

# Student Handbook

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Volume 2018 2018-2019

Article 1

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9-1-2018

## Complete Handbook

Saint Mary's College of California

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# Student Handbook 2018-2019



*This handbook has been prepared for the students and employees of Saint Mary's College of California, and others wishing to know more about College policies, procedures, programs, and activities. While every effort has been made to make certain that the information contained herein is accurate as of September 2018, please refer to [www.stmarys-ca.edu/studenthandbook](http://www.stmarys-ca.edu/studenthandbook) for the current version of this handbook. Saint Mary's College of California reserves the right to correct errors and to make changes in policies, procedures, programs, and/or activities (without prior notice) as it deems appropriate and in the best interest of the College.*

# TABLE OF CONTENTS

<b>Saint Mary's College Mission Statement.....</b>	<b>5</b>
<b>Student Life Mission Statement.....</b>	<b>5</b>
<b>Student Code of Conduct.....</b>	<b>5</b>
Preamble.....	5
Article I: Definitions.....	5
Article II: Code of Conduct Authority.....	7
Article III: Proscribed Conduct.....	8
Jurisdiction of the Code of Conduct.....	8
Conduct – Rules and Regulations.....	8
Violation of Law and College Discipline.....	12
Article IV: Code of Conduct Procedures.....	12
Reports/Complaints of Alleged Misconduct.....	13
Review of Alleged Misconduct.....	13
Notice of Charges.....	13
Resolution Pathway Options.....	13
Informal Conflict Resolution.....	14
Agreed Resolution.....	14
Hearings.....	14
Administrative Hearing Officer Review .....	16
Peer Conduct Council Panel .....	16
Disciplinary Hearing Boards .....	17
Rights of Complainant.....	20
Rights of Respondent.....	21
Sanctions.....	21
Interim Sanctions including Suspension of Privileges/No Contact Directive.....	24
Appeals.....	24
Article V: Interpretation and Revision.....	27
Article VI: Record Retention.....	27
<b>College and Student Life Policies .....</b>	<b>28</b>
Alcohol and Other Drugs Policy.....	28
Alcohol Regulations - Prohibited Conduct.....	32
College Responses for Alcohol.....	32
Illegal Drug Regulations - Prohibited Conduct.....	33
College Responses for Illegal Drugs.....	34
Guidelines for Events Where Alcohol Will Be Available.....	34
Behavioral Intervention Team.....	37
Bias Incident Response.....	39
Campus Rules Related to Animals.....	41
Cohabitation Policy.....	43
Community Assembly.....	43
Consent for Use of Photographs and Videos .....	43
Use of Materials Posted to Social Media .....	44
FERPA Policy (Family Educational Rights and Privacy Act of 1974) .....	44
Film Policy .....	47
Good Neighbor Policy.....	48
Good Samaritan Policy.....	48
Health and Wellness Center Policies.....	49
Medical History and Immunizations.....	50

Health Insurance Coverage.....	50
“AlcoholEdu” Online Training.....	50
Housing and Residential Procedures.....	50
Damage/Loss to Personal Property.....	50
Checking In.....	50
Checking Out.....	50
Gender Inclusive Housing.....	51
Housing over Breaks and Holidays.....	51
Housing Assignments.....	51
Eligibility for Room Selection.....	52
Keys.....	52
Reassignment.....	52
Room Changes.....	53
Room Condition Reports.....	53
Intramural Field Noise Limitations from Specific Sources.....	53
Library Quiet Hours Policy.....	54
Missing Student Procedure.....	54
Non-Discrimination Disclosure.....	55
Parental Notification.....	55
Pregnant and Parenting Student Resources.....	56
Public Event Guest Speaker Policy.....	56
Public Safety Policies.....	58
Traffic & Parking.....	58
Clery & Sex Offender Notice.....	59
Impounding of Prohibited Materials or Equipment.....	59
Residential Living Policies.....	60
Fire Safety/Balconies & Breezeways.....	60
Smoking.....	60
Cooking & Microwaves.....	61
Furniture.....	61
Garbage.....	62
Hall Sports/Recreation.....	61
Noise.....	61
Noxious Odors.....	61
Prohibited Items.....	61
Right of Entry.....	62
Room Decorations.....	62
Room Occupancy.....	62
Visitation and Overnight Guests.....	62
Safety and Protection of Minors Policy.....	63
Social Events Policy.....	64
Social Media Statement.....	65
Solicitation, Distribution and Advertising Policies.....	65
Copyright/Use of College Name & Logo.....	65
Posting Policy.....	65
Painting the SMC.....	68
Solicitation & Commercial Activity.....	68
Fundraising Policy.....	68
Student Complaints Policy and Procedure.....	69
Student Disability Services.....	70
Requesting Accommodations.....	70
Accessibility.....	71
Grievances.....	71
Service Animal and Assistance (Emotional Support) Animals Policy.....	71

Definitions/Terminology .....	71
Statement of Policy .....	72
Relationship to SMC's Pet Policy .....	73
Student Services Policies.....	73
ID Cards.....	73
Media Policy.....	73
Technology Use Policy.....	74
Title IX-Related Policies	
Consensual Sexual and Romantic Relationship Policy .....	75
Policy Prohibiting Discrimination, Harassment, Sexual Assault, Sexual Misconduct, and Retaliation.....	79
Definitions-Violations of College Policy .....	80
Intimate Partner Violence.....	80
Non-Consensual Sexual Contact.....	80
Sexual Assault.....	80
Sexual Misconduct.....	81
Stalking.....	81
Warning Signs of Unhealthy Relationships and Abusive Behavior.....	82
Consent.....	82
Sanctions.....	85
Reporting Procedures and Resources for Addressing Complaints of Discrimination and Harassment.....	85
Retaliation and/or Violation of Interim Protections.....	86
College and Community Resources.....	87
Sexual Violence Educational and Prevention Activities.....	89
Risk Reduction Tips (includes Bystander Intervention).....	89
Tobacco.....	91
Vendors.....	91
Whistleblower Policy.....	92
Withdrawals and Leaves of Absence from the College.....	95
<b>Academic Policies.....</b>	<b>99</b>
Academic Standing.....	99
Academic Honor Code.....	100
Pledge.....	101
Principles of Action.....	101
Violations.....	102
Oversight and Sanctions.....	103
Honor Review Boards.....	104
Sanctions.....	105
Procedures for Suspected Violations.....	106
Final Responsibility.....	109
Turnitin Policies and Procedures.....	109
Academic Appeals Process.....	110
Class Attendance.....	111

# WELCOME TO SAINT MARY'S COLLEGE OF CALIFORNIA

## Saint Mary's College Mission Statement

- To probe deeply the mystery of existence by cultivating the ways of knowing and the arts of thinking.
- To affirm and foster the Christian understanding of the human person which animates the educational mission of the Catholic Church.
- To create a student-centered educational community whose members support one another with mutual understanding and respect.

## Student Life Mission Statement

Student Life provides integrated learning experiences that empower students to become engaged, global, and ethical persons.

## Student Code of Conduct

### **PREAMBLE**

As a community that celebrates its Catholic, Lasallian, and Liberal Arts traditions and receives inspiration in the life of our Founder, Saint John Baptist de La Salle, Saint Mary's College expresses these values in specific and intentional ways. The five Lasallian Core Principles of Faith in the Presence of God, Respect for All Persons, Inclusive Community, Quality Education, and Concern for the Poor and Social Justice give direction to and find expression among the College community. These five Lasallian Core Principles provide the framework through which our students conduct themselves and are consistent with College policies. Additionally, we embody restorative justice principles within our processes to address any harm or impact that may have been caused by an incident within the Saint Mary's College Community.

The general principles governing community life at Saint Mary's College are guided and informed by the Mission Statement of the College. All members of the College community are expected to read and have a working knowledge of its principles. The *Code of Conduct* and student discipline process are intended to:

- Create a responsible, civil, and intellectual educational community;
- Promote the respect of College and individual property;
- Create an environment in which all members of the community are treated with dignity, care, and respect; and
- Provide an environment that facilitates intellectual, personal, and spiritual development.

By voluntarily choosing to affiliate with the College, students are presumed to have knowledge of and have accepted the responsibilities outlined in the *Code of Conduct*, other College policies and the student discipline process. Claiming not to know the *Code of Conduct*, other College policies and the student discipline process is not considered a legitimate excuse or defense for violations of the *Code of Conduct* or other College policies.

### **ARTICLE I: DEFINITIONS**

1. **"Administrative Hearing Officer (AHO),"** means a College official authorized on a case-by-case basis by the Dean of Students, or designee, to impose sanctions upon any student(s)

found to have violated the Code or other College policy. The Dean of Students, or designee, may authorize an Administrative Hearing Officer to serve simultaneously as a member of a Disciplinary Hearing Board.

2. **"Appeal Board"** means any person(s) authorized by the Dean of Students, or designee, to consider an appeal from a student discipline process determination as to whether a student has violated the Code or from the sanctions imposed by the Administrative Hearing Officer, Peer Conduct Council or Disciplinary Hearing Board.
3. **"Bystander"** means anyone who observes an emergency or a situation that looks like someone could use some help, and they must then decide if they are comfortable stepping in and offering assistance.
4. **"Campus"** includes all land, buildings, facilities, and other property in the possession of or owned, used, operated, or controlled by the College.
5. **"Campus Security Authority"** means any campus officials with significant responsibility for student and campus activities.
6. **"Code," "Code of Conduct or "Student Code of Conduct"** means the document administered by the Office of Community Life that sets forth the community standards and procedures necessary to maintain and protect an environment conducive to learning and in keeping with the educational objectives of Saint Mary's College.
7. **"College"** means Saint Mary's College of California.
8. **"College official"** includes any person employed by the College and who is acting within the course and scope of his or her College employment or leadership role (e.g., Resident Advisor).
9. **"Complainant"** means any person who submits, either orally or written, a report of conduct alleging a violation of the Code and/or College Policy. When a student believes that they have been a victim of another student's misconduct, the student who believes they have been a victim will have the same rights under this Code as are provided to the Complainant, even if another member of the College community submitted the report of conduct.
10. **"Confidentiality"** means ensuring that information is accessible only to those authorized to have access. Confidentiality refers to the agreement between the investigator and participant in how data will be managed and used.
11. **"Day"** means a day when the College is open for business, regardless of whether classes are in session. In determining deadlines as set forth in the student discipline process, reference to number of "days" prior to or after an occurrence of an event shall not include the day of the event.
12. **"Disciplinary Hearing Board (DHB),** means any person(s) authorized by the Dean of Students, or designee, to determine whether a student has violated the Code or other College policy and to determine sanctions that will be imposed when a rules violation has been committed.
13. **"Handbook"** means the Student Handbook and is also synonymous with *Code of Conduct* and *Code* and includes all policies and processes related to the college.
14. **"Investigation"** means the act or process of investigating or the condition of being investigated, a detailed or careful examination for ascertaining facts related to an allegation of violation(s) of the Code of Conduct.
15. **"Organization"** means any number of persons who have complied with the formal requirements for College recognition.
16. **"Peer Conduct Council," or "PCC"** means any student(s) authorized by the Dean of Students, or designee, to determine whether a student has violated the Code or other

College policy and to recommend sanctions that may be imposed when a rules violation has been committed.

17. **"Policy"** means the written regulations of the College as found in, but not limited to, the Code, Undergraduate Student Handbook, the College Catalog, the College web page and Technology Use policy, and Undergraduate Catalogs.
18. **"Privacy"** means the control over the extent, timing, and circumstances of sharing oneself (physically, behaviorally, or intellectually) with others. Privacy refers to persons and their interest in controlling the access of others to themselves.
19. **"Possession"** is interpreted as being in the known presence of articles. Students encountered in locations where drugs, alcohol, weapons or explosives, or other misconduct is evident will normally be considered in violation, even if they do not have the prohibited items on their person at the time they are encountered.
20. **"Respondent"** means any student accused of engaging in conduct in violation of this Code or other College policy.
21. **"Responsible Employee"** is any employee who has the authority to take action to redress sexual violence; or whom a student could reasonably believe has this authority or duty.
22. **"Restorative Justice"** is a philosophical approach that embraces the reparation of harm, healing of trauma, reconciliation of interpersonal conflict, reduction of social inequality, and reintegration of people who have been marginalized and outcast.
23. **"Retaliation"** means threats or other forms of intimidation against a student or employee for bringing forth a complaint of any alleged discrimination, harassment (including sexual) or of any other violations of College policies including, but not limited to, the Student Code of Conduct.
24. **"Shall"** and **"will"** are used interchangeably in this Handbook, and are intended to have the same meaning, i.e., to express a certainty of outcome, a requirement, or an absence of discretion or choice.
25. **"Student"** includes any person participating in the traditional undergraduate or graduate program by taking courses at the College, either full-time or part-time, taking credit/no credit classes, or having resident or non-resident status, including when studying abroad in connection with a College-sponsored program. Persons who withdraw after allegedly violating the Code, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered students.
26. **"Title IX"** means the Education Amendments of 1972 that prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Title IX is enforced by the Department of Education through the Office of Civil Rights.

## **ARTICLE II: CODE OF CONDUCT AUTHORITY**

1. The authority to enforce the Code and other College policies is delegated by the President to the Provost and by the Provost to the Vice Provost for Student Life and then to the Dean of Students, who, is charged with overseeing and administering the student discipline process. The Dean of Students, or designee, shall determine the composition of the pools of the Peer Conduct Council, Administrative Hearing Officers, Disciplinary Hearing Board, and Appeals Board. The Dean of Students, or designee, determines which Administrative Hearing Officers, Peer Conduct Council members, Disciplinary Hearing Board members or Appeals Board members shall be authorized to hear each matter.



2. The Dean of Students, or designee, shall develop policies for the administration of the student discipline system and procedural rules for Administrative Hearings, Peer Conduct Council panels, Disciplinary Hearing Board panels, and Appeals Boards that are consistent with provisions of the Code and/or other College policies.
3. Decisions made by an Administrative Hearing Officer, Peer Conduct Council, and/or Disciplinary Hearing Board shall be final, pending the conclusion of the normal appeal process.

### **ARTICLE III: PROSCRIBED CONDUCT**

#### **A. Jurisdiction of the Code of Conduct**

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

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

Discipline may be imposed if:

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

#### **B. Conduct—Rules and Regulations**

Students are subject to disciplinary sanctions when acting contrary to the general principles outlined in the Code's Preamble. Included are violations of any College policy, rule, or regulation published in hard copy or available electronically on the College website or violation of any federal, state or local law. The commission, aiding, abetting, attempting,

inciting, and/or complicity in of any of the following constitutes an offense for which a student or student organization may be subject to the student discipline process. This list does not define misconduct in exhaustive terms and may not describe all potential violations. Examples of specific incidents of contrary action are outlined below.

