process and the types of informal resolution procedures you may consider adopting.

#### **Elements of an Informal Resolution Process**

##### **Procedures for Entering and Exiting Informal Resolution Process**

Parties who do not wish to proceed with an investigation and live hearing, and instead seek Saint Mary's College of California's assistance to resolve allegations of Title IX-covered misconduct, may elect to enter the informal resolution process. Generally speaking, these resolution options are less time intensive than an investigation and live hearing, while still affording students an opportunity to actively participate in a process led by the College for resolution of their complaints.

The Parties may elect to enter Saint Mary's College of California's informal resolution process at any time after the filing of the Formal Complaint through an informed written consent. This

informed written consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the Parties.

No Party may be required to participate in informal resolution, and the College may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The Parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded. If a Party elects to leave the informal resolution process, the formal resolution process recommences. In participating in the informal resolution process, the Parties understand that the timeframes governing the formal process temporarily cease, and only recommence upon reentry into the formal process.

### **Determination to Approve Entry into Informal Resolution Process**

Even where the Parties agree to submit a matter to informal resolution, the Title IX Coordinator or designee may<sup>1</sup> approve the decision to move the matter to the informal resolution process and may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator or designee may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the respondent is a repeat offender, and whether the Parties are participating in good faith. This determination is not subject to appeal.

Informal resolution is only permitted to address allegations of student-on-student sexual harassment, and is never allowed as an option to resolve allegations that an employee sexually harassed a student. See, 85 Fed. Reg. 30026, 30054 (May 19, 2020).

At any time after the commencement of the informal resolution process, the Title IX Coordinator may determine that the informal resolution process is not an appropriate method for resolving the matter, and may require that the matter be resolved through the formal process. This determination is not subject to appeal.

### **Role of the Facilitator**

Informal resolution processes are managed by facilitators, who may not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific Parties in the matter.

All facilitators must have training in the definition of sexual harassment under 34 C.F.R. § 106.30(a), the scope of the institution's education program or activity, how to conduct informal

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<sup>1</sup> Informal resolution processes commonly require the Title IX Coordinator or other designated official to approve the Parties' mutual and voluntary decision to handle the complaint through an informal process, but such an approval process is not required under the Title IX Final Rules.

resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

**Confidentiality:**

In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the Formal Complaint is confidential. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. As a condition of entering the informal resolution process, any evidence shared or received during the informal resolution process may not be used in any subsequent formal resolution process or institutional appeal.

**Title IX Informal Resolution Options**

Saint Mary's College of California offers the following informal resolution procedures for addressing Formal Complaints of sexual harassment covered under this Policy:

**Agreed Resolution**

Should the Parties mutually determine to enter the informal resolution process, and the respondent elects to accept responsibility for the allegations of the Formal Complaint at any point during the informal resolution process, the institution may resolve the Formal Complaint via an Agreed Resolution.

Where the respondent admits responsibility, the Parties will receive simultaneous written notification of the acceptance of responsibility, and a facilitator will convene to determine the respondent's sanction and other remedies, as appropriate and consistent with institutional policy.

In situations that have been investigated and are to be heard by the Disciplinary Hearing Board (DHB), the Dean of Students or designee and the Respondent may agree on the facts and, if warranted, identify mutually agreeable sanction(s) to be imposed. In such a case, the agreed upon facts and sanction(s) shall be reduced to writing, dated, and signed by the Respondent.

An Agreed Resolution shall be final and not subject to subsequent proceedings unless the Complainant submits a written objection to cancel the Agreed Resolution within 3 days of the date it was signed by the Respondent.

In situations where the Dean of Students or designee and the Respondent cannot agree to the facts and sanctions to be imposed, the case shall be referred to the DHB for a determination in accordance with outlined procedures.

**Restorative Justice**

A Party may request to engage in Restorative Justice (RJ) Practices at any stage of the Title IX process, however, restorative justice may not be an appropriate mechanism for all conflicts. The College utilizes practices derived from Restorative Justice Principles to address instances of

conflict that arise in the community and violations of the Code of Conduct and College Policy. The purpose of a Restorative Justice process is to bring together all parties involved and/or impacted, to address the harms associated with the incident. This fosters opportunities for discussion from diverse points of view and an opportunity to gain a better understanding of those involved. Central to Restorative Justice, is collaborative decision making that includes those who have been impacted and those who have caused harm along with others impacted. Restorative Justice Practices and outcomes are dependent upon the willingness of those that have been impacted to choose to participate and in those who have caused harm, to acknowledge responsibility for the impact they have had on others and to the best of their ability repair the harm they caused to impacted parties and the community.