1. **Dishonesty** - Acts of **dishonesty**, including but not limited to the following:
  - a. Furnishing false information to any College official, staff or faculty member, or department.
  - b. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
  - c. Possessing or distributing unauthorized College keys.
2. **Disruptive Conduct** - All members of the College community are entitled to be a part of and are responsible for maintaining an environment of civility that fosters respect, peace, self- dignity, tolerance, and freedom of expression. Therefore, the community expects that students will avoid **disruptive conduct** that includes, but is not limited to action that impairs, interferes with or obstructs the orderly conduct, processes and functions of the College and covers acts and attempted acts, regardless of whether the act or attempt was deliberate and whether the potential outcome was intended.
  - a. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities either on or off campus.
  - b. Self-destructive conduct that may endanger not only the person acting in that manner, but also impacts the entire community. The College will take into account factors that impact or cause such conduct including, but not limited to, suicidal ideation, threats or attempts, eating disorders and cutting and other self- mutilation.
  - c. Interference with the freedom of movement or speech of any person or guest of the College.
  - d. Interference with the rights of others to enter, use or leave any College facility, service or activity, or inappropriate or disruptive behavior in the classroom.
  - e. Intentional misuse, disabling of or tampering with any fire alarm, firefighting or safety equipment or issuing, falsely or not, a bomb threat or other warning of impending disaster is prohibited.
  - f. Hindering another's exit or failing to exit during an alarm or evacuation or intentionally starting or attempting to start a fire on campus is prohibited.
3. **Disorderly Conduct** - The College endeavors to be a community that nurtures the growth and development of all of its members, demonstrates respect for one another, is sensitive to differences, and engages in interactions based on a standard of fairness. Therefore, the community expects that students will avoid conduct that is **disorderly** in nature which subsequently threatens, harms or interferes with members of the College community, including but not limited to, conduct such as:
  - a. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
  - b. Violence, being unruly, disturbing the peace and/or fighting.
  - c. Public intoxication.
  - d. Indecent or obscene conduct, whether on or off campus, including, but not limited to, in person communication, third party communication, and/or electronic communication.

- e. Hosting guests who act in a disorderly or disruptive manner.
  - f. Aiding, abetting, or procuring another person to breach the peace on campus or at functions sponsored by, or participated in by, the College or members.
  - g. Conduct toward another student and/or employee that has the observable effect of unreasonably interfering with that individual's ability to work or to participate in the educational benefits at the College.
4. **Damage to Property, Vandalism and Unauthorized Use** - College community members are expected to respect College property, the private property of other members of the College community and the property of the larger community in which we live. **Damage to property, vandalism and unauthorized use** includes, but is not limited to:
- a. Damaging, vandalizing or tampering with property owned, operated or controlled by the College or one of its members (i.e. students, faculty, staff or visitor) is prohibited. The theft, attempted theft, or the unauthorized use or possession of property or services owned or controlled by an individual or the College regardless of location.
  - b. The entry of, or attempt to enter, any College owned or operated building or facility, or property within the surrounding campus community, without authorization or a legal right to do so, or except with such authority or right, against the will of the occupant or the individual in charge of the building or facility. Unauthorized presence on, in or within any building or property owned or operated by the College, including roofs, balconies or other areas that are not designated as acceptable.
  - c. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College campus.
5. **Illegal Drugs** - The sale, use, possession, manufacturing, or distribution of **illegal drugs**, or being under the influence of controlled substances or illegal drugs, and/or the sale, use, manufacturing or distribution of drug paraphernalia, except as permitted by law or College policy (refer to Alcohol & Other Drugs Policy).
6. **Sale, Use, Possession, Distribution, or Under the Influence of Alcohol** - The sale, use, possession, or distribution of alcohol or being under the influence of **alcohol**, except as permitted by law or College policy (refer to Alcohol & Other Drugs Policy).
7. **Intimate Partner Violence, Non-Consensual Sexual Contact, Sexual Assault, Sexual Misconduct, and Stalking** - Engaging in non-consensual sexual conduct with another person as defined in the College's *Policy Prohibiting Discrimination, Harassment, Sexual Assault, Sexual Misconduct, and Retaliation (including intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking)* is a form of discrimination prohibited not only by these policies, but, also, by the law (refer to Title IX policy).
8. **Hazing** - "Hazing" means any action or situation which (a) endangers or adversely affects the mental or physical health or safety of another person or persons; (b) would cause extreme embarrassment or adversely affect the dignity of another person or persons; or (c) causes another person or persons to destroy or remove public or private property. This includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced consumption of any food, alcohol, drug or other substance, any activity which would subject an individual or individuals to extreme mental stress, such as sleep deprivation or forced exclusion from social contact. Hazing with or without the consent of a student is prohibited. Initiations or activities of student organizations are prohibited from

including any feature that is dangerous, harmful, or degrading to the student. A violation of this prohibition renders both the organization and participating individuals subject to discipline. Any student who knowingly witnesses or acquiesces in the presence of hazing is also subject to discipline. The expressed or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.

9. **Weapons and Explosives** - Knowledge of or the possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item in a manner that harms, threatens or causes fear to others. All weapons or explosives will be impounded and are subject to forfeiture without reimbursement or return to the person from whom they were confiscated.
  - a. **Weapons** include, but are not limited to, studded wristbands, nunchakus, firearms, replica weapons, knives, swords, air-powered guns (including, but not limited to, paintball guns, BB guns, and CO<sub>2</sub> guns), Stun guns, Tasers or any object that normally would not be considered a weapon, but by alteration, modification or redesign, or by intended use, would be readily recognized or considered as a weapon by any reasonable and prudent person.
  - b. **Explosives** include, but are not limited to, firecrackers, ammunition, and fireworks.
10. **Illegal Gambling** - Engaging in illegal **gambling** activities as defined by federal, state, or local law, is prohibited. Using College owned or controlled technology equipment for gambling is prohibited.
11. **Abuse of Technology** - Any abuse of computer facilities and resources, including but not limited to any violation of the College's **Technology Policy**.
12. **Failure to Comply** - Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
13. **Misuse of the Student Discipline Process** - Misuse of the discipline process may result in additional disciplinary fines and include, but are not limited to:
  - a. Failure to comply with notice from a College official to appear for a meeting or hearing as part of the student discipline process.
  - b. Falsification, distortion, or misrepresentation of information before any College official.
  - c. Disruption or interference with the orderly conduct of a student discipline hearing proceeding.
  - d. Institution of a Code proceeding in bad faith.
  - e. Attempting to discourage an individual's proper participating in, or use of, the Code process.
  - f. Attempting to influence the impartiality of a College official, a Disciplinary Hearing Board panel member, or a Peer Conduct Council panel member prior to, and/or during the course of, the student discipline hearing proceeding. Harassment (verbal or physical) and/or intimidation of a College official, a Disciplinary Hearing Board panel member, or a Peer Conduct Council panel member prior to, during, and/or after a student conduct code proceeding.
  - g. Failure to comply with the sanction(s) imposed under the Code.
  - h. Influencing or attempting to influence another person to commit an abuse of the student discipline process or other College policy.

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

**C. Violation of Law and College Discipline**

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

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

**Article IV: Code of Conduct Procedures**

The following procedures are designed to offer a fair process in determining, and when appropriate, sanctioning students for violations of the Code and other College policies, but should not be confused with standards or procedures that apply in civil, criminal, or external

administrative legal settings. The College's procedures are educational and intended to address the impact of the behavior.

**A. Reports/Complaints of Alleged Misconduct**

Anyone, including but not limited to students, staff or faculty, who believes a student or student organization is in violation of College policy or the Code of Conduct, may submit a report or complaint to the Dean of Students, or designee. All reports of conduct must be made prior to the actual physical receipt by the respondent of the degree from the College.

A report of conduct should include:

- The name of the student(s), or student organization, alleged to have violated the Code or other College policy;
- A clear factual statement describing the nature of the conduct (date, time, place, witnesses); and;
- The name(s), address(es) and telephone number(s) of those filing the report.

Reports shall be brought as soon as possible after the alleged conduct occurs. Prompt reporting will enable the College to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action regardless of a police report being filed. The College shall respond to reports brought after one year to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred.

**B. Review of Alleged Misconduct**

The Dean of Students, or designee, will review all reports of misconduct to determine which, if any, sections of the Code and/or other College policies were allegedly violated and refer the case to the appropriate resolution process. In certain cases, an investigator may be appointed to gather additional information.

After reviewing the alleged misconduct and any available supporting information, the Dean of Students or designee will determine whether to dismiss the complaint, utilize some form of conflict resolution, or to bring charges against the student or student organization.

**C. Notice of Charges**

If there is support that a violation of the Code of Conduct has occurred, the Dean of Students or designee shall prepare a written notice of alleged misconduct. This notice shall be addressed to the student who allegedly violated the Code of Conduct (Respondent). This notice of charges shall be delivered electronically to the Respondent through the College's designated student email system regardless of where the student resides, or, if necessary, by any other means designed to ensure the Respondent receives the notice.

This notice shall identify a time and date for the Respondent to meet with the Dean of Students or designee to discuss the Code of Conduct, procedures, and resolution options available.

**D. Resolution Pathway Options**

To resolve complaints or reports of misconduct, there are a number of available resolution pathways. The appropriate resolution pathway will be determined by the Dean of Students or designee after a review of available information. The following are available options:

- Informal Conflict Resolution
  - Agreed Resolution
  - Hearings
    - Peer Conduct Council Panel
    - Administrative Hearing Officer Review
    - Disciplinary Hearing Board
1. Informal Conflict Resolution - Informal Conflict Resolution processes such as mediation, facilitated dialogue, restorative justice circles and informal agreements allow individuals involved in a conflict to have significant influence of 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. Also, resolutions reached through this process may not be appealed.

2. Agreed Resolution - 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.

3. Hearings - There are three available hearing options which are used for determining responsibility when a student or student organization has been alleged to have violated the Code of Conduct. The Dean of Students or designee will decide which option will be used.
  - *Burden of Proof* - The burden of proof shall be on the College, which must find that the violation was committed by the charged student or student organization by a preponderance of the evidence. In other words, the College must demonstrate that it was more likely than not that the student or student organization committed the alleged violation.
  - *Participation* - Students are expected to participate in the student discipline process when they are called to an Administrative Hearing, Peer Conduct Council, or Disciplinary Hearing Board as a complainant, respondent or witness. Should a student fail to appear when proper notification has been given or should the student fail to provide a statement during the hearing, the hearing will proceed without benefit of that student's input. Meetings

with Administrative Hearing Officers, Peer Conduct Council, and Disciplinary Hearing Boards will be scheduled taking into consideration the student's regular academic schedule only.

- *Advisors* - Students have the option of choosing any advisor, including an attorney, to accompany them through the discipline process. The advisor is not an advocate for the student in the proceedings and may not address the hearing body or speak on behalf of the student. The advisor may speak with the student privately and in a manner that is not disruptive to the hearing or student discipline process. The respective student's advisor may be present at any time at which the student they are advising is meeting with the hearing body or other member of the College staff regarding the disciplinary matter and at which the student wishes for them to be present. A list of advisors can be obtained from the Dean of Students, or designee.

The advisor is obligated to maintain the confidentiality of the nature of the allegation(s), the content of the student discipline process, and the privacy of the complainant, respondent, and any witnesses known to the advisor. Students are strongly encouraged to choose an advisor to assist them in the discipline process; however, it is the student's decision as to whether to seek an advisor and, if so, who that advisor will be. Students can also choose to change their advisor. The student must inform the Dean of Students, or designee, of any advisor changes. Advisors may be dismissed from any proceedings if they disrupt the process. When an advisor impedes the process by being disruptive, it takes this away from the student's experience.

In cases that violate the *Policy Prohibiting Discrimination, Harassment, Sexual Assault, Sexual Misconduct, and Retaliation (includes intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking)*, both the complainant and respondent have the option of choosing an advisor to accompany them through the process. Members of the DHB assigned to the case, the investigator, or individuals who will be serving as a witness or as another person involved in the case may not serve as an advisor.

A list of individuals who have volunteered and have been trained in the discipline process to serve as advisors in intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking cases is available from the Dean of Students, or designee, to both the complainant and the respondent. Students are not limited to this list and may be accompanied by an advisor of their own choice.

- *Rules of Evidence* - Civil or criminal rules of evidence shall not apply, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless it is demonstrated by the student alleging the deviation that there is significant prejudice to the final outcome of the discipline proceeding as it affects the student sanctioned or the College. The results of lie detector tests will not be accepted in student discipline investigations or proceedings. Tape recordings are not made or permitted in any phase of the discipline process.



- *Review of Records* - Student discipline documents (including, but not limited to, contact reports, Public Safety reports and statements) may be reviewed on site at the College by the complainant and/or the respondent, but may not be duplicated or photographed.
- *Confidentiality/Privacy* - Every reasonable and appropriate effort will be taken by all involved staff to protect the privacy of all individuals involved in a student discipline proceeding, as well as the confidentiality of the details and content of the student discipline process, including, but not limited to the preliminary investigation, hearing, appeal process, and except where permitted by College policy and consistent with applicable law, the sanctions imposed and on whom. However, the College cannot guarantee absolute confidentiality. Students involved in the student discipline process, either directly, or as a witness, are expected to maintain the confidentiality of the process and be mindful of the privacy of others involved.
- *Truthfulness* - All individuals participating in the student discipline process are expected to tell the full and complete truth in all disciplinary matters. In order to ensure this is possible, individuals participating in student discipline hearings regarding an alleged violation of the *Policy Prohibiting Discrimination, Harassment, Sexual Assault, Sexual Misconduct, and Retaliation (includes intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking)* will not be charged and held responsible for minor violations of the Code or other College policy. However, if there is a concern about a student's safety and/or use of alcohol and other drugs, the College may recommend counseling or other educational resources to the affected student.

a) **Administrative Hearing Officer (AHO) Review**

This type of hearing involves a trained faculty or staff member who is serving as the AHO. These individuals are selected by the Dean of Students or designee. This individual will meet with students who have been charged with a violation of the code or other College policy.

The AHO will meet with the student(s) to:

- Discuss the report of alleged conduct,
- The hearing officer investigates the case thoroughly and asks questions of the complainant, and if deemed appropriate to the case, may ask questions of the respondent and witnesses identified by either the complainant and/or respondent.
- Determine an appropriate finding:
- If responsible, impose appropriate sanctions
- The outcome will be communicated to the respondent in writing generally within seven (7) business days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.

b) **Peer Conduct Council (PCC)**

This type of hearing involves a panel of three (3) trained students of which one (1) will be identified to serve as chair. The Chair's responsibility is to facilitate the proceeding in accordance with the Code of Conduct. The PCC pool consists of approximately ten (10) students. The Dean of Students, or designee, determines membership from applications submitted by students.

It is required that PCC members exhibit the highest ethical standards, disqualify themselves if they believe they cannot be impartial and/or fulfill their obligation to maintain the confidentiality of the process and dignity and privacy of the complainant, the respondent, and any witnesses before, during, and after the process consistent with applicable laws and College policy governing student privacy rights. In addition, the Dean of Students, or designee, is charged with deciding, at his/her sole discretion, whether a PCC member can be impartial or respectful of the confidentiality of the process and the privacy of the individual(s) involved. The decision of the Dean of Students, or designee, is final.

PCC panel is conducted according to the following general guidelines:

- The Chair of the PCC panel will explain the procedures.
- The Chair will read (if written) or explain (if oral) the alleged violation(s) of the Code or
- The complainant (if available) and respondent will be asked to make a statement regarding the allegation(s) of the complaint.
- PCC individually asks questions of the complainant (if applicable) and the respondent. As the PCC deems appropriate to the case, they may ask questions of witnesses identified by either the complainant and/or respondent.
- After all questions have been asked, and if they choose, the complainant and the respondent may make a closing statement to the PCC.
- PCC will then meet in private and, based on their interviews, will deliberate on the information provided and determine an appropriate finding and recommend sanctions in instances where there is a finding of responsibility.
- The outcome will be communicated to the respondent in writing generally within seven (7) business days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.

c) **Disciplinary Hearing Boards (DHB)**

This type of hearing is generally reserved for alleged violations involving sexual assault, non-consensual sexual contact, intimate partner violence, sexual misconduct, stalking, and retaliation. A DHB may also convene and determine responsibility concerning individual student and/or student organization disciplinary situations involving egregious alleged violations of the Code of Student Conduct and College policies that may result in suspension or expulsion.