Additionally, all involved parties must agree to and abide by measurable and timely actions within the scope of the Title IX Policy and directives. The Office of Community Life will review any request for RJ, and may decline to initiate RJ based on the facts and circumstances of the particular case.

The RJ Conference proceeds only if all parties agree to participate willingly. Upon doing so, the RJ process typically commences within 10 academic calendar days after the Office of Community Life receives written agreements from all involved parties. The conference will continue until the conference is successfully concluded or until it is determined that the conference will not be successful. If successful, an agreeable resolution is reached by all involved parties, at which time the process is concluded, and the matter is resolved. If a resolution cannot be reached, the matter will be referred to the Dean of Students or designee to re-evaluate other options for resolution.

The Office of Community Life will monitor the parties' adherence to their proposed solution and reserves the right to close the matter when compliance is satisfactory.

Restorative Justice Outcomes are practices that represent a variety of educational and trust-building actions and/or measures that a student must complete to show growth, remorse, and a desire to restore trust in them from the community. Restorative Justice Outcomes may be assigned alone or in combination with one or more other restorative outcomes or Sanctions.

A Restorative Justice process can be requested by students, faculty/staff, organizations, and/or community members. Typically, before parties come together for a restorative justice process, a pre-conference meeting will be held in which a facilitator will determine whether the incident and the participant(s) are a good fit for a restorative justice process and if so, the most appropriate method of response. There are numerous methods of restorative justice processes that can engage all parties involved in the incident, including apology letters, conflict coaching, facilitated dialogue, restorative conferences or restorative circles. The context and the needs of those involved will be taken into consideration when determining how best to repair and address the impact by a given incident reported to the Dean of Students or designee.

### **Alternative Conflict Resolution**

Alternative Conflict Resolution processes such as mediation, facilitated dialogue, shuttle negotiation, and informal agreements allow individuals involved in a conflict to have significant influence over the resolution process. If all persons directly affected by the misconduct or conflict agree to attempt resolution through one of these processes, and the Dean of Students or designee believes the process is an appropriate form of resolution, arrangements will be made for this type of resolution pathway. Please note, the nature of some misconduct or conflicts, especially those involving violence may render this option inappropriate.

If a resolution is not achieved through this process, a matter may be referred to another option for resolution including a Title IX live hearing. Also, resolutions reached through this process may not be appealed.

#### **APPENDIX 2 – RULES OF DECORUM**

##### **Purpose of the Rules of Decorum**

Title IX hearings are not civil or criminal proceedings, and are not designed to mimic formal trial proceedings. They are primarily educational in nature, and the U.S. Department of Education, writing about Title IX in the Final Rule “purposefully designed these final regulations to allow recipients to retain flexibility to adopt rules of decorum that prohibit any party advisor or decision-maker from questioning witnesses in an abusive, intimidating, or disrespectful manner.” 85 Fed. Reg. 30026, 30319 (May 19, 2020). The Department has determined that institutions “are in a better position than the Department to craft rules of decorum best suited to their educational environment” and build a hearing process that will reassure the parties that the institution “is not throwing a party to the proverbial wolves.” Id.

To achieve this purpose, institutions may provide for reasonable rules of order and decorum, which may be enforced through the removal of an advisor who refuses to comply with the rules. Id., at 30320. As the Department explains, the removal process “incentivizes a party to work with an advisor of choice in a manner that complies with a recipient’s rules that govern the conduct of a hearing, and incentivizes colleges and universities to appoint advisors who also will comply with such rules, so that hearings are conducted with respect for all participants.” Id.

At base, these Rules of Decorum require that all parties, advisors of choice, and institutional staff treat others who are engaged in the process with respect.

The rules and standards apply equally to all Parties and their Advisors regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant or Respondent.

##### **Rules of Decorum**

The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the complainant and respondent) and advisors:

1. Questions must be conveyed in a neutral tone.
2. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.

3. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
4. While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
5. The advisor may not yell, scream, badger, or physically “lean in” to a party or witness’s personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Disciplinary Hearing Board (DHB) or decision maker.
6. The advisor may not use profanity or make irrelevant *ad hominem* attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
7. The advisor may not ask repetitive questions. This includes questions that have already been asked by the DHB or decision maker, the advisor in cross-examination, or the party or advisor in direct testimony. When the DHB or decision-maker determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on.
8. Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

### **Warning and Removal Process**

The DHB or decision-maker shall have sole discretion to determine if the Rules of Decorum have been violated. The DHB or decision-maker will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the DHB or decision-maker shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the DHB or decision-maker removes a party’s advisor, the party may select a different advisor of their choice, or accept an advisor provided by the institution for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed. A party cannot serve as their own advisor in this circumstance.

The DHB or decision-maker shall document any decision to remove an advisor in the written determination regarding responsibility.

For flagrant, multiple, or continual violations of this Rule, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis. Evidence of violation(s) of this agreement will be gathered by the Title IX Coordinator, Director of Student Conduct, or a designee of either and presented to the Vice Provost of Student Life for cases involving students/Director of Human Resources for cases involving employees or designee. The Advisor accused may provide an explanation or alternative evidence in writing for consideration by the Vice Provost of Student Life for cases involving students/Director of Human Resources for cases involving employees or designee. Such evidence or explanation is due within fifteen (15) calendar days of receipt of a notice of a charge of re-disclosure or improper access to records. There shall be no right to a live hearing, oral testimony, or cross-examination. The Vice Provost of Student Life for cases involving

students/Director of Human Resources for cases involving employees or designee shall consider the evidence under a preponderance of the evidence standard and issue a finding in writing and, if the finding is Responsible, shall include a Sanction. The finding shall be issued in writing to all Parties and Advisors (if there is a current case pending) within thirty (30) days unless extended for good cause. There is no appeal of this finding. Sanctions shall be higher for intentional re-disclosure of records than for negligent re-discourse. In the event that an Advisor is barred permanently or for a term from serving in the role as Advisor in the future, they may request a review of that bar from the Vice Provost of Student Life for cases involving students/Director of Human Resources for cases involving employees or designee no earlier than three-hundred and sixty-five (365) days after the date of the findings letter.

### **Relevant Questions Asked in Violation of the Rules of Decorum**

Where an advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the witness or party's personal space, the question may not be deemed irrelevant by the DHB or decision-maker simply because of the manner it was delivered. Under that circumstance, the DHB or decision-maker will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules). *See*, 85 Fed. Reg. 30331.

#### APPENDIX 3 – RELEVANCE GUIDE

##### **What is the purpose of this Guide?**

On May 19, 2020, the U.S. Department of Education issued Final Rules governing the Title IX process, effective August 14, 2020. The Final Rule requires that all colleges and universities hold a live hearing before making any determination regarding responsibility for covered reports of Title IX sexual harassment, including sexual violence. This hearing must provide for live cross-examination by the parties' advisors.

Any question posed by the advisors must be evaluated for "relevance" in real time by the hearing officer. According to Final Rule §106.45(b)(6)(i):

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

##### **What is a relevant question?**

The Department of Education encourages institutions to apply the "plain and ordinary meaning" of relevance in their determinations. 85 Fed. Reg. 30026, 30304 (May 19, 2020). Basically, a relevant question will ask whether the facts material to the allegations under investigation are more or less likely to be true. *Id.* at 30294. A question not directly related to the allegations will generally be irrelevant.

Officials should use common sense in this understanding. Things may be interesting or surprising but not be relevant.

Relevance decisions should be made on a question-by-question basis, looking narrowly at whether the question seeks information that will aid the decision-maker in making the underlying determination. The relevance decision should not be based on who asked the question, their possible (or clearly stated)

motives, who the question is directed to, or the tone or style used to ask about the fact. Relevance decisions should not be based in whole or in part upon the sex or gender of the party for whom it is asked or to whom it is asked, nor based upon their status as complainant or respondent, past status as complainant or respondent, any organizations of which they are a member, or any other protected class covered by federal or state law (e.g. race, sexual orientation, disability).

If a question is relevant but offered in an abusive or argumentative manner, the decision-maker has the discretion to ask the advisor to rephrase the question in an appropriate manner, consistent with the institution's decorum policy for hearings.

### **What if the question is “prejudicial” and concerns sensitive or embarrassing issues?**

Much of the content within these hearings may be considered sensitive and/or embarrassing by parties or advisors. However, relevant questions need to be considered *even if* a party or advisor believes the danger of unfair prejudice substantially outweighs their probative value. Only irrelevant questions (detailed below), including about the complainant's prior sexual history, may be excluded.

### **What is an irrelevant question?**

#### *Question about Complainant's Prior Sexual Behavior or Sexual Predisposition*

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless:

1. such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
2. if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. 34 C.F.R. § 106.45(6)(i).

#### *Question regarding Privileged Information*

Questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege are irrelevant. 34 C.F.R. § 106.45(1)(x). Depending on your state, individuals with legal privilege may include medical providers (physician, dentist, podiatrist, chiropractor, nurse), psychologists, clergy, rape crisis counselors, and social workers. (for instance, New York's "laws of privilege" are listed within [CPLR Article 45](#); Each state has its own rules around privilege).