In cases where a DHB is assigned, the Dean of Students, or designee, will meet with the complainant and the respondent separately to explain the student discipline process and obtain from each a written statement and list of witnesses, if any, who have information pertinent to the incident.

The Complainant(s) and Respondent(s) will receive a “First Notice of Violations” at, or before, the beginning of the College’s investigation.

The DHB members consist of a pool of trained faculty and staff. The Dean of Students, or designee, determines membership from faculty nominated by the Chair of the Faculty Senate, and other staff or faculty of the College as recommended to the Dean of Students, or designee. An Investigator is generally called to investigate a case and determine findings of facts and credibility of students involved. A DHB determines responsibility for credibility and allegation(s) involving sexual assault, non-consensual sexual contact, intimate partner violence, sexual misconduct, stalking and/or retaliation.

It is expected that the DHB and Investigator for each case will act ethically in their duties and responsibilities and will disqualify themselves if they believe they cannot be impartial and/or fulfill their obligation to maintain the confidentiality of the process and the dignity and privacy of the complainant, the respondent, and any witnesses before, during, and after the process consistent with applicable laws and College policy governing student privacy rights. In addition, the Dean of Students, or designee, will decide, at their sole discretion, whether a DHB member or Investigator can be impartial and will remove anyone whom they determine is unable to be impartial or respectful of the confidentiality of the process and the privacy of the individual(s) involved. The decision of the Dean of Students, or designee, is final. The Dean of Students, or designee, will provide training and orientation sessions for the DHB and Investigator pool at least annually.

Three (3) members of the DHB pool will be called to sit on a DHB panel based on availability, impartiality, and experience.

An Investigator will be called to investigate allegation(s) involving sexual assault, non-consensual sexual contact, intimate partner violence, sexual misconduct, stalking and/or retaliation. An Investigator will be called to investigate a report based on availability, impartiality, and experience.

The Complainant(s) and Respondent(s) will have the opportunity to ask questions to the other party via the Investigator and DHB. If a student wishes to question another student, questions can be provided in writing or verbally to the Investigator or DHB. The Investigator or DHB has discretion regarding the relevancy of questions submitted by either party and will determine if the questions are appropriate to ask.

Prior to a DHB proceeding, the investigation process will take place. Taking time to establish the facts behind disciplinary allegations can help to ensure a fair process for the respondent and complainant. Both the respondent and the complainant will have the opportunity to identify potential witnesses and to provide information to the investigator. The Investigator shall have the discretion to interview any potential witnesses as needed, including

witnesses the investigator identifies through the course of their investigation. The Investigator may determine that not all identified witnesses need to be interviewed if the Investigator determines that they have sufficient information to complete their report or if the Investigator determines that information that would be provided by additional witnesses would merely be cumulative. The Investigation Report will include information and witness statements that the Investigator has determined to be relevant to the allegations, including information that may have been provided by the respondent, the complainant or otherwise developed through the investigation process. Both respondent and complainant will have the opportunity to review the report in advance of the hearing. This report is also shared with the DHB in advance of the hearing.

Once the Investigation Report is complete, the report is sent to and reviewed by the Dean of Students or designee, whose responsibility is to review the full report for specific violations of the Student Handbook based on the final report.

The Respondent(s) and Complainant(s) will be notified, in writing, of the updated violation notice also referred to as a hearing notice which will provide a date and time for the parties to meet individually with the DHB.

Each DHB proceeding will have a facilitator whose role is to ensure compliance with the process and procedures outlined below:

- DHB panel proceedings are closed to all parties except the individual student(s), the DHB panel, the facilitator, the investigator, witnesses, the respective student's' advisor(s), and a note-taker.
- The facilitator will convene the DHB panel and will introduce the DHB panel to the participating student and explain the hearing process.
- The facilitator will read the alleged violation(s) of the Code or other College policy.
- The complainant and respondent (if available) will be invited separately to the DHB, regarding the allegation(s) of the complaint.
- The facilitator will read aloud any changes that have been made since the DHB's receipt of the written investigation report.
- The facilitator will then ask the participating student if they have any additional questions of the investigator about the report.
- The facilitator will ask the participating student if they are comfortable responding directly to questions posed by the DHB, or if they prefer to defer to the Investigator.
- As the DHB panel deems appropriate to the case, the panel may invite and ask clarifying questions of witnesses identified by either the complainant and/or respondent. All participants (complainant, respondent, and their respective advisors) must be available for recall by the DHB panel for additional questioning until the facilitator excuses them.
- After the DHB panel has asked all questions, and if the participating student chooses, they may make a closing statement to the DHB panel. The purpose of the closing statement is to provide the DHB

with information that the complainant or respondent would like the DHB to consider in making its decision regarding responsibility. Statements may be oral, written, or both.

- The complainant(s) and respondent(s) will be given the opportunity to phone, video, or conference call into the hearing of the other student. If both parties agree in advance, the Dean of Students, or designee, will arrange for both parties to be present at the hearing. If the student observing the hearing requests to pose questions of the participating student, the DHB will take a break to review questions submitted and determine relevancy.
- The facilitator excuses the respondent from the proceedings after they make their closing statement to the DHB panel.
- The facilitator excuses the complainant from the proceedings after they make their closing statement to the DHB panel.
- The DHB panel will then meet in private and, based on the investigation and interviews, will deliberate on the information provided and determine an appropriate finding and if there is a finding of responsibility, impose sanctions.
- The outcome will be communicated to the respondent and complainant in writing generally within seven (7) business days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.

**E. Rights of the Individual Alleging the Violation/Complainant**

- The right to make a complaint (or not to file a complaint), which will initiate the student discipline process.
- The right to an advisor who will assist the individual through the student discipline process.
- The right to confidentiality of the student discipline process to the extent possible (see above)
- The right to have a complaint resolved without discrimination on account of his/her actual or perceived gender, race, religion, age, national origin, ethnicity, disability, veteran's status, sexual orientation, marital status, gender identification or any other basis prohibited by law.
- The right to access the discipline file, including all statements submitted in the hearing proceedings, except as prohibited by FERPA or other federal, state, or local law.
- The right to receive a copy of any statement by the Disciplinary Hearing Board accompanying its determination.
- The right to appeal a finding of violation of the Student Code Conduct or sanctions imposed.
- The right to request a change of on-campus residence.
- The right to request academic schedule adjustments.
- The right, in a case of dating violence, domestic violence, or stalking, to request assistance with work or transportation adjustments.
- The right to on-campus emergency counseling sessions with a member of the Counseling and Psychological Services staff.
- The right to seek off-campus medical and counseling services.
- The right to seek anonymous assistance from the CARE Line.

- The right to seek confidential support and advocacy from the Director of Sexual Assault Prevention.
- The right to seek confidential support from a member of the Counseling and Psychological Services staff in a client relationship, or a priest in a confessor relationship.
- The right to request an on-campus no-contact order for the respondent as an interim measure through the student discipline process.
- The right to file a police report and take legal action separate from and/or in addition to student discipline action.

#### **F. Rights of the Respondent**

- The right to receive written notice of charges accepted by the Office of Community Life.
- The right to access the discipline file, including all statements submitted in the hearing proceedings, except as prohibited by FERPA or other federal, state, or local law.
- The right to be considered not to have violated the Student Code of Conduct until found in violation of the Code after an opportunity to be heard.
- The right to an advisor who will assist the individual through the student discipline process.
- The right to confidentiality of the student discipline process to the extent possible (see above).
- The right to have a complaint resolved without discrimination on account of his/her actual or perceived gender, race, religion, age, national origin, ethnicity, disability, veteran's status, sexual orientation, marital status, gender identification or any other basis prohibited by law.
- The right to receive a copy of any statement by the Disciplinary Hearing Board accompanying its determination.
- The right to appeal a finding of violation of the Student Code Conduct or sanctions imposed.
- The right to on-campus emergency counseling sessions with a member of the Counseling and Psychological Services staff.
- The right to have confidential communications with a member of the Counseling and Psychological Services staff in a client relationship, or from a priest under the protection of the confessional.
- The right to seek outside counseling support.

#### **G. Sanctions**

Sanctions are assessed in response to the specific conduct, the student discipline history of the respondent and in keeping with the policies and procedures described in this handbook so that the student's educational growth and personal development may take place. The assessment of sanctions within the student discipline process is itself part of the College's educational mission and process, even in the case of the sanction of Expulsion. The sanctions are determined taking into consideration a respondent's prior conduct history, the nature of the violation, and the impact or harm to the community. The College is intentional to infuse principles of restorative justice into sanctioning which will allow the student to address any harm they may have caused.

The following sanctions may be imposed upon any student found to have violated the Code (more than one of the sanctions listed below may be imposed for any single violation and note this is not an exhaustive list but rather the most commonly used sanctions):

1. **Warning:** A notice in writing to the student or student organization that the student is violating or has violated the Code or other College policy.
2. **Loss of Privileges:** Denial of specified privileges for a designated period of time. Examples include, but are not limited to, guests, computer use, housing selection, dining, participation in athletics, student government, co-curricular activities, on- campus student employment, recreational and/or social activities.
3. **No Contact Directive:** A no contact directive, specific to a person and/or location, prohibits a student from having direct or indirect communication or contact with a specified person; including, but not limited to in person communication, electronic communication, mail, and/or third-party communication.
4. **Loss of Recognition:** The College may de-recognize student organizations for a specific time period or permanently. In the case of the former, the time period and conditions for reapplying for recognition and resumption of the associated privileges will be outlined.
5. **Fines:** As appropriate to the violation, a fine may be imposed.
6. **Restitution:** Students or Student Organizations may be required to make payment to the College for loss, damage, or injury incurred as a result of a violation. Once restitution is satisfied, the student must provide documentation to the Dean of Students or designee.
7. **Parental Notification:** Parents/guardians of a student who is under the age of 21 and found responsible for an alcohol or other drug violation may be notified by the Dean of Students, or designee, in the form of a letter under certain circumstances.
8. **Programs/Projects/Activities:** Programs/Projects/Activities that help the student understand the inappropriateness of the conduct and designed to help the student become more aware of the Code and other College policies. Examples include, but are not limited to, reflection papers or assignments, online programs, letters of apology, service to the College or an off- campus resource, or other related educational assignments.
9. **Health/Counseling Assessment:** Referral to the Health and/or Counseling and Psychological Services and completion of assessment and any recommended treatments.
10. **Restricted Access:** Conditions imposed on a student that specifically dictate and limit his/her future presence on the campus and/or participation in College sponsored activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on the campus or a no contact order forbidding the student from contact with another member of the community.
11. **Residence Hall Relocation:** A student may be relocated to another College residence hall or room.
12. **Residence Hall Suspension:** The removal of the student from College housing (without refund) for a defined period of time after which the student is eligible to apply for readmission to College housing. During the period of Residence Hall Suspension, the student shall not enter any College residence hall except to conduct College related business with an office located within a residence hall.

13. **Stayed Residence Hall Suspension:** When the nature of the violation is serious enough that Residence Hall Suspension is warranted but there may be factors and/or conditions that support allowing the student to remain in College housing, without endangering the health or safety of the student or other student(s), the sanction of Residence Hall Suspension may be placed in stayed status for a defined period of time. If the student is found in violation of the Code or other College policy during the time of stayed status, removal from College housing (without refund) takes effect immediately without further review. The student is also subject to additional sanctions appropriate to the new violation.
14. **Residence Hall Expulsion:** The student is permanently removed from College housing (without refund) and may not enter any College residence hall except to conduct College related business with an office located within a residence hall.
15. **Probation:** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
16. **College Suspension:** Separation of the student from the College (without refund) for a defined period of time, after which the student is eligible to apply for readmission. Readmission is not guaranteed. During the suspension period, the student is not permitted on campus and shall not participate in any off- campus College sponsored /affiliated activity.
17. **Stayed College Suspension:** When the nature of the violation is serious enough that College Suspension is warranted but there may be factors and/or conditions that support allowing the student to remain in the College, without endangering the health or safety of the student or other student(s), the sanction of College Suspension may be placed in stayed status for a defined period of time. If the student is found in violation of the Code or other College policy during the time of stayed status, removal from the College (without refund) takes effect immediately without further review. The student is also subject to additional sanctions appropriate to the new violation. A stayed College suspension is not available when a mandatory minimum sanction is required under College policies (see e.g., the Sexual Assault and Sexual Misconduct Policy).
18. **College Expulsion:** Permanent separation (without refund) of the student from the College prior to the actual physical receipt of the College diploma. A student who is expelled will not be eligible to receive an academic degree from the College at any time. The student is not permitted on the campus and shall not participate in any off-campus College sponsored/affiliated activity. The College may rescind a College degree following the awarding of a College diploma, or may withhold the awarding of a degree pending the outcome of the student discipline process for a violation of the Code or other College policy, that does, or would have the potential to, result in the sanction of Expulsion. The sanction of Expulsion is noted on the student's academic transcript. Expulsion is not considered to be punitive or a deterrent in the criminal or civil sense, but rather a determination by the College that the student has demonstrated by his/her conduct that he/she is unqualified to continue as a member of the College community.
19. **Withholding Degree:** The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the completion of all sanctions imposed, if any.



## **H. Interim Sanctions including Suspension of Privileges and No Contact Directive**

An Interim Sanction can be either an interim measure and/or an interim protection. In certain circumstances, the Dean of Students, or designee, may impose an interim sanction suspending select College privileges and/or a no contact directive.

Interim sanctions including interim suspension of privileges and/or a no contact directive may be imposed:

1. In instances where it is determined that a student poses a potential threat to another; or
2. To ensure the safety and wellbeing of members of the College community or preservation of College property; or
3. To ensure the student's own physical or emotional safety and wellbeing; or
4. If the 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 any interim sanctions. The decision will be communicated in writing to the student.

During the interim sanctions, a student may be denied access to the residence halls, other campus facilities, and/or to the campus (including classes), and/or all other College activities or privileges for which the student might otherwise be eligible, as the Dean of Students may determine to be appropriate. An interim measure may also involve changes to academic and extracurricular activities, housing, transportation, dining, and/or working situations as appropriate.

The no contact directive, specific to a person and/or location, prohibits a student from having direct or indirect communication or contact with a specified person; including, but not limited to in person communication, electronic communication, mail, and/or third-party communication.

The interim suspension of privileges or no contact directive does not replace the regular student discipline process, which shall proceed on the normal schedule, if required.

The interim suspension of privileges and/or no contact directive shall remain in effect until the Dean of Students, or designee, determines that the reason for imposing the suspension or no contact directive no longer exists or the proceeding concludes which will determine what if any sanctions, will be imposed.

## **I. Appeals**

Students who have violated the Code of Conduct, as determined by PCC, AHO or DHB may appeal the decision and or the imposed sanction within (5) days from the date that the Outcome Letter is sent. If the student does not submit an appeal within the prescribed time, the sanctions(s) will be applied, no appeal will be considered and the matter will be concluded. The decision of the Disciplinary Hearing Board (DHB) regarding responsibility of violations of intimate partner violence, non-consensual sexual contact, sexual assault, sexual

misconduct, and/or stalking may be appealed by the Respondent or Complainant within five (5) business days of the decision.

The purpose of the appeal is not to rehear the underlying student discipline case. The sole purpose of an appeal is to determine if there is, in the first instance, sufficient information based on the written record before the Appeal Officer or Appeal Board to establish its jurisdiction to consider and decide the appeal and, if so, thereafter, to determine whether the information submitted by the student states sufficient grounds (see below) to grant the appeal and take any of the actions described below.

Only one appeal is permitted. Such appeals shall be submitted in writing, signed by the student and shall be delivered to the Dean of Students, or designee. The appeal may only be authored, signed, and submitted by the student and shall consist of:

1. A completed Appeal Request Form (available in the Office of the Dean of Students and the Office of Community Life or on the Community Life website), and
2. A statement outlining and supporting the specific basis upon which the student is appealing. It is the responsibility of the appealing student to clearly and specifically explain and support in their written statement the grounds on which they are appealing.

*Grounds for Appeal* - An appeal must be based on one or more of the following grounds or it will not be accepted and considered:

1. A process or procedural error was made that was significantly prejudicial to the outcome of the hearing as it affects the student appealing.
2. New information that was not available or known to the student appealing at the time of the hearing has arisen which, when considered, may materially alter the outcome. NOTE: Information that the appealing student chose not to present at the time of the hearing is not considered new information.
3. The severity of the sanction imposed was not appropriate based on the section of the Code or other College policy which the student was found to have violated.

If an appeal is received from either the complainant or the respondent in cases of intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and/or stalking, the Dean of Students, or designee, will notify, in writing, the non-appealing student within five (5) business days of receipt of the appeal that an appeal has been filed and the ground(s) upon which the appeal has been made. Within five (5) business days of such notification, the non-appealing student may submit a written statement to the Dean of Students, or designee, that they wish to be considered by the Appeal Board.

Any person who is a member of the Disciplinary Hearing Board may also serve on the Appeal Board or as an Appeal Officer, but may not be one of the three (3) original DHB panel members or facilitator. The Dean of Students, or designee, determines who will serve on the Appeal Board or as an Appeal Officer. An Appeal Board shall be composed of three members of the DHB pool.

For Peer Conduct Council or Administrative Hearing Appeals, the Dean of Students or designee will serve as the Appeal Officer.

The Appeal Board or Appeal Officer will not meet with the students or rehear the case. The Appeal Board or Appeal Officer will consider the merits of an appeal on the basis of the information provided in the Appeal Request form, the student's written statement, character testimonies, the written record of the case, and the student's entire discipline record.

During the consideration of a request for an appeal, sanctions assessed by the hearing officer, Peer Conduct Council or DHB shall not be in effect. However, the Dean of Students, or designee, may impose conditions or continue existing conditions governing the respondent's continued relationship with the College during the appeal process.

*Responses to Request for Appeal* - Based on the information provided in the Appeal Request form, the student's written statement, character testimonies, the written record of the case, and the student's entire discipline record, the Appeal Board or Appeal Officer will:

1. Reject the appeal if it finds the basis for appeal unsubstantiated; or
2. Reject the appeal if it finds that any procedural errors were minor in nature and would not have altered the outcome of the hearing or the sanctions imposed; or
3. Modify the sanction(s) if they are found to be inappropriate; or
4. Remand the case to the original hearing officer, Peer Conduct Council or DHB for further consideration (which may include but does not require a rehearing of the entire matter) if a procedural error or new information, as defined above, has arisen. In such cases, the same hearing officer, Peer Conduct Council or DHB who originally heard the case shall reconvene as soon as possible. If the hearing officer or a member of the original Peer Conduct Council or DHB is no longer available, the Dean of Students, or designee, will appoint another hearing officer, or in the case of the unavailability of one or more of the Peer Conduct Council or DHB members, they will select additional Peer Conduct Council members or DHB members from the Peer Conduct Council and DHB pools.
5. Remand the case to a new hearing officer, Peer Conduct Council or DHB for further consideration where substantial procedural error is determined to have unfairly influenced the hearing.
6. Alter the decision of the hearing officer, Peer Conduct Council or DHB panel and associated consequences/sanctions.

The Appeal Board or Appeal Officer deliberates in private. The Appeal Board or Appeal Officer is required to indicate their decision and identify rationale for that decision via letter. The appeal decision will be communicated to the respondent in writing (and to the complainant for violations of intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and/or stalking), usually within 3-5 days after a decision has been reached.

Decisions rendered by the Appeal Board or Appeal Officer are final and not subject to further appeal. Cases sent back to a hearing officer, Peer Conduct Council or DHB or other step in the Student Conduct process are not eligible for a second appeal.

#### **ARTICLE V: INTERPRETATION AND REVISION**

1. Any question of interpretation or application of the Student Code shall be referred to the Dean of Students, or designee, for final determination.
2. The Student Code shall be reviewed every two (2) years under the direction of the Dean of Students.

#### **ARTICLE VI: RECORD RETENTION**

Discipline records are maintained by the Dean of Students, or designee, and are kept for seven (7) years after the resolution of the incident. After seven years, student discipline records are purged except for circumstances that resulted in a student's separation from the College. In these cases, the College permanently maintains the records of those students who are expelled, suspended or separated from the College. Students are responsible for updating directory information, including address, with the Office of the Registrar.

## **College & 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 marijuana for persons over 21 as of January 1, 2018 and as of November 2016, permits the use of medical marijuana, i.e. use by persons possessing lawfully issued marijuana cards, Saint Mary's College in accordance with federal law, the Drug Free Schools and Community Act of 1989, is required to uphold, and expects its students to abide by federal laws that prohibit use, distribution, consumption of marijuana on campus by anyone of any age for any reason.

*The use, possession, or cultivation of marijuana 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 the 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 the 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. **Marijuana:** Immediate effects of THC (marijuana's active ingredient) vary greatly with the person, setting, dose, and expectation of the user. Marijuana can make it harder to function and succeed in an academic setting particularly when tasks require close attention and thoughtful decision-making. Using marijuana 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 marijuana. 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 marijuana 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, marijuana 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. Chewing tobacco and snuff are **not** safe alternatives to cigarettes. They are highly addictive, contain more nicotine than cigarettes, and cause rapidly-spreading cancers of the mouth, head, and neck.

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 ("road 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, 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 make 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/Alateen 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

#### **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 laws are available online.

Federal Statutes: <http://www.usa.gov/Topics/Reference-Shelf/Laws.shtml>.

California Statutes: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Local Statutes:

<http://library.municode.com/index.aspx?clientId=16501&stateId=5&stateName=California>.



## **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 but 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 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, 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 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 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 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) 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 warning.

- ii. **Second Offense:** education project or program; warning or probation; and \$50.00 fine.
- iii. **Third Offense:** education project or program; Health and Wellness Center educational program(s); 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; warning or probation; and \$50.00 fine.
  - ii. **Second Offense:** education project or program; Health and Wellness Center educational program(s); 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; Health and Wellness Center educational program(s); 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, bongs, 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 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 warning.
  - ii. **Second Offense:** education project or program; warning or probation; and \$50.00 fine.
  - iii. **Third Offense:** education project or program; Health and Wellness Center educational program(s); 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; warning or probation; and \$50.00 fine.
  - ii. **Second Offense:** education project or program; Health and Wellness Center educational program(s); 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 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; Health and Wellness Center educational program(s); 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 and Leadership (SIL). Please contact SIL at 925-631-4704 for information.

### **For Student Sponsored Events**

Only student organizations chartered by the Associated Students may sponsor events where alcohol is served. The sponsoring organization must submit a request to serve alcohol to SIL a minimum of ten (10) business days prior to the proposed event date (late proposals will NOT be considered). For organization events the sponsoring organization must have the organization's advisor 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, obtaining the necessary one-day permit through the California Department of Alcohol Beverage Control, and possessing the permit at all times during the event.

For all student-sponsored events, alcohol must be served by trained 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. Free alcoholic beverages are not allowed at student organization sponsored events. A minimum of \$1.00 per drink must be charged and all drinks must be dispensed individually in cans or plastic containers by event bartenders.

Only beer or wine may be served at student-sponsored events. Distilled liquor in any form is not permitted. 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.

No individual under the age of 21, or anyone who is obviously intoxicated 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.

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.

### **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/Provost.

The sponsoring department must have a faculty of staff member 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, 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 under the age of 21, or anyone who is obviously intoxicated 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 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.

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 comprised 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 Director of Counseling and Psychological Services, the Chief and Director of Public Safety, the Assistant Vice Provost for Student Success, and the Dean of Students, who serves as the chairperson. In the absence of any of these individuals, 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 determined by the Dean of Students who also serves as the Chief Conduct Officer of the College.

**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; 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
- 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).**

**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, Main Floor  
925-631-4349

### **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 determine whether reports are bias-related.
- Support target(s) 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 reports with the Saint Mary's community, including BIRT's response to each report without revealing confidential and personal information.
- Monitor the campus climate around issues of diversity and civility.
- Recommend appropriate actions and educational programs (ex. trainings, restorative justice practices, mediations) 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 [www.stmarys-ca.edu/BIRT](http://www.stmarys-ca.edu/BIRT) , 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 administrator or staff member, contact:*

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

*For bias incidents committed by a faculty member, contact the respective Dean:*

Sheila Hassell Hughes, Ph.D.  
Dean, School of Liberal Arts  
Dante Hall 109A  
Phone: 925-631-4609

Roy Wensley, Ph.D.  
Dean, School of Science  
Galileo Hall 102A  
Phone: 925-631-4409

Yung-Jae Lee, Ph.D.  
Interim Dean, School of Economics and Business Administration  
Power Plant  
Phone: 925-631-4743

Mary Moskall, Ph.D.  
Interim Dean, School of Education  
Filippi Academic Hall 200-4  
Phone: 925-631-4726

***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: <https://www.stmarys-ca.edu/student-life/your-safety-resources/bias-incident-response-team-birt>

**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 Directors of Campus Housing and Residential Experience 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 the 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 Pet Owner. Pets are not permitted in other resident rooms, halls or any other campus facility.
6. When not within the permitted residential unit, Pets shall be restrained on a leash at all times. 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, 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 by 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.

### **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 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.

### **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 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.

### **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:

- A. *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.

- B. *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.
- C. *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:
1. 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.
  2. The disclosure is to an authorized representative of the Comptroller General of the United States or to certain federal, state and local educational authorities.
  3. The disclosure is in connection with financial aid for which the student has applied or which the student has received.

4. The disclosure is to State and local officials or authorities under applicable state laws concerning the juvenile justice system.
5. 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.
6. The disclosure is to accrediting organizations to carry out their accrediting functions.
7. The disclosure is to parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.
8. 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.
9. 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.
10. The disclosure is information the educational agency or institution has designated as "directory information" (see below).

D. *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.

- E. *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, e-mail 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 city laws and ordinances, including those related to noise, 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.

- a. **Warning Issued by Moraga Police Department:** If a student receives a *written warning*\* from the Moraga Police Department, the student(s) will receive a *written warning* from the College related to the corresponding violation of the Code.
- b. **Citation Issued by Moraga Police Department:** If a student receives a Citation from the Moraga Police Department, the student(s) will receive a Hearing Notice from the Office of Community Life related to the corresponding violation of the Code.

*\*If a student receives a Loud and Unruly Ordinance Warning from the Moraga Police Department, and has already received a warning or citation, the student will be subject to the College discipline process.*

### **Good Samaritan Policy**

At Saint Mary's College, the welfare of our students is a priority. In incidents of crisis or medical emergency, Saint Mary's 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 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 intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, or stalking 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 the undergraduate students in an urgent care model. It also provides many programs and activities to promote a healthy lifestyle and prevent illness at Saint Mary's College. There are three key requirements to complete for all incoming undergraduate students:

### **1. Medical History and Immunizations**

A completed Medical History form, with immunization records attached, must be turned in to the H&WC before matriculation. This form is available online at the H&WC website. Note: there are different deadlines for turning in this information to the H&WC for the Fall and Spring semesters.

## **2. 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 your insurance plan meets these standards and you wish to remain on your own plan, you must actively dis-enroll from the SMC-SHIP **every year**. Please go 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 how to dis-enroll from SMC-SHIP by completing an online insurance waiver. Please make a copy of the email stating successful waiver of the SMC-SHIP for your records.

## **3. "AlcoholEdu for College" and "Sexual Assault Prevention for Undergraduates" Online Training Courses**

Successfully complete the "AlcoholEdu 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 before matriculation. Please see the H&WC website for the different deadlines for the 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 will put a student on an academic 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.

### **Damage/Loss to Personal Property**

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

### **Checking in to Your Room**

The first day of occupancy is determined by the Campus Housing Office on an annual basis in accordance with the academic calendar. When you are checked into your room (normally by your RA), you are issued your key(s) and are required to complete a Room Condition Report (assuming responsibility for maintaining the physical condition of the room and its furnishings). Students are financially responsible for damage and/or poor conditions not documented on the Room Condition Report and for the loss of keys.

### **Checking Out of Your Room**

You must check out of your room with the RA and you must turn in the key(s) that were assigned to you at check in. Any and all room damages noted on the Room Condition Report, found through a room inspection, and/or damages/cleaning charges in common areas, will be assessed to all of the residents of the 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, otherwise, a fine(s) will be added to your Student Account. Students are responsible for following all policies of the on-campus Commercial Mail Receiving Agency to avoid charges or fees.

### **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 you, the student, prefer to identify. Please contact the Housing Operations Manager (925-631-4897), to discuss your housing assignment preferences. For additional support and resources, please contact the Assistant Director of the Intercultural Center (925-631-8358). Please refer to the Saint Mary's College Nondiscrimination Disclosure found in the College's *Undergraduate 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 Assignment**

*Incoming First Year Students:* All incoming first year students accepted for the fall, January or spring term are required to live on campus.

#### *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 parent to dependent child(ren), as supported by documentation.
2. In a case of older students such as returning military or previously married or in 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 where it appears that a full-time undergraduate student will otherwise suffer significant physical hardship, 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).

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 eligible for 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, they 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.

### ***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 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. Students locked out of their room on weekdays between 8:30 a.m. - 4:30 p.m., can go to the Campus Housing Office (Ferroggiaro Hall #200) for assistance. Students locked out on weekdays between 4:30 p.m. - 8:30 p.m. or during the day on weekends and holidays, can contact Public Safety (925-631-4282) for assistance. Students locked out between 8:30 p.m. - 7:30 a.m. must contact the RA on duty for assistance. Students locked out from 7:30 a.m. to 8:30 a.m. can contact Public Safety (925-631-4282). 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 RA and RD 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.

### **Room Condition Reports**

Students who live in on-campus rooms are responsible for noting the condition of their room on their Room Condition Report (RCR) form. If this form is not returned, the resident will be responsible for ALL damage to the assigned room, even if it occurred prior to move-in. By submitting this form, students certify that they will be held responsible for the room in the condition stated. Students will be held responsible for any damages or changes of their room between their check in time until their check out time. Damages not noted (discovered after departure) may also be charged to their student account.

### **Intramural Field Noise Limitations from Specific Sources**

During approved nighttime hours of operation when lights are illuminating the Intramural Field, the following measures will be taken to reduce noise emanating from the field:

- Limits on portable sound playback devices during nighttime hours of operation
- Limits on whistle types: whistles should meet but not exceed NCAA standards
- Facility Use Agreements will be updated to state, "At the start of every collegiate sporting event (practice or competition) the Intramural Field Standard of Conduct must be observed. This conduct includes direction to refrain from the use of vulgar or inappropriate language, and a reminder that students are ambassadors for the values of Saint Mary's College."
- Pre-event meetings including reminders regarding noise and neighborhood surroundings from officiating staff who will oversee those measures are being followed. No generation of sound louder than normally acceptable limits at a distance of 100 feet or more from the property line of the property from which the noise is being generated.