#### *Questions about Undisclosed Medical Records*

Questions that call for information about any party's medical, psychological, and similar records are irrelevant unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

#### *Duplicative Questions*

Questions that repeat, in sum or substance, questions already asked by a party's advisor during cross-examination (and if part of your process, during direct examination), may be ruled duplicative, and therefore irrelevant.<sup>2</sup>

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<sup>2</sup> See 85 Fed. Reg. 30026, 30331 (May 19, 2020) (“nothing in the final regulations precludes a recipient from adopting and enforcing (so long as it is applied clearly, consistently, and equally to the parties) a rule that deems duplicative questions to be irrelevant”). On August 13, 2020, the U.S. Department of Education's OPEN Center issued a letter clarifying their intent regarding the cross-examination requirements in the Final Rules. In this clarification, it stated that in order to “submit” to cross examination, an individual must submit to *all* relevant questions asked. Thus,

### **How should the decision-maker reach a relevance determination?**

If the decision-maker is a single individual, the decision-maker will be solely responsible for determining the relevance of the question before it is asked.

If the decision-maker is a panel, the panel's Chair will make all determinations of relevance.

### **What should the relevance determination consist of?**

The Department of Education explains that the Final Rule “does not require a decision-maker to give a lengthy or complicated explanation” in support of a relevance determination. Rather, “it is sufficient, for example, for a decision maker to explain that a question is irrelevant because the question calls for prior sexual behavior information without meeting one of the two exceptions, or because the question asks about a detail that is not probative of any material fact concerning the allegations.” *Id.* at 30343.

As such, the decision-maker need only provide a brief explanation of the determination, which will ordinarily consist of one of the following statements depending on the situation.

#### *Generally probative questions*

- The question is relevant because it asks whether a fact material to the allegations is more or less likely to be true.
- The question is irrelevant because it asks about a detail that does not touch on whether a material fact concerning the allegations is more or less likely to be true. See, 85 Fed. Reg. 30026, 30343 (May 19, 2020).

#### *Question about Complainant's Prior Sexual Behavior or Sexual Predisposition*

- The question is relevant because although it calls for prior sexual behavior information about the complainant, it meets *one of the two exceptions* to the rape shield protections defined in 34 C.F.R. § 106.45(b)(6)(i), and it tends to prove that a material fact at issue is more or less likely to be true [**denote which exception**].
  - Exception one: The question is asked to prove that someone other than the respondent committed the conduct alleged by the complainant.
  - Exception two: The question concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is asked to prove consent
- The question is irrelevant because it calls for prior sexual behavior information about the complainant without meeting one of the two exceptions to the rape shield protections defined in 34 C.F.R. § 106.45(b)(6)(i).

#### *Question regarding Privileged Information*

- The question is irrelevant because it calls for information shielded by a legally-recognized privilege [**identify the privilege**].
- The question is relevant because, although it calls for information shielded by a legally-recognized privilege [**identify the privilege**], that privilege has been waived in writing, and the question tends to prove that a material fact at issue is more or less likely to be true.

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if a witness does not answer one question, the decision-maker may not rely on *any* statement made by that individual. This is true even if that same question has been asked previously by a decision-maker.

#### *Questions about Undisclosed Medical Records*

- The question is irrelevant because it calls for information regarding a party's medical, psychological, or similar record without that party's voluntary, written consent. 85 Fed. Reg. 30026, 30294.
- This question is relevant because although it calls for a party's medical, psychological, or similar records, that party has given their voluntary, written consent to including this material, and it tends to prove that a material fact at issue is more or less likely to be true. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

#### *Duplicative Questions*

- The question is irrelevant because it is duplicative of a question that was asked and answered.

The decision-maker may relay a longer explanation if necessary under the circumstances.

The relevance determination will be conveyed orally, except as needed to accommodate a disclosed disability of a hearing participant, and all relevance determinations will be preserved in the record of the proceeding.

#### **May the parties and/or their advisors ask the decision-maker to reconsider their relevance decision?**

Any party or their advisor may request that the decision-maker reconsider their relevance determination.

The decision-maker may deny or grant the request to reconsider. This determination is final, but may be subject to appeal under the Title IX Process.

*\*Saint Mary's College's Title IX Policy is adapted from SUNY Student Conduct Institute*

#### ***Tobacco Policy***

Nicotine and many of the byproducts of tobacco are classified as Class A carcinogens by the CDC, the Surgeon General of the United States, the American College Health Association, and all other professional health organizations. That means there is no safe level of exposure to this class of chemicals. To this end, Saint Mary's College of California wants to ensure that the learning, working, and living environment of its community and members is safe and free of any health hazards, including the exposure to nicotine and its byproducts. Therefore, smoking of any tobacco products in all enclosed spaces owned and operated by Saint Mary's College of California is prohibited. The term "smoking" means inhaling, exhaling, or burning of any lighted or heated tobacco product or operating electronic smoking devices, such as vapes, and other smoking instruments. "Tobacco Product" means all forms of tobacco, including but not limited to cigarettes, cigars, and electronic smoking devices.

The protected areas include a **minimum of 25 feet from the entrance** doors of any buildings, the windows, the stairways, or the heating, ventilation, air conditioning (HVAC) intake area of any building. Failure to comply with this policy is a health hazard to the community and will result in appropriate and measured response by the Office of Community Life.

Those who wish to use tobacco, nicotine, and any of its various delivery systems are not only required to abide by this policy, but we also ask that they be mindful of other members of the community who wish not to be exposed to these products. Lastly, waste products of tobacco and other nicotine delivery systems are to be properly disposed of in the designated receptacles on campus.

### ***Vendors***

Vendors from off campus can contract with Student Involvement and Leadership to come to campus and showcase services that meet specific student needs. The goal of the program is to connect students with companies that not only interest them, but also companies that are responsive to the needs and goals of our community.

### **Vendor Guidelines**

The purpose of bringing vendors to campus is to provide Saint Mary's College students with easy access to a variety of services we believe they will find helpful while students on our campus. To insure that our students, faculty, staff and vendors have a positive experience, the following guidelines are in effect for all vendors:

- Vendors wishing to set up displays larger than an 8ft. table (i.e. banners, signs, larger displays) must obtain permission from the office in advance. Appropriate displays will be accommodated as space permits.
- Vendors must remain at their tables at all times. Walking around the campus, approaching students, etc. is not permitted and may result in removal from campus and the inability to advertise on campus in the future.
- Competing services may be present on campus. We will attempt NOT to place competitors next to one another; however, this may occur.
- Negative promotions or other practices which detract from the positive atmosphere of the campus will result in removal from campus and the inability to promote on campus in the future.
- Refunds are not available for cancellations made within a week of the campus visit.
- California legislation requires colleges to adopt policies to regulate the marketing practices used on campuses by companies marketing credit cards. Due to these policies, Saint Mary's College will not allow any vendor to market credit cards.
- Storage of equipment and/or merchandise will not be provided by Saint Mary's College of California.
- No more than two vendors are allowed per table.

### **Vendor Guidelines**

- 10:00am - 3:00pm
- You will be supplied one six foot table and two chairs.
- Additional six-foot tables may be requested at an additional cost for up to 2 extra sets of tables and chairs.
- Fill out the *Campus Vendor Registration* to reserve a spot: <https://www.stmarys-ca.edu/for-community-visitors/for-vendors>

Contact Information:

Student Involvement and Leadership

925-631-4852

[sil@stmarys-ca.edu](mailto:sil@stmarys-ca.edu)

***Whistleblower Policy - Fraudulent or Dishonest Conduct***

Saint Mary's College of California (hereinafter "the College"), reflecting its Lasallian and Catholic values, expects that its faculty, staff and students will act in a manner that is consistent with those values in their use of College resources and property, including but not limited financial resources of any kind, whether donor funds, College revenue, endowment income, state or federal grants or other aid (all property and resources are collectively referred herein as "College Resources").

To protect the integrity of the College's learning community and to ensure the highest standards of conduct by and among members of that community, the College will investigate any possible fraudulent or dishonest use or misuse of College Resources or property by faculty, staff, or students. Anyone found to have engaged in fraudulent or dishonest conduct is subject to disciplinary action by the College up to and including dismissal or expulsion, and civil or criminal prosecution when warranted.

All members of the College community are encouraged to report possible fraudulent or dishonest conduct, including but not limited to misuse of College Resources. An employee should report his or her concerns to a supervisor, department chair or program director. If for any reason an employee finds it difficult to report their concern to a supervisor, the employee can report it directly to the area Vice President, Vice Provost or Dean of the employee's school.

Those receiving reports of suspected fraudulent or dishonest conduct involving employees are required to report such conduct to the Associate Vice President, Chief Human Resources Officer; in the case of students, students should report any concerns to the Director of Community Life.

**Definitions**

***Whistleblower*** – An employee or student who informs one or more of the individuals identified in the policy statement above about an activity that the employee or student believes to be fraudulent or dishonest.

***Baseless Allegations*** – allegations made with reckless disregard for their truth or falsity. Individuals making such allegations may be subject to the appropriate College disciplinary action and/or legal claims by the individuals accused of such conduct.