The responsibility for enforcement of limitations on noise is delegated to the Public Safety Department. Complaints about noise created by Saint Mary's sanctioned activities may be reported to Saint Mary's College of California Public Safety – 925-631-4282, 24 hours a day. Complaints will be logged and investigated. If verified, the source of the noise will be abated. Verified complaints of

noise which exceed the limitations stated above will be managed by Saint Mary's College Student Code of Conduct proceedings as outlined in the Student Handbook. Any other complaint of noise that is not from the Campus may be reported to the Town of Moraga Police Department - 925-284-5010.

### **Library Quiet Hours Policy**

The Library provides a safe and respectful environment for learning, studying, interacting and reflecting. Your fellow students have asked that noise in the Library be minimal. To achieve this, we ask you to respect the following:

- The first floor lobby is an interactive space where students, faculty, and staff communicate quietly with each other.
- The "Silent Study Zone" on the first floor is provided for students who need or prefer absolute silence (no whispering or food).
- The "Lounge" on the third floor provides a quiet, relaxed space to study with armchairs and beanbag chairs.
- Conversations on the second and third floor should be low and short. The library maintains "24-hour Quiet Study" during finals and pre-finals. The Campus keeps Dante classrooms open during finals for students who need to talk more actively and for study groups that cannot be accommodated in the Library's 6 group study rooms.
- Library group study rooms are provided for students working in groups of 2 or more.

For any questions or concerns, please contact the Service Desk, 925-631- 4229.

### **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 Card" provided by Campus Housing, which is available through Campus Housing Office and the Public Safety Department.

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 (925-631-4212) 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 Policy**

The purpose of the Parental Notification Policy 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.



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, the Women's Resource Center, 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 Women's Resource Center (WRC) has a private lactation room on the ground floor of Augustine Hall for mothers to use. The Lactation Room is furnished with a chair, clock and a small table and equipped with a hospital-grade breast pump. There is no storage for expelled milk, so students are encouraged to bring their own cooling storage. Students wishing to use the Lactation Room must go to the WRC to schedule times and for room access.

#### *Mamas on Mondays*

Student, faculty and staff mothers seeking support and resources can visit the Women's Resource Center and the Health & Wellness Center for a monthly drop-in support and discussion group.

#### 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 Policies**

Public Safety 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, 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 at 925-631-4282. While the Department of Public Safety 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 Director of Public Safety. 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.**

Bicycles, scooters, skateboards, "hover" boards 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 must properly display the appropriate parking permit at all times. For information on obtaining 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. 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: [stmarys-ca.edu/public-safety](http://stmarys-ca.edu/public-safety). 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 a \$50.00 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 for more detailed information concerning campus parking and vehicle use regulations. Parking 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, 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  
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, "hover"

boards 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/Balconies & Breezeways**

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, 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.

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 or patios, which are considered public areas. Barbecues, cooking and/or other appliances (including, but not limited to, refrigerators) are not allowed on balconies, breezeways or patios.

### **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 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.

**Furniture**

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. Only specifically constructed outdoor deck furniture approved in advance by the Campus Housing Office can be used or placed on patios. Any personal furniture, trash or other belongings may be subject to removal at a cost to the resident. 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; the Facilities Services staff must perform these functions via a work order request.

**Garbage**

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.

**Hall Sports/Recreation**

Respect for the community involves respect for the building and its residents. Recreation such as wrestling and 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 9:00 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 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 art 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, sun lamps, incense, hookahs or any device capable of producing an open or enclosed/contained flame or odor
- Large holiday/string lights
- 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
- Outdoor clotheslines
- Metal tipped dart board sets
- Dead plants or trees
- Empty alcohol bottles or paraphernalia displayed as decoration
- Pets and/or 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 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 Decorations**

Residents are expected to leave the room in the same condition as when they moved in. Residents will be charged for damages, missing furniture or unauthorized alterations to their living space. 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.

### **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 members of the opposite sex in individual student rooms is permitted during the hours of 9:00 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/Campus Housing. 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 and 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 programs 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~~.AAAJwvmNek~.uv3gG8S9SI7elEduCKQOwrhf7Vv7ehS-&bctid=4286060740001>

4. Every program must meet the minimum appropriate staffing ratio of adults to minors as follows:
  - a) For participants age 6-8 years, 1 staff for every 8 day participants;
  - b) For participants age 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 age 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: Susan Collins, Vice President for Finance and Administration  
([susan.collins@stmarys-ca.edu](mailto:susan.collins@stmarys-ca.edu); (925)631-4571)

### **Social Events Policy**

All events sponsored by student clubs and organizations chartered through Associated Students are closed to the general public except for, in some cases, a Saint Mary's College student-sponsored guest. 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 host at all times. Guests under the age of eighteen (18) are **not** permitted to gain admittance into student-sponsored events. A guest list must be maintained on the premises by the sponsoring student group and submitted to Student Involvement and Leadership two days prior to the event).

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 paperwork, 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 (10) days 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.
- Off-campus guests (limit of 1 per student) must be 18 and have a current state ID.
- There is a no re-entry policy at dances and concerts.
- Money collected during the event must be deposited in the Business Office safe at the end of the evening and with Public Safety escort.

### Sponsoring Student Group Responsibility at the Event

Student groups are responsible for all occurrences during the event. Students working the event must be sober and working closely with event staff to ensure a safe and successful event.

### **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 college 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 Student Life, 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.

The Assistant Dean of Students, or designee, 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. 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.
4. 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.
  5. The use of chalk, for marketing purposes, on any surface is not permitted.
  6. 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.
  7. Materials can be posted for a period of two (2) weeks.
  8. 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.
  9. Postings must be removed within 24 hours following the publicized event by the sponsoring organization.
  10. 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; 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 Center, 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

- There are 30 high-traffic areas located throughout central campus for posting fliers. These areas are painted in a beige 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

- 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.
- The Student Involvement and Leadership windows are available for posting printed materials (minimum of 8 x 11 in size) for special events. Requests must be submitted a minimum of two (2) weeks prior to the event (for departments and student organizations).

## 3. Residence Halls

- 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, lampposts and light fixtures is not permitted
- Copies of fliers, posters and other promotional materials must be submitted to the Office of Residential Experience for posting.
- 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.
- Placing table tents in Oliver Hall, Dryden, Brickpile and Café Louis is allowed. Table tents must be printed on white paper, as those printed in color paper will stain the tables. Loose fliers may not be left on the tables in the aforementioned locations.

## 4. Large Banners

- The Brickpile wall along Ferroggiaro Quad is the only posting area for large banners, signs, or other specialized promotional materials (minimum size is 11" x 17" and must not to exceed 3' x 3').
- Vinyl banners (not to exceed 10' x 3' in size) can be hung from the trees in front of Filippi Administrative building with advance approval from Student Involvement and Leadership. 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.

## 5. "Day of" Posting

- "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.
- A-frames may be used but cannot be placed in the Arcade 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 the 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.) Be sure to include proposed dates and the reason for painting it.
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 Buildings and Grounds will repaint it to its original white color.
4. The SMC is to remain white during the following times:
  - Move-In Day Week of the
  - Mass of the Holy Spirit
  - The beginning of Finals' Week through the end of the Christmas break
  - De La Salle week
  - The beginning of Finals' Week through both graduation 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 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 the 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, an aggrieved student must use that procedure. As a general guide, students should refer to the Undergraduate or Graduate and Professional Student Handbooks. Students are made aware of the Student Handbooks 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 Handbooks:

- 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 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
  - Postal mail - Dean of Students, Ferroggiaro 200, PMB 4327, Moraga, CA 94575
  - Fax - 925-377-0493
  - Or online form: <http://www.stmarys-ca.edu/student-life/your-safety-resources/dean-of-students>

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, fax 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 four 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. **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 distraction, 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 to 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, 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 (IDs)**

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 and 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 four 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 – Related Policies**

Title IX prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education Office For Civil Rights provides guidelines to ensure that schools take effective steps to respond to sexual harassment and sexual violence in accordance with the requirements of Title IX. These individuals will support and provide information regarding options, grievance procedures, interim remedies, and ongoing emotional support. These individuals will assist in eliminating the misconduct, preventing its occurrence, and addressing the effects:

Saint Mary's College Title IX Coordinator

Laurie Panian, Associate Vice President and Chief Human Resources Officer/Title IX Coordinator

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## **Consensual Sexual or Romantic Relationship 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 Handbook codes 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 the same procedures and sanctions for violations of the Title IX Policy and other nondiscrimination College policies.

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.

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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.

## **Policy Prohibiting Discrimination, Harassment, Sexual Assault, Sexual Misconduct, and Retaliation**

Saint Mary's College of California is committed to creating and maintaining a community in which all persons who participate in Saint Mary's programs and activities can work and learn together in an atmosphere free of all forms of discrimination, exploitation, intimidation, or harassment, including sexual, based on a legally protected characteristic or status. Every member of the Saint Mary's community should be aware that Saint Mary's will not tolerate harassment or discrimination on the basis of race, color, religion, national origin, ancestry, age, gender, sexual orientation, marital status, medical condition, or physical or mental disability, gender stereotyping, taking a protected leave (e.g. family medical or pregnancy leave) or on any other basis protected by applicable laws. Such behavior is prohibited both by law and by Saint Mary's policy. It is Saint Mary's intention to take whatever action may be needed to prevent, correct, and if necessary, discipline behavior which violates this policy, which may include suspension, termination, expulsion, and/or other sanction appropriate to the circumstances and violation. All members of the Saint Mary's community, including faculty, students, and staff are responsible for maintaining an environment that is free of sexual harassment (including sexual violence) and other forms of discrimination, harassment and retaliation as described in this Policy.

**Sex and/or gender-based discrimination** is further defined as harassment that is unwelcome conduct based on a student's actual or perceived sex, including harassing conduct based on a student's gender expression, gender identity, transgender status, gender transition, or nonconformity with sex stereotypes.

This type of harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on a person's gender or gender-based characteristics, but not involving conduct of a sexual nature (e.g., the repeated sabotaging of female students' laboratory experiments by male students in the class), may be a form of sex discrimination prohibited by law. While sex and/or gender-based discrimination may be distinguished from sexual harassment, acts of sex and/or gender-based discrimination may contribute to the creation of a hostile work or academic environment. Thus, a determination of whether a hostile environment due to sexual harassment exists may take into account acts of sex/gender-based discrimination.

NOTE: Nothing in Saint Mary's policy prohibiting sexual harassment should be construed to prevent employees from rigorously challenging fundamental beliefs held by students and society. However, employees may not interject into the academic setting sexual material that is unrelated to any legitimate educational objective or allow the educational setting to be so sexually charged that Saint Mary's students are prevented from effectively participating in the academic environment.



## **I. DEFINITIONS - VIOLATIONS OF COLLEGE POLICY**

*(for specific behavioral examples of each violation, please refer to the section under, "Warning Signs of Unhealthy Relationships and Abusive Behavior")*

### **Intimate partner violence (IPV)**

Referred to as dating or domestic violence, committed against a person by a spouse or former spouse, a cohabitant or former cohabitant with whom a romantic relationship has occurred, a person with whom they have a child, or a person with whom they have a previous or current dating, romantic, intimate, or sexual relationship. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

IPV is an action by a person towards the other that may include physical, sexual, psychological, and/or emotional harm to that person. It can also include verbal abuse, damage to their possessions or threats to harm them or their loved ones, which causes a reasonable person to be afraid. There is often a dynamic of power and control within the relationship.

*Please see examples of IPV in this handbook.*

### **Non-Consensual Sexual Contact**

Non-consensual sexual contact is defined as:

- any intentional sexual touching
- however slight
- with any object
- by a person upon another person
- that is without consent

Sexual touching includes, but is not limited to, any physical contact with the breasts, genitals, buttocks, mouth or other bodily orifice of another individual; (a) by another with any of these body parts or (b) making another touch you or themselves *with* or *on* any of these body parts without consent. The non-consensual contact may also include any other physical contact completed for the specific purpose of sexual arousal or gratification.

### **Sexual Assault**

Sexual Assault is defined as:

- any sexual penetration (anal, oral, or vaginal)
- however slight
- with any object
- by a person upon another person
- that is without consent

Sexual penetration includes, but is not limited to, vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

### **Sexual Misconduct**

Sexual Misconduct encompasses any unwelcome behavior of a sexual nature and can include the following:

*(a) Non-consensual viewing, recording, dissemination*

The privacy and dignity of all persons in the university community must be guarded. The following conduct is prohibited:

- Observing or recording by any means the nudity or sexual activity of another without that person's consent;
- Allowing another to observe or record the nudity or sexual activity of another without the person's consent;
- Sharing images or recordings of the nudity or sexual activity of another without that person's consent.

*(b) Sexual Exploitation*

Sexual Exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual policy offenses.

*(c) Sexual Harassment*

Sexual harassment is a form of sex and/or gender-based discrimination which may include physical, verbal, nonverbal and/or visual communication or written communication. Although what constitutes sexual harassment will vary with the particular circumstances, it is defined as unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature. Such conduct has the effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or abusive *working or learning* environment.

Sexual harassment is determined by the totality of the circumstances, including, but not limited to, the following:

- The frequency of the offensive conduct;
- Its seriousness;
- Whether it is physically threatening or humiliating;
- The location of the conduct and the context in which it occurred;
- The degree to which the conduct affected the education or employment environment; and
- The relationship between the parties.

Some sexual harassment behaviors may also be stalking and/or sexual assault. Some conduct that may appear to be consensual may also be unacceptable and deemed harassment.

*Please see examples for each of these separate violations in this handbook.*

**Stalking**

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. This includes cyber-stalking which is a course of conduct in which a Respondent uses electronic media, such as the internet, social networks, blogs, cell phones, or text messages to cause reasonable fear or emotional distress.

For the purposes of this definition: Course of conduct means a pattern of behavior composed of two or more acts over any period of time including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

*Please see examples for Stalking in this handbook.*

## **II. WARNING SIGNS OF UNHEALTHY RELATIONSHIPS and ABUSIVE BEHAVIOR**

**Someone may be in an emotionally abusive relationship if their partner:**

- Calls them names, insults them or continually criticizes them.
- Does not trust them and acts jealous or possessive.
- Tries to isolate them from family or friends.
- Monitors where they go, who they call and who they spend time with.
- Monitors and/or controls their social media accounts (what they post, who they are friends with/connected to, etc.)
- Checks their partner's cell phone for text messages and/or calls.
- Threatens to commit suicide if the other partner wants to dissolve the relationship.
- Does not want them to work.
- Controls finances or refuses to share money.
- Punishes them by withholding affection.
- Expects them to ask permission to spend time with friends, spend money, wear certain clothes or makeup, etc.
- Threatens to hurt them, their friends, family or pets.
- Humiliates them in any way.

**Someone may be in a physically abusive relationship if their partner has ever:**

- Damaged property when angry (thrown objects, punched walls, kicked doors, etc.).
- Pushed, slapped, bitten, kicked or choked them.
- Abandoned them in a dangerous or unfamiliar place.
- Scared them by driving recklessly.
- Used a weapon to threaten or hurt them.
- Forced them to leave their home.
- Trapped them in their home or kept them from leaving.
- Prevented them from calling police or seeking medical attention.
- Used physical force in sexual situations.

**Someone may be in a sexually abusive relationship if their partner:**

- Views women as objects and believes in rigid gender roles.
- Accuses them of cheating or is often jealous of their outside relationships.
- Wants them to dress in a sexual way.
- Insults them in sexual ways or calls them sexual names.