***Fraudulent or Dishonest Conduct*** – a deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:

- Forgery or alteration of documents.
- Unauthorized alteration or manipulation of computer files.
- Fraudulent financial reporting.
- Pursuit of a benefit or advantage that would create a conflict of interest with one's responsibilities or obligations as a member of the College community.

- Misappropriation or misuse of College resources, such as funds, supplies, or other assets or property.
- Authorizing or receiving compensation for goods not received or services not performed.
- Authorizing or receiving compensation for hours not worked.

### **Whistleblower Protections**

In the State of California, public and private employees are protected under the California Whistleblower Protection Act. The College will use best efforts to protect the whistleblowers confidentiality and also against retaliation. The College cannot guarantee absolute confidentiality, however, and there is no such thing as an “unofficial,” “informal,” or “off the record” report. The party to whom such conduct is reported will keep the whistleblower’s identity confidential, unless:

- The whistleblower(s) agrees to be identified;
- Identification is necessary to allow the College or law enforcement officials to investigate or respond effectively to the report;
- Identification is required by law; or,
- The individual accused of violations of this policy is entitled to the information as a matter of procedural and/or legal right in disciplinary actions.

College employees and students may not retaliate against a whistleblower with the intent or effect of adversely affecting the terms or conditions of employment or enrollment (including, but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages, or the access to educational benefits).

Whistleblowers who believe they have been retaliated against may file a written complaint with the Associate Vice President, Chief Human Resources Officer if an employee is involved, or with the Dean of Students if a student is involved. This protection from retaliation is not intended to prohibit the individuals identified above (for receiving such reports of improper conduct) from taking action, including disciplinary action, in the usual scope of their duties and responsibilities that are based on valid employment or student-related factors.

Whistleblowers must be cautious to avoid baseless allegations (as described earlier in this policy).

### **Whistleblower Procedures**

The Associate Vice President, Chief Human Resources Officer, or their designee, shall conduct or direct the investigations of all suspected fraudulent or dishonest conduct with such College officials as may be necessary or appropriate at the discretion of the Vice President for Finance.

In the case of suspected student conduct reported under this policy, the Dean of Students or their designee either investigates the suspected conduct or may refer the investigation of such suspected conduct to the Office of Community Life to investigate allegations of violations of student conduct policies.

Cases involving possible violation of criminal law will be investigated in cooperation with the Executive Director of Public Safety or their designee.

If the facts reported could be a violation of this policy, the Associate Vice President, Chief Human Resources Officer or their designee or, in the case of students, the Dean of Students or their designee, will provide the individual making the accusation with a copy of this policy and review its terms.

If the Associate Vice President, Chief Human Resources Officer or their designee or, in the case of students, the Dean of Students or their designee, determines that fraudulent or dishonest conduct occurred, the appropriate College disciplinary steps will be invoked consistent with applicable College policies.

If it is determined that a violation of this policy has not occurred, the Associate Vice President, Chief Human Resources Officer or the Dean of Students will explain to the person who has reported the concern or conduct the reason for the determination and advise the person of other available reporting channels (administrative (-to appropriate government agencies,) or criminal- (to appropriate law enforcement agencies)). Consistent with the requirements of applicable state and federal California laws, the College posts in Filippi Hall near the Human Resources Department additional reporting procedures and Whistleblower information, a toll free number for reporting violations of a state or federal statutes or regulations to applicable government or law enforcement agencies, as well as information regarding retaliation by the College for making such disclosures.

More information for employees can be found at this site:

<https://www.stmarys-ca.edu/human-resources/notice-to-employees-concerning-whistleblower-rights-and-remedies>

### ***Withdrawal and Leaves of Absence from the College***

There are two general categories of consideration when circumstances require a student to discontinue enrollment from all classes, for a semester, or longer due to reasons other than academic disqualification. These categories are **Withdrawal from the College** and **Leave of Absence**. This section of the handbook will describe each category and the variations within each category.

(Note: for any voluntary or involuntary departure from the College, under these definitions that follow for withdrawal or leave of absence, students CANNOT live on-campus. Students who live-on campus must be full-time enrolled students. Students will need to work with the Campus Housing Office for proper move-out procedures and in the timeframe that is approved. Please also note that an involuntary departure could be an Administrative Withdrawal, Interim Suspension, College Suspension, or Expulsion).

Graduate and Professional Students should refer also to “Continuous enrollment and leave of absence” in the Graduate and Professional Academic Policies section below.

### **Withdrawal from the College**

There are two types of Withdrawal from the College; Withdrawal and Administrative Withdrawal.

***Withdrawal:*** an enrolled student may request to withdraw from the College at any point prior to the end of a semester in which they are enrolled. The process requires that the student complete the Withdrawal from the College form that is available on the Registrar's website:

<http://www.stmarys-ca.edu/office-of-the-registrar/student-resources/forms>.

When a student withdraws from the College all courses will continue to be listed on the student's transcripts. The designation of "W" will appear in place of a grade. A withdrawal will not impact the student's GPA. Tuition credit/refund is given only after the formal withdrawal process is completed and approved, and in accordance with the following schedule: 85% tuition up to the end of the first week of classes; 80% tuition to the end of the second week of classes; 75% tuition refund to the end of the fourth week of classes. No credit or refund will be given after the fourth week of the semester.

In instances when a student has registered for classes for the subsequent semester or term, the course registration will be dropped. Students wishing to return to Saint Mary's College following a withdrawal must submit an application for readmission through the College Registrar's Office. The readmission application is also available on the Registrar's website as noted previously.

***Administrative Withdrawal:*** an Administrative Withdrawal is initiated by an appropriate administrator for the College and not at the request or choosing of the student. An Administrative Withdrawal may be executed when a student stops attending Saint Mary's without notification, or when a student poses a direct threat of harm to others or self that cause a significant disruption to the community and which causes the College to have a legitimate safety concern for the community. Generally, but not necessarily in all circumstances, either the Registrar or the Dean of Students is the College official who will execute an Administrative Withdrawal.

The Registrar will execute an Administrative Withdrawal when a student does not return to classes following a subsequent academic term of enrollment, and has not otherwise formally withdrawn or taken a Leave of Absence. Students seeking reinstatement to Saint Mary's College following a Registrar's Administrative Withdrawal must submit an application for readmission through the College Registrar's Office. The form is available on the Registrar's website; <http://www.stmarys-ca.edu/office-of-the-registrar/student-resources/forms> .

The Dean of Students, or designee, may execute an Administrative Withdrawal when the Dean of Students is notified of a student who appears to have a serious behavioral, physical, psychological, or emotional disorder which offers reasonable cause to believe they may be a danger to others, or may disrupt proper activities of the College community and its members.

The Dean of Students will contact the student and seek voluntary resolution of the situation through investigation and review. Administrative withdrawals, when possible, take into account the participation of the student and their family in the process. Depending upon circumstances, an immediate professional assessment of the student's condition by the appropriate medical or mental health specialist, or both, or other appropriate resources may be required, including a report of the findings by the Behavioral Intervention Team (see Behavioral Intervention Team section of this Student Handbook). A student who fails to meet the conditions for evaluation may be subject to an Administrative Withdrawal or Immediate Interim Suspension by the Dean of Students.

Students who agree or are required to undergo an assessment will be scheduled to participate in a general review of status by the Behavioral Intervention Team. This normally includes a personal interview of the student by members of the Team. Members of the Team may also interview other individuals who have prior knowledge of the matter.

Additional assessments including, but not limited to, psychological assessment, medical examination, or referral for psychiatric consultation may be required. The student must sign an authorization of release allowing any attending medical or behavioral health professional to release the records and allow them to discuss these records with the Behavioral Intervention Team.

The Behavioral Intervention Team will receive all medical, psychological, discipline, or observational reports submitted with regard to or on behalf of the student as may pertain to determining health and behavioral status. Treatment and evaluative reports should include information pertaining to diagnosis, treatment, and prognosis.

Within a reasonable period of time after all personal interviews and other possible assessments are conducted and reviewed, the Behavioral Intervention Team will render a decision. The written communication to the student shall include a rationale, the conditions and requirements that must be met and the process by which the student requests readmission. The Dean of Students will inform the Registrar of a student who has been administratively withdrawn from the College. When a student is placed on an Administrative Withdrawal, the student will be withdrawn from all classes and a Dean of Students Hold is noted. Tuition and room and board reimbursement will be in accordance with established College withdrawal policy (see *Catalog of Courses*).

Within five (5) days of receiving the written decision of the Behavioral Intervention Team, if a student disagrees with the decision regarding involuntary withdrawal or readmission, the student may appeal to the Vice Provost for Student Life. The student shall state in writing the specific points the student wishes the Vice Provost to consider. The Vice Provost's decision is final.

Students seeking reinstatement to Saint Mary's College following a Dean of Students Administrative Withdrawal must receive clearance by providing the Dean of Students written evidence from a licensed medical or mental health professional that the student is no longer a direct threat to others or a legitimate safety concern, and is otherwise qualified to participate in the College's educational programs. The Dean of Students will consider the student's request based on a review of the entire record including any and all new information relevant to the matter, and may impose conditions on the student's readmission. Any other conditions outlined in accordance with this policy and/or conduct sanctions must also be completed. The Behavioral Intervention Team may interview the student but is not required to do so.