- Has ever forced or manipulated them into to having sex or performing sexual acts.
- Held them down during sex.
- Demanded sex when they were sick, tired or after physically harming them.
- Hurt them with weapons or objects during sex.
- Involved other people in sexual activities with them.
- Ignored their feelings regarding sex.

**Someone may be a victim of stalking through:**

- Non-consensual communication through various forms including, but not limited to, in-person communication, telephone calls, voice messages, written letters, and gifts, or through text messages, email messages, social networking site postings, instant messages, postings of pictures or information on websites, that are undesired and/or place another person in fear or cause emotional distress.
- Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a victim.
- Surveillance and other types of observation, whether by physical proximity or electronic means.
- Trespassing
- Vandalism
- Non-consensual touching
- Direct physical and/or verbal threats against a victim or a victim's loved ones.
- Gathering of information about a victim from family, friends, co-workers, and/or classmates.
- Manipulative and controlling behaviors such as threats to harm oneself, or threats to harm someone close to the victim.
- Defamation or slander against the victim.

**Examples of Sexual Exploitation include, but are not limited to:**

- Invasion of sexual privacy.
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex).
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person.
- Intentionally or recklessly exposing one's genitals.
- Invasion of sexual privacy.
- Inducing another to expose their genitals.
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

**Examples of Sexual Harassment include, but are not limited to:**

- Direct propositions of a sexual nature.
- Sexual innuendos and other seductive behavior, including subtle pressure for sexual activity such as repeated, unwanted requests for dates, and repeated inappropriate personal comments, staring, or touching.
- Direct or implied threats that submission to sexual advances will be a condition of employment, promotion, grades, etc.
- Conduct (not legitimately related to the subject matter of a course or curriculum, if one is involved) that has the effect of discomforting, humiliating or both, and that includes one or more of the following:

- comments of a sexual nature, including sexually explicit statements, questions, jokes, anecdotes, or graphic material (e.g., visuals, such as screensaver, which are sexually explicit);
- unnecessary or unwanted touching, patting, massaging, hugging or brushing against a person's body or other conduct of a physical nature;
- remarks of a sexual nature about a person's clothing or body;
- insulting sounds or gestures, whistles, or catcalls;
- invading someone's personal space or blocking their path;
- unwelcome and inappropriate letters, telephone calls, electronic mail, or other communications;
- displaying sexually suggestive objects, pictures, cartoons or posters (e.g. screensavers);
- a consensual romantic or sexual relationship which:
  - causes adverse treatment of third parties; or
  - creates a hostile or intimidating working or learning environment for third parties

### **III. CONSENT**

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 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.

#### IV. SANCTIONS

Sanctions are designed to hold students accountable for their actions and to protect the safety of the College community. If a finding of responsibility is made, the Disciplinary Hearing Board (DHB) has determined consent was not present. Therefore, the DHB may determine sanction(s) based on the gravity of a respondent's actions, intent, and past campus allegations and/or conduct record, even if those allegations did not result in a finding. In the event an "Agreed Resolution" is reached these sanctions are determined by the Dean of Students or designee - *see Article IV*.

Additionally, the following will be considered:

- A. The presence of force (direct or implied)
- B. The presence of threat (direct or implied)
- C. The fear of threat/force
- D. The state of incapacitation
- E. The presence of coercion and/or intimidation
- F. The presence of a pattern and/or practice of behavior

Sanctions for each policy violation will be determined pursuant to the following guidelines:

- **Intimate Partner Violence** (any of the following or a combination of: expulsion, college suspension, probation, loss of privileges, restricted access, educational program or project, no contact directive, or other College sanctions)
- **Non-Consensual Sexual Contact** (expulsion or college suspension; in addition to any of the following: loss of privileges, restricted access, educational program or project, no contact directive, or other College sanctions)
- **Sexual Assault** (expulsion or college suspension; in addition to any of the following: loss of privileges, restricted access, educational program or project, no contact directive, or other College sanctions)
- **Sexual Misconduct** (any of the following or a combination of: expulsion, college suspension, probation, loss of privileges, restricted access, educational program or project, no contact directive, or other College sanctions)
- **Stalking** (any of the following or a combination of: expulsion, college suspension, probation, loss of privileges, restricted access, educational program or project, no contact directive, or other College sanctions)

*For the Disciplinary Hearing Board Process, please see Article IV: Code of Conduct Procedures in the Student Code of Conduct Section*

#### **Reporting Procedures and Resources for Addressing Complaints of Discrimination, Harassment, Intimate Partner Violence, Non-Consensual Sexual Contact, Sexual Assault, Sexual Misconduct, Stalking, and Retaliation**

Saint Mary's has internal procedures in place to investigate and address complaints of discrimination, harassment (including sexual) and retaliation as described in this Policy. These procedures are intended to assure fairness and to maintain confidentiality in the process of responding to complaints. Complaints of discrimination and harassment, based on the protected characteristics listed above, including sexual harassment, that involve conduct of staff, faculty or visitors to the College (e.g. contractors, vendors, volunteers or non-student guests) should be reported promptly to the Human Resources Officer (Title IX Deputy) at 925-631-4212 or to any

manager or supervisor. Reports involving conduct of students or student visitors should be brought promptly to the Dean of Students (Title IX Deputy) at 925-631-4238 in addition to or instead of the Associate Vice President and Chief Human Resources Officer (Title IX Coordinator) at 925-631-4212. The report can also be made to the Department of Public Safety at 925-631-4282.

All members of the College community are encouraged to report if they observe or encounter conduct that may be subject to the College's Policy Prohibiting Discrimination, Harassment and Retaliation. All members must cooperate fully with the Title IX Coordinator and Title IX Deputies in the fulfillment of their responsibilities.

Reports shall be brought as soon as possible after the alleged conduct occurs. Prompt reporting will enable the College to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action regardless of a police report being filed. The College shall respond to reports of discrimination, harassment, intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking, brought after one year to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred. The Code of Student Conduct, within the year that the reported alleged incident took place, may be applied. All complaints must be made prior to the actual physical receipt by the respondent of the terminal degree from the College. Once reported, the Title IX Coordinator and/or their designees will provide prompt and equitable resolution.

Individuals are strongly encouraged to report all conduct they believe to constitute intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking to the police; however, it is the individual's decision whether or not to file a police report. If the individual wishes, the College will provide assistance in contacting the police and accompanying them to the hospital and/or police station. Individuals involved in the report of conduct will have access to support and referral services on-campus regardless of whether or not a report of the conduct is made to the police. Individuals are strongly encouraged to have both a medical exam to ensure their well-being **AND** a forensic medical exam in order to gather forensic evidence. Forensic medical exams are available at Contra Costa County Regional Medical Center in Martinez.

In addition, individuals who believe they have experienced discrimination, harassment, including intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking, based on the protected characteristics listed above and/or retaliation are also free to contact the Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing and/or US Department of Education's Office of Civil Rights to pursue external legal remedies.

For information about employee sanctions and non-discrimination seminars, please review the Staff Handbook or contact Human Resources.

### **Retaliation and/or Violation of Interim Protections**

Threats or other forms of intimidation and/or retaliation against a student or employee for bringing a complaint of any alleged discrimination, harassment (including intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, or stalking) or of any other violations of College policies, including but not limited to the Student Code of Conduct, are prohibited. This prohibition includes threats or other forms of intimidation and/or retaliation against the family or friends of a student or employee who brings a complaint under this policy, or

those who assist a student or employee in bringing a complaint, or those who participate in an investigation and/or student discipline process for an alleged violation of the Student Code or other College policy.

Retaliation is a violation of College policy and may also be a violation of the law. Interim protections mean steps the College takes to reasonably protect employees and students during an investigation and/or student discipline process. An allegation of retaliation constitutes an independent basis for investigation and imposition of sanctions on the retaliating student or employee if determined to have occurred. All incidents that is believed to constitute retaliation should be reported immediately to Evette Castillo Clark, Ed.D., Dean of Students (Title IX Deputy), [ecc4@stmarys-ca.edu](mailto:ecc4@stmarys-ca.edu) at 925-631-4238 when the individual alleged to have engaged in retaliation is a student or student visitor or to the Human Resources Officer, (Title IX Deputy) at 925-631-4212 when the individual alleged to have engaged in retaliation is an employee (faculty and staff) or visitor to the College (e.g., contractors, vendors, or non-student guests). The report can also be made to the Department of Public Safety at 925-631-4282.

### **College and Community Resources**

The following resources are available to students and other members of the Saint Mary's community for information and support concerning intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, or stalking:

#### **Campus Assault Resources and Empowerment (CARE) Line • 925-878-9207**

The College's CARE Line is available to support students who have been affected by sexual assault, stalking, dating violence, or domestic violence. Students may access the line 24-hours a day, seven days a week during the academic year by calling or texting **925-878-9207**. Students can utilize the line anonymously in order to gather resources, learn their options for accessing medical and emotional care and to receive critical, time sensitive information about how to report their case on and off campus. Members of the CARE Line are trained to assist students by providing information and discussing available resources and options (medical, legal, emotional, and academic), by making referrals and providing access to appropriate College and community services as needed. Members of the CARE LINE do not act as counselors.

Students who believe they have experienced a violation of the Consensual Sexual or Romantic Relationship Policy; Policy Prohibiting Discrimination, Harassment, Sexual Assault, Sexual Misconduct; and/or Retaliation, may choose to contact the CARE Line for assistance.

When an individual contacts the CARE Line, no college disciplinary action will take place unless the individual chooses to give her or his name and the details surrounding the incident. Any reports that include a victim's name or alleged perpetrator's name will be considered formal reports and will initiate college action. In order to ensure that students have as many options as possible when utilizing the line, students who are unsure if they would like to move forward with an on-campus Disciplinary Hearing Board case are encouraged not to reveal their names.

#### **Confidential Resources at Saint Mary's College**

If a student is seeking more personal, confidential support from the College rather than the anonymous support that the CARE line offers, they may contact the **Director of Sexual Assault Prevention** (925-631-4193), a certified sexual assault counselor as defined by California Evidence



Code Section 1035 et. Seq, and who can therefore offer confidentiality to the student. This will give the student time to seek out support and learn their options regarding reporting both on and off campus, without initiating a college disciplinary response. The confidentiality offered through this resource applies only to the student's communications with the sexual assault counselor and does not preclude the College from fulfilling its obligations to investigate incidents of assault based on information obtained from other sources. It will be important for the student to understand that if the College obtains information through other sources (e.g., roommates, witnesses, parents, RAs, friends or others), the College is obligated to act on that information, which may lead to the initiation of a disciplinary hearing or other administrative action.

Additionally, the counselors at **Counseling and Psychological Services** (925-631-4364) can offer students, as clients, confidentiality and the information and options available to them. Finally, under the protection of the priest-penitent privilege, one of the **Saint Mary's priests** would be able to offer students confidentiality and as well as to provide information and resources available here at Saint Mary's.

### **Campus Resources**

Campus Assault Resources and Empowerment Line CARE Line	925-878-9207
Center for Women and Gender Equity Information, advocacy and resource referral (Augustine Hall, Ground Floor)	925-631-4171
Counseling and Psychological Services Confidential Counseling services, support and information (Augustine Hall, Ground Floor)	925-631-4364
Dean of Students (Title IX Deputy) Information about the discipline process & list of advisors (Ferroggiaro Hall 200)	925-631-4238
Director of Community Life Information about the discipline process & list of advisors (Ferroggiaro Hall 200)	925-631-4238
Director of Sexual Assault Prevention Advocacy, confidential support, information, and resource referral (Augustine Hall, Ground Floor)	925-631-4193
Emergency/Public Safety	9-1-1 OR 925-631-4282
General Information/Administration Health and Wellness Center Medical and information resource (Augustine Hall, Ground Floor)	925-631-4052 925-631-4254
Title IX Coordinator	925-631-4235

### **Community Resources**

Contra Costa County Crisis & Suicide Intervention 24 hour Hotline	1-800-833-2900
Community Violence Solutions (Contra Costa Rape Crisis 24-Hour Hotline)	1-800-670-7273

National Sexual Assault Hotline  
Www.RAINN.org

1-800-656-HOPE (4673)

STAND! Against Domestic Violence  
24-hour crisis counseling and emergency resource

1-888-215-5555

Moraga Police Department (*24-hour number*)

925-284-5010

In addition to the above resources, the College will provide written notification to students and employees about resources for: counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to survivors, on campus and within the community.

### **Sexual Violence Educational and Prevention Activities**

The Saint Mary's College community is committed to providing broad-based educational programs to help prevent intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking and to create a consciousness and an awareness about gender issues from an interdisciplinary, multicultural perspective. The programs and campaigns seek to be culturally relevant, sustainable and responsive to the needs of the community. Programs are assessed for value. They consider risks and protective factors on the individual, institutional, community, and societal levels.

Some of the educational and prevention efforts provided by the College include:

1. Sexual assault awareness efforts led by the Women's Resource Center and Director of Sexual Assault Prevention are carried out throughout the academic year. These efforts address risks, statistics, safety, consent, coercion, and on and off campus resources through educational programs, classroom and residence hall presentations, bulletin board displays, and brochures and posters that are made available throughout the campus.
2. The Women's Resource Center and Director of Sexual Assault Prevention provides ongoing programming to raise awareness about sexual assault, gender violence and systematic oppression through programs such as: Gray Zones, V-Day: Until the Violence Ends, Denim Day, The Clothesline Project, and Take Back the Night.
3. Programs addressing sexual assault, gender violence, and gender socialization are offered as a regular component of Weekend of Welcome and the First Year Experience.
4. Bystander Intervention programming led by the campus-wide Green Dot committee to provide students with realistic ways they can interrupt behavior they believe may lead to all forms of sexual violence.

### **Risk Reduction Tips**

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warning signs of abusive behavior and how to avoid potential attacks:

If you find yourself in an uncomfortable sexual situation, these suggestions may help you to reduce your risk:

1. If you have limits, make them known before things go too far.
2. Tell a sexual aggressor "NO" clearly and loudly.

3. Try to extricate yourself from the physical presence of a sexual aggressor.
4. Grab someone nearby and ask for help.
5. Realize that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
6. Watch out for your friends and ask that they watch out for you. Make a plan for how you're all going to get home safely and never leave anyone behind. .

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

1. DON'T MAKE ASSUMPTIONS. About consent. About someone's sexual availability. About whether they are attracted to you. About how far you can go. About whether they are physically and mentally able to consent to you.
2. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
3. Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading them. Perhaps they haven't figured out how far they want to go with you yet. You need to respect the timeline with which they are comfortable.
4. Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
5. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
6. Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior.
7. On this campus, and pursuant to state law, silence and passivity cannot be interpreted by you as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

### ***Bystander Intervention***

A bystander is someone other than the victim who is present when an act of intimate partner violence (dating violence, domestic violence), non-consensual sexual contact, sexual assault, sexual misconduct, and stalking is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Using directing, delegating, or distracting actions, active bystanders can help reduce/eliminate risk.

Examples of active bystander intervention include actions that include:

- not leaving an overly intoxicated person in a bar/party alone;
- walking a classmate to their class;
- calling Public Safety when a potentially violent situation is unfolding;
- not leaving an unconscious person alone (alerting an RA, Public Safety, etc.)
- intervening when someone is belittled, degraded, or emotionally abused (e.g. walking victim away from abuser, contacting others for help, like the Counseling Center, RA, Dean)

### ***Campus Sex Crimes Prevention Act (Sex Offender Registration Information)***

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 in person from the Sheriff's office located at 500 Court Street, Martinez, CA, Monday-Friday, 9 a.m. to 4 p.m. or through the California Department of Justice website, which lists designated registered sex offenders in California at: <http://www.meganslaw.ca.gov>

### **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 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. Additionally, effective June 9, 2016, California state law prohibits the sale of tobacco products (including electronic smoking devices and e-liquids whether or not they contain nicotine or tobacco) to individuals younger than 21 years of age (Penal Code Section 308 (a)).

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 Pricing**

- \$75 per day - 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 of \$25.00 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, 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 Saint Mary'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 his or her concern to a supervisor or department or program chair, 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 of Human Resources; 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**

The College will use best efforts to protect whistleblowers against retaliation, as described below. 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 of Human Resources 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 of Human Resources, 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 Director of Public Safety or their designee.

If the facts reported could be a violation of this policy, the Associate Vice President of Human Resources 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 of Human Resources or their designee or, in the case of students, the Dean of Students/Office of Community Life 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 of Human Resources 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:

### **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).

#### **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 testing, 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 Behavior 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/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 after the standard Leave of Absence period (weeks 1-4 of a semester). The Assistant Vice Provost 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. The form cannot be returned to the student for submission to the College. Student petitions for medical withdrawals 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 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 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 withdrawal 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 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 at least one month prior to return.

To initiate a leave of absence, submit an email request to Assistant Vice Provost for Student Success 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.

## **Academic Policies**

### **Academic Standing**

Saint Mary's College recognizes two regular categories of academic standing: Satisfactory Academic Progress and Probationary Status.

#### **Satisfactory Academic Progress**

Satisfactory academic progress is satisfied when a student:

- Maintains a cumulative grade point average of at least 2.0 (C average) in all courses taken or accepted for credit at Saint Mary's College, and
- After the first year, maintains a cumulative grade point average of at least 2.0 (C average) in all courses required or accepted for credit in their major field.

For the purpose of establishing satisfactory academic progress, only courses taken at Saint Mary's College will be considered during a transfer student's first two semesters in residence.

Financial Aid Office Satisfactory Academic Progress (SAP): Financial Aid Office SAP is different than Academic Satisfactory Academic Progress. Federal regulations require the Financial Aid Office to monitor undergraduate and graduate students' academic progress to ensure that students are maintaining a required cumulative GPA and finishing their degree within an allotted time frame. Aid can be withheld if a student does not make satisfactory progress. The Financial Aid Office will notify all students who do not meet SAP.

#### **Probationary Status**

A student is in probationary status when they:

- At the end of any term (fall, January or spring), fail to maintain satisfactory academic progress are considered to have probationary status. The Assistant Vice Provost for Student Success will notify students in probationary status and their academic advisors and success coach via email that failure to achieve satisfactory academic progress no later than the close of the next long term (i.e., fall or spring) will subject students in probationary status to academic disqualification from further study at Saint Mary's College.

#### **Subject to Academic Disqualification**

A student is subject to disqualification from further study at Saint Mary's if the student is already in probationary status and fails to resume satisfactory academic progress (cumulative GPA of 2.0) by the end of the long semester of probation (i.e., fall or spring).

A student who is not in probationary status may be subject to disqualification if, in any semester:

- the student's cumulative GPA falls below 1.55 for all courses taken or accepted for credit; or
- the student has at least junior standing (a minimum of 18 credits completed toward graduation) and fails to maintain a GPA of at least 1.5 on all courses required or accepted for credit in their major field.

Students subject to disqualification will be notified promptly, in writing, by the Assistant Vice Provost for Student Success. Students are responsible for knowing their academic standing after grades are posted and for contacting the Student Success Office if they have any questions about their status. Failure to respond to e-mail contact about academic standing probation may lead to a student being disqualified automatically when the Academic Standing Review Board does not

receive the requested response by the designated deadline. Any student subject to disqualification will be disqualified from further study at Saint Mary's College unless, within two weeks from the date of notification, they file a petition against disqualification with the Academic Standing Review Board, and unless they are then granted Special Academic Probation by that Board.

### **Special Academic Probation**

Special Academic Probation may be granted at the discretion of the Academic Standing Review Board, whose members are a representative from the Office of Academic Affairs, the Assistant Vice Provost for the Student Success Office, the Registrar, the Dean of Students and faculty from various schools. In addition to the information contained in the student's petition, the Board may seek the advice of the student's instructors, academic advisor, school dean, success coach, and others, when appropriate. Special Academic Probation may be granted pursuant to one or more of the following conditions:

1. Filing of a timely petition against disqualification for cause (e.g., existence of serious personal or health factors, or other special circumstances, which have substantially impaired the student's ability to successfully meet the demands of the College's academic programs);
2. Demonstration in the petition of the reasonable expectation that the student can achieve satisfactory academic progress by the close of the next long term (i.e., fall or spring);
3. Acceptance by the student of the conditions specified by the Academic Standing Review Board which will lead to the resumption of satisfactory academic progress by the close of the next long term.

Students who fail to meet the conditions of the Special Academic Probation by the end of the next long term will be immediately disqualified. The Academic Standing Review Board exercises sole authority in cases of Special Academic Probation.

In extraordinary circumstances, a student may appeal a disqualification or other decision of the Review Board. This appeal must be made within sixty 60 calendar days of notification of disqualification and will be considered only if there is strong and compelling evidence of incorrect procedure, error, or new, additional information. The Assistant Vice Provost for Student Success will determine whether such appeal will be heard by the Review Board.

A student disqualified from this College may apply to the Academic Standing Review Board for readmission if they: present work from another College or university which is acceptable for transfer credit and which is sufficient to signify satisfactory academic progress (GPA of 2.0)

In the case of medical considerations or exceptions, readmission includes clearance from the appropriate medical professional(s).

### **Saint Mary's College Academic Honor Code**

Saint Mary's College expects every member of its community to promote and abide by ethical standards, both in conduct and exercise of responsibility towards other members of the community. Academic Honesty must be demonstrated at all times to maintain the integrity of scholarship and the reputation of the College. Academic dishonesty is a serious violation of College policy because, among other things, it undermines the bonds of trust and honesty between

members of the community and betrays those who may eventually depend upon the College's academic integrity and knowledge.

As an expression of support for academic integrity throughout the Saint Mary's learning community and as an administrative tool to discourage academic dishonesty, Saint Mary's has implemented an Academic Honor Code. The Academic Honor Code has been approved by the Student Involvement and Leadership (SIL) Student Body, the Faculty Academic Senate, the Provost and the President of Saint Mary's College.

### **Pledge**

All students, whether undergraduate or graduate, agree to the following pledge, the Academic Honor Code, by accepting their admittance to the College and not having read the Code is not an excuse for violating it. The pledge reads as follows:

As a student member of an academic community based in mutual trust and responsibility, I pledge:

- To do my own work at all times, without giving or receiving inappropriate aid;
- To avoid behaviors that unfairly impede the academic progress of other members of my community; and
- To take reasonable and responsible action in order to uphold my community's academic integrity.

### **Principles of Action**

#### Confidentiality

All student information generated in connection with the Code and its implementation are education records of the student(s) involved and cannot be discussed or disclosed (or redisclosed) other than on an educational need-to-know basis or with the student(s)'s prior written and dated consent. This principle applies to all involved parties, including any faculty, staff, other students, and all Council members.

#### Individual Responsibility

It is the responsibility of every student and faculty member of the College community to know and practice the tenets of the Academic Honor Code. If there is confusion over the appropriateness of a particular action in light of the Code, or if a community member has recommendations about how to amend or alter the Code, those questions and suggestions should be addressed to the Academic Honor Council through the Academic Honor Code Coordinator, or to the program director or dean for adult and graduate programs. Community Responsibility In addition to maintaining one's own academic integrity, each member of the academic community should strive to preserve and promote integrity among his/her peers. This community empowers its members to take appropriate action in support of the Academic Honor Code. If a student, faculty member, staff member, or administrator suspects a violation of the Academic Honor Code, he or she should take action consistent with the Academic Honor Code Procedures described below. Additional possible actions include:

- Actively encouraging academic integrity among one's peers.
- Using moral suasion to avert a peer's academic dishonesty.
- Alerting a faculty member to suspected violations of academic integrity.
- Educating one another regarding the responsibilities of academic integrity.
- Helping a faculty member maintain an environment that is conducive to integrity.

## **Violations**

All violations of the Academic Honor Code are administered by the Academic Honor Council (AHC). Members of the academic community are presumed to be familiar with the procedures outlined for determining a violation of the Academic Honor Code and, therefore, ignorance of the Code is not available as an excuse for an alleged violation of it. Forms of violations of the Academic Honor Code include, but are not restricted to:

### *In Examinations*

Unauthorized talking during an exam; use of “cheat sheets” or other unauthorized course materials during an exam; having someone other than the student registered in the course take an exam; copying from another student’s work; giving assistance to another student without the instructor’s approval; gaining access to an exam prior to its administration; informing students in other course sections of the contents of an exam; preparing answer sheets or books in advance of an exam without authorization from the instructor; unauthorized collaboration on a take-home exam; altering another person’s answers in the preparation, editing, or typing of an exam; bringing unauthorized materials into an exam room.

### *On Papers and Class Assignments (understood as all work assigned in a course)*

Submitting work prepared by someone else as one’s own; using the thesis or primary ideas of someone else, even if those ideas have been edited or paraphrased, without proper citation; plagiarizing words, phrases, sections, key terms, proofs, graphics, symbols, or original ideas from another source without appropriate citation; receiving unauthorized assistance in preparing papers, whether from classmates, peers, family members, or other members of this or any other College community; collaboration within a class or across sections of a class without the consent of the instructor; preparing all or part of a paper for another student; intentional failure to cite a source that was used in preparing the paper; citing sources that were not used or consulted to “pad” a bibliography; citing sources out of another’s bibliography without having consulted those sources; re-using previous work without the consent of the current instructor; providing a paper to another student for any purpose other than peer editing or review; using unapproved sources in preparing a paper; lying to an instructor to circumvent grade penalties; interference with access to classrooms, computers, or other academic resources.

### *In Research*

Fabricating or falsifying data in any academic exercise, including labs or fieldwork; using material out of context to inappropriately support one’s claims; sabotaging another person’s research; using another researcher’s ideas without proper citation; taking credit for someone else’s work; hoarding materials and/or equipment to advance one’s research at the expense of others.

### *In the Use of Academic Resources*

Destruction, theft, or unauthorized use of laboratory data, research materials (including samples, chemicals, lab animals, printed materials, software, computer technology, audiovisual materials, etc.); stealing or damaging materials from the library or other College facilities; not returning materials when asked to do so; appropriating materials needed by others such that their work is impeded; helping others to steal, hoard, destroy, or damage materials.

### *In Academic Records*

Changing a transcript or grade in any unauthorized way; forging signatures on College documents; willful public misrepresentation of achievements, whether academic, athletic, honorary, or extracurricular; falsifying letters of recommendation to or from college personnel; bribing any

representative of the College to gain academic advantage; breaking confidentiality about the 111 proceedings of the Academic Honor Council, an Academic Review Board, or an investigative committee in the adult and graduate programs.

#### *In Community Participation*

Engaging in conduct that, if found to have occurred, violates the College's Technology Use and Whistleblower policies.

These types of conduct constitute violations of the Academic Honor Code and will be considered, if determined to have occurred, as acts of academic dishonesty. Any conduct that represents falsely one's own performance or interferes with that of another is academic dishonesty. Academic dishonesty is distinguished from academic inadvertence. The Academic Honor Council or the dean or program director for adult and graduate programs, receives and considers all reports of conduct that is alleged to be a violation of the Code and, thereafter, decides whether the alleged conduct, if determined to have occurred, constitutes academic dishonesty or academic inadvertence, which involves an act that might appear to be a violation of the Academic Honor Code, but is determined during the Review Board process not to be. In cases of academic inadvertence, no charge of academic dishonesty is made and the student is referred to the instructor for appropriate resolution. The Academic Honor Code is not intended to impede or inhibit the free exchange of ideas and collaborative learning which are hallmarks of a Saint Mary's education. The College supports and encourages cooperative learning, group projects, tutoring, mentoring, or other forms of interchange of ideas among students and faculty, one of the most important benefits of academic life.

#### **Oversight and Sanctions**

The procedures for the administration of the Academic Honor Code, the determination of violations, and the imposition of sanctions are overseen by the Academic Honor Council (AHC).

#### **Oversight: Academic Honor Council**

##### Council Membership

The AHC consists of a minimum of sixteen student members and six faculty members as specified below. These members share special responsibility for the dissemination and implementation of the Academic Honor Code on campus:

- 6 students: Two students from each of the traditional undergraduate schools at the College (Economics and Business Administration, Liberal Arts, and Science). These representatives are appointed for a term of at least two years on a biannual basis by the Academic Honor Council.
- 4 students: One student from each program that takes special responsibility for community education on academic integrity (Advising, Athletics, Collegiate Seminar, and Composition). These representatives are appointed for a term of at least two years on a biannual basis by the Academic Honor Council.
- 6 or more students: A minimum of six students will be appointed as members-at-large. These representatives are appointed for a term of at least two years on a biannual basis by the Academic Honor Council. 112
- 6 or more faculty members: A minimum of six faculty members of the traditional undergraduate college. These representatives are appointed by the Vice Provost for Graduate and Professional Programs for a term of two years; service may be extended with the approval of the vice provost.



### Rotation Process

In order to facilitate consistency in the processes of review and policy formation, representatives are appointed using a system of rotation as needed to meet the membership requirements above.

Responsibilities of the Academic Honor Council (“AHC”): The responsibilities of the AHC include, but are not limited to, the following:

- To select from its membership a student Chair, or Co-Chairs, who will oversee the operations of the AHC for one year.
- To review and revise the Academic Honor Code as necessary, offering recommendations for changes to the Code to the Admissions and Academic Regulations Committee of the Educational Policies Board.
- To serve in an advisory capacity for the College community in understanding and interpreting the Code.
- To promote and maintain the Code, primarily through community education via publications, workshops, forums, and community events.
- To create and facilitate a non-credit seminar on academic integrity to be taken by students who are in violation of the Code.
- To constitute Review Boards from among its membership to consider alleged violations of the Code.
- Through its Chair or Co-Chairs to consider requests for the removal of “XF” grades and to be a Review Board as a whole for petitions of reconsideration brought forward by the Chair or Co-Chairs.
- To provide an annual report (maintaining appropriate confidentiality) for the Educational Policies Board and the Student Senate reviewing the AHC’s activities for the year.

### Coordinator of the AHC

In addition to the members of the Academic Honor Council, there is a staff Coordinator who is part of the staff of the Office of Academic Affairs. The Coordinator’s responsibilities are: to serve as “first contact” for a party who wishes to register a concern; to maintain office hours during which community members may file concerns, seek advice, obtain written materials relevant to the Academic Honor Code; to update written materials and information as per the instructions of the AHC; to distribute materials to appropriate parties during student orientation and at the beginning of new academic terms; to function as a “neutral party” in organizing and scheduling reviews by the AHC; to contact all involved parties and inform them of their rights and responsibilities in the process of pursuing a concern; to assign Advisors at the earliest possible time; to compile brief case inventories on concerns that are raised; and to schedule and book meetings of the Academic Honor Council at large, and to coordinate with the Chair of the AHC the constitution and meetings of Honor Review Boards. 113

A reported student has 5 business days to contact the AHC coordinator to discuss their options. After the 5-day period, the student has 24 hours to inform the AHC coordinator of their decision of whether they want to go forward with a review board or sign a No-Contest Resolution. If there is no contact within the specified time frame, an immediate XF grade will be assigned to the student’s academic transcript for the course in question.

### **Honor Review Boards**

In cases when a violation of the Academic Honor Code is not handled through the channels of No-Contest Resolution, the Chair(s) of the AHC designate the case for review and establish an Honor

Review Board comprised of members of the AHC. If there are two or more pending cases, the reported student is given the option to decide whether or not they want their review boards to consist of the same AHC members. The pending review boards are not allowed to be scheduled on the same day. If the student chooses to not make this decision it is at the discretion of the Co-Chairs, to decide whether or not the board consists of all the same members.

The Honor Review Board consists of eight members of the AHC as follows:

Five voting members comprised of four student representatives and one faculty representative, one non-voting Facilitator, and two non-voting Advisors. The appropriate sanction is decided by the majority vote of the five voting members. The non-voting Facilitator serves as the neutral presiding officer of the review.

The two non-voting Advisors, one assisting the party who brought forth the charge and one assisting the alleged violator(s), must be currently enrolled students at the College and members of the AHC. The role of the Advisor is to help the respective parties in their understanding of the Academic Honor Code, provide confidential guidance, assist in preparing the respective parties for the Honor Review Board process, aid the parties in understanding the decisions of the Honor Review Board, and inform the parties of processes for petition for reconsideration. At no time during the review does an Advisor formally represent the party in the hearing or speak on his/her behalf; rather, each party is expected to speak for him- or herself.

## **Sanctions**

### **Standard Sanction: Assignment of an "XF" Grade**

For violations pertaining to a course, the standard sanction upon a student who commits a violation of the Academic Honor Code is the assignment of an "XF" grade in the course.

- **First Violation Standard Sanction:** Assignment of an XF grade.
- **Second Violation Standard Sanction:** Semester Suspension. The standard sanction for a second violation is a semester-long suspension from the College. Timing of the suspension is to be determined by the review board that reviews the individual case.
- **Third Violation Standard Sanction:** Expulsion. The standard sanction for a third violation is immediate expulsion from the College.

For violations that do not pertain to a course, the sanction is determined by the Honor Review Board hearing the case. The "XF" grade indicates failure in the course, and that the course failure was the result of a violation of the Academic Honor Code. A notation will be included in the 114 student's transcript indicating the meaning of the grade. For the purposes of computing grade point average and class standing, the "XF" will be treated as an "F."

In addition to the notation on the student's transcript, an "XF" grade disqualifies a student from representing the College as the leader of an approved extracurricular activity, or as a member of an athletic or scholarly team that is sponsored by the College. Students with "XF" grades will be eliminated from consideration for departmental or College awards and honors. No student with a standing "XF" grade may be a member of the Academic Honor Council.

Through a letter filed with the AHC Coordinator, a student may petition the Academic Honor Council to remove an "XF" grade in the semester following its assignment. A successful petition will result in the replacement of the "XF" with the grade of "F" and the removal of the notation from the

student's transcript. Such a petition will be considered if the student has completed a non-credit seminar on academic integrity (administered by the Academic Honor Council) and has avoided any further violation of the Academic Honor Code. The decision to remove an "XF" grade resides with the Co-Chair(s) of the Academic Honor Council and is not guaranteed merely with completion of the seminar on academic integrity. A letter reflecting the violation, the sanction, and the removal of the "XF" grade remains in the student file held in the Office of the Registrar.

### Alternative Sanctions

That the assignment of an "XF" grade is the standard sanction for violations that pertain to coursework does not preclude the right of the Honor Review Board to assign an alternative sanction, one that is either harsher or more lenient. The rationale for an alternative sanction other than the standard is the nature of the offense and not the status or identity of the offender. The community member who brings forth the charge against the alleged violator may recommend a particular sanction to the Honor Review Board, but the assignment of the sanction rests with the board.

Alternative sanctions include but are not limited to:

- Reprimand by the AHC, with a letter placed in the student's permanent file in the Registrar's office.
- Community service requirements, either to the College or to a selected community agency consistent with the offense committed.
- Community education requirements, including participation in the development of workshops, displays, bulletin boards, testimonials, brochures, or College forums.
- Attendance of a non-credit seminar on academic integrity.
- Academic or extracurricular probation.
- Loss of privileges for College leadership or athletic participation.
- Removal from the course, with alternate plans for completing it.
- Failure of the assignment.
- Failure of the course.
- Modified "XF" grade, with no limitation on extracurricular activities.
- Suspension from the College at the end of the term.
- Immediate suspension from the College.
- Expulsion from the College.
- Withholding of a degree, even in cases where all College requirements have been met.
- Revocation of a degree already received.

### **Procedures for Suspected Violations**

The procedure to be followed in any suspected violation of the Academic Honor Code for traditional undergraduate students will follow four, and, in certain instances (as specified, below), a fifth step.

If a student or staff member wishes to report conduct that might constitute a violation of the Code, then he/she has two options:

- Refer the matter to the relevant faculty member, or
- Refer the matter to the Academic Honor Council through the AHC Coordinator (Step Four).

#### *Step One: Initial Discussion*

If a faculty member, staff or student becomes aware of conduct that might constitute a violation of the Code, then he/she should first discuss the conduct with the suspected violator. This discussion

might include asking the suspected violator(s) to explain the situation or confronting them with relevant information about the suspected conduct. The possible outcomes are:

- If the suspecting party concludes that no violation has occurred, then the matter will be dropped.
- If the discussion results in confirmation by both parties that a violation has occurred, then the student can request a No-Contest Resolution through the AHC Coordinator or an Honor Review Board through the AHC Coordinator.
- If the discussion results in lack of confirmation by both parties that a violation has occurred, then the faculty member refers the case for review by an Honor Review Board through the AHC Coordinator (Step Four).

#### *Step Two: Meeting with the AHC Coordinator*

After a violation of the AHC code has been found the case is referred to the Coordinator of the AHC. When a suspected of a violation of the Code is referred to the Coordinator, the reported student has two options to resolve the issue.

1. No-Contest Resolution (Step Three)
2. Academic Honor Review Board (Step Four)

After initially meeting with the AHC Coordinator the student has five business days to contact the AHC Coordinator to discuss their options. After the 5-day period, the student has 24 hours to inform the AHC coordinator of their decision of whether they want to go forward with a review board or sign a no-contest resolution. If there is no contact within the specified time frame, an immediate XF will be given. 116

#### *Step Three: No-Contest Resolution*

The No-Contest Resolution process is an option in cases when the following five conditions are met: 1) neither party contests that the conduct has occurred; 2) the nature of the violation caused by the conduct is clear; 3) the violation is course-related, 4) both parties agree to the standard sanction for the admitted violation and, 5.) if it is the first violation

In No-Contest Resolution, the standard sanction of “XF” is applied. To provide fairness in its application, the AHC Coordinator is witness to the No-Contest Resolution process.

#### *Step Four: Honor Review Board*

In the absence of a No-Contest Resolution, the case is referred through the AHC Coordinator to an Honor Review Board for review and determination.

*Preparation.* The AHC Coordinator informs the Co-chairs of the AHC of the need to convene an Honor Review Board. Once the Co-chairs have established the Honor Review Board for a case, it will hold a review hearing. The hearing is a closed and confidential meeting with the person raising the concern, the alleged violator(s), and any witnesses who have relevant information that either party wishes to include in the proceedings. Prior to the review hearing, the Facilitator will provide a list of witnesses and relevant information to both the person raising the concern and the alleged violator(s).

**Confidentiality.** All of the testimony and relevant information from the review hearing will be kept in confidence, in accordance with the College policy and to protect the privacy of the student(s) involved under Family Educational Rights and Privacy Act (“FERPA”). Failure to maintain the

confidentiality of the matters and/or the student's privacy of the student(s) involved will result in a separate and independent charge of Code violation. No lawyers or lawyers' representatives (e.g. paralegals) representing the involved parties or family members of either party may be present during the review process or the deliberations of the Honor Review Board.

Multiple Alleged Violators. In the case of multiple alleged violators in closely related cases, one Honor Review Board will hear all testimony and evidence. The Facilitator has the discretion to hold one review for all students concerned subject to receipt of the prior written and dated consent of the student(s) involved, or separate reviews for each alleged violator. Reviews will be closed to all other persons unless all parties concerned consent in writing to an open review.

The Review Hearing. The Coordinator's office determines sets and coordinates the time and place for the review hearing, as well as its structure and flow. Each party has the opportunity to present his/her position and offer relevant information and testimony, including of witnesses, to support their respective positions. Members of the Honor Review Board may forward questions during any phase of the review with the permission of the Facilitator.

Deliberation and Decision. Upon hearing all arguments, the Honor Review Board meets privately to deliberate and make its decision. A valid decision constitutes a simple majority arriving at a common conclusion as to whether a violation "more likely than not" occurred. In the event of a split or tied vote, the case will be referred to the full body of the AHC for deliberation and decision. Within 48 hours of the close of deliberations, the Student Advisors and/or Facilitator of the Honor Review Board informs both parties about the decision and sanction, either through written 117 notification or in person, depending upon the request of the parties involved preference. Notwithstanding this notice requirement, failure to inform both parties of the decision and sanction within 48 hours does not constitute a material procedural irregularity.

Removal of a Board Member. Any member of the Board who has a conflict of interest or bias or whose participation would give rise to the appearance of bias or conflict of interest must recuse him or herself from the deliberation and decision process. If during the review hearing or the deliberations the Facilitator detects a bias that may interfere with the impartial consideration of information by any voting member of the Honor Review Board and that may significantly affect the outcome of the Board's decision, the Facilitator must remove that representative from the Review Board immediately. Review and deliberations will continue with the remaining members.

Ad Hoc Review Boards. In the event that a review is necessary outside of the confines of the regular academic calendar (in the summer or over Christmas break, for example), then the Academic Vice Provost may convene a special ad hoc Honor Review Board consisting of two students and one faculty member. If possible, those representatives should be current or former members of the Academic Honor Council, but the Academic Vice Provost may exercise the right to appoint other representatives as necessary.

#### *Step Five: Petition to Reconsider*

Grounds for Reconsideration. Except as permitted below, the decision of the Honor Review Board is final (whether it is the product of a regular or ad hoc review board), and will be reported to the Academic Honor Council as well as to the Registrar's office. The decision may be reconsidered only if: 1) new information not available at the time of the deliberation and Board's decision can be offered for consideration, 2) one or more parties can provide information that supports an allegation that there was a failure to follow procedure that materially affected the decision of the

board, or 3) the sanction applied goes beyond the standard sanction. If the case is not subject to reconsideration, then the matter ends at this step.

**Reconsideration:** If a student that has been found in violation of the honor code chooses to submit a request for reconsideration, that person has 5 business days starting the day after their decision has been made by the review board to turn in their request in writing to the coordinator. School holiday breaks do not count as business days (as defined in the student handbook). If they do not turn it in within the designated time frame, the request will be rejected.

Any petition for reconsideration of a decision by the Honor Review Board is filed with the AHC Coordinator, who informs the Co-Chairs of the Academic Honor Council. The Co-Chairs determine whether or not the information and reasons offered support the request for reconsideration (based on the above criteria). If the Co-Chairs deem that the information offered is sufficient to support reconsideration of the case, then it is brought before the full body of the Academic Honor Council. The Council rehears the case, taking into account the new information and/or material procedural irregularity that have been established.

The Co-Chairs present the original case (in brief), the board's decision, and the stated grounds of the petition to the AHC. The AHC may, in its sole discretion, rely on existing written information or call for new information and/or testimony as needed to allow a full and fair consideration of the petition. If the AHC disagrees with the decision of the Honor Review Board, then a new decision may be reached by the entire Academic Honor Council by a majority vote of those present. The Co-Chairs will be excluded from the initial vote and will only vote in the case of a tie. If the AHC upholds the decision of the Honor Review Board, then the case will be closed. In either situation, the decision of the Academic Honor Council is final.

### **Final Responsibility**

Saint Mary's, through its designated officers, faculty and/or employees is solely charged with and responsible for interpreting and applying the Academic Honor Code. In exercising that responsibility, the College chooses to give students a distinct and significant role in designing the Code, hearing cases, recommending sanctions, and educating the campus community about the importance of academic integrity. This student participation, however, in no way prevents Saint Mary's from exercising its sole discretion, without prior notice, in interpreting, implementing and/or amending these policies and procedures.

### **Turnitin® Policies and Procedures**

Saint Mary's College uses the Turnitin service. The following policies apply to students: Turnitin is integrated into the Saint Mary's learning management system (Moodle) as a course activity, where faculty set up links for students to submit written work.

- Any student requested to do so by his/her instructor must submit written work to a specified Turnitin link within Moodle.
- All students enrolled in a Collegiate Seminar course or in English 003, 004, or 005 are required to submit their final versions of all essay assignments within the Moodle courses Turnitin link.

Turnitin Directions for students may be found here:

[https://guides.turnitin.com/03\\_Integrations/Turnitin\\_Partner\\_Integrations/Moodle/03\\_Moodle\\_Direct\\_V2/03\\_Students](https://guides.turnitin.com/03_Integrations/Turnitin_Partner_Integrations/Moodle/03_Moodle_Direct_V2/03_Students)

- If students need assistance using Turnitin, they can visit the Tech Bar located on the first floor of the library, or contact the IT Service Desk: servicedesk@stmarys-ca.edu or (925) 631-4266.

### **Academic Appeal Process**

The Committee on Academic Appeals is a faculty/student committee which hears appeals from undergraduate students regarding decisions concerning academic regulations and standards affecting them individually. A standing committee, it is convened and chaired by the Vice Provost of Undergraduate Academics, at the request of the student:

- To hear appeals regarding decisions of the Dean of the School or of the Registrar (and approved by the Dean of the School) concerning courses, standards, academic regulations and requirements for graduation;
- To hear appeals regarding grades given by instructors.

The Committee consists of up to ten members:

- Vice Provost of Undergraduate Academics (ex officio and nonvoting)
- three ranked faculty members appointed by the Chair of the Committee on Committees;
- three ranked alternates (but also including Christian Brothers currently teaching at the College), one each from the Schools of Liberal Arts, Science, and Economics and Business Administration, appointed by the Vice Provost of Undergraduate Academics;
- four students appointed by the AS President for one-year, renewable terms and confirmed by the Executive Council of that group.

### ***Procedures***

1. When the student expects to appeal a decision by the Dean of his/her School and/or the Registrar, or to appeal a grade given by an instructor (see 1 and 2 above), the student must file a notification to that effect with the Vice Provost of Undergraduate Academics within one month from the beginning of the next long term.
2. The student is normally expected first to take his/her appeal to the instructor or administrator involved. If the student is not satisfied with the outcome, he/she should next take the appeal to the department chairperson or to the appropriate academic administrator.
3. If the matter is not resolved in step 2, the student will file a written statement of appeal with the Vice Provost of Undergraduate Academics. The Vice Provost will notify the appropriate instructor, department chairperson, and the School Dean that an appeal has been filed.
4. If the student decides not to pursue the appeal, he/she must advise the Vice Provost of Undergraduate Academics that the notification and/or statement of appeal be withdrawn.
5. The appeal must be brought to the Committee on Academic Appeals before one long term has elapsed since the term in which the cause for appeal occurred.
6. The Committee will not consider an appeal until and unless all the above avenues of informal resolution have been pursued.
7. The Vice Provost of Undergraduate Academics serves as the nonvoting Chair for each appeal hearing. Representatives of the two principals (a faculty member chosen by the student—a

Christian Brother on staff may also serve this role—and a ranked faculty member chosen by the other principal, or in the case of an appeal of a decision by the Registrar's Office, a representative of that office not involved in the original decision) will present to the Committee the respective arguments