### **Leave of Absence**

Any matriculated student who is not in probationary status may request a Leave of Absence from the College. The leave may be for one fall semester, one January term, one spring semester, or for up to a full academic year.

The student must submit a request for a leave of absence to the Registrar's Office no later than the fourth week of the semester, not including Jan term, during which the leave takes effect. Students on leave will be kept informed of pertinent information, deadlines, and activities for the subsequent term, including registration information. Readmission is guaranteed assuming the student returns after no more than two full terms from the start date of the leave. The student will also be eligible to register for classes during the normal registration period while on leave. Students who do not return within the above specified time period will be withdrawn from the College and required to apply for readmission.

To initiate a leave of absence, submit an [\*Application for Leave of Absence\*](#) with the Registrar.

To return from a leave of absence, student must register within the allowable time period. If student fails to do so (within two full terms), they will be withdrawn from the college and considered INACTIVE.

### **Medical Leave of Absence**

When a medical condition or circumstance is the reason for requesting a Leave of Absence from the College, the student may submit a petition for Medical Leave of Absence to the Assistant Vice Provost for Student Success or designee after the standard Leave of Absence period (weeks 1-4 of a semester). The Assistant Vice Provost or designee will provide the student with a medical documentation form to be completed by an appropriate health care provider. The health care provider must then send the completed form directly to the Assistant Vice Provost or designee. The form cannot be returned to the student for submission to the College. Student petitions for medical leave of absence must be submitted at the time of the medical occurrence, or as soon thereafter as medically and reasonably possible. The health care provider who completes the form **must be the treating, licensed, relevant, non-familial health care provider.**

The Assistant Vice Provost or designee will review the student's petition and the medical documentation, and render a decision to approve or deny the request for a Medical Leave of Absence within ten business days following the receipt of both the petition and the medical documentation. The Assistant Vice Provost or designee may consult with appropriate professional resources, such as the Directors of the Health and Wellness Center, Counseling and Psychological Services, and Student Disability Services prior to rendering a decision. The decision will be communicated to the student, and copied to the College Registrar via email to the student's Saint Mary's College email address. If the student's petition for a Medical Leave of Absence is denied, the student may choose to pursue a standard withdrawal from the College.

When a student is approved for a medical leave all courses will continue to be listed on the student's transcripts. The designation of "W" will appear in place of a grade. A "W" will not impact the student's GPA. Students on medical leave will be kept informed of pertinent information, deadlines, and activities for the subsequent term, including registration information. Readmission is guaranteed assuming the student returns within the specified period of time. The student will also be eligible to register for classes during the normal registration period while on leave. Tuition credit/refund is given only after the formal medical leave process is completed and approved, and in accordance with the following schedule: 85% tuition up to the end of the first week of classes; 80% tuition to the end of the second week of classes; 75% tuition refund to the end of the fourth week of classes. No credit or refund will be given after the

fourth week of the semester. If a student or student's family has purchased medical tuition insurance, the Assistant Vice Provost or designee will provide necessary confirmation of an approved medical leave to the insurance provider at the written request of the student.

In instances when a student has registered for classes for the subsequent semester or term, the course registration will be maintained. Students wishing to return to Saint Mary's College following a medical leave must notify the Assistant Vice Provost for Student Success or designee at least one month prior to return.

To initiate a leave of absence, submit an email request to Assistant Vice Provost for Student Success or designee to start the process. Request must be submitted *as soon as reasonably possible after the medical occurrence*.

To return from a medical leave of absence, student must register within the allowable time period. If student fails to do so (within two full terms), they will be withdrawn from the college and considered INACTIVE.

### **Immediate Interim Suspension of Privileges**

In certain circumstances, the Dean of Students, or designee, may impose an Immediate Interim Suspension of Privileges to immediately remove an individual from the College community for any of the following reasons: (1) to ensure the safety and well-being of members of the College community or to preserve College property; (2) to ensure a student's own safety or well-being; or, (3) if a student poses a threat of disruptions or interference with the normal operations of the College. Every attempt will be made by the Dean of Students, or designee, to meet as soon as possible with the student before implementing an Immediate Interim Suspension. If the student is to be suspended, the decision will be communicated in writing to the student. During the period of the Immediate Interim Suspension of Privileges, the student may be denied access to College activities, facilities and/or classes or other privileges for which the student might otherwise be eligible, as the Dean of Students, or designee, may determine to be appropriate. The Immediate Interim Suspension of Privileges shall remain in effect until the Dean of Students, or designee, determines that the reason for imposing the suspension no longer exists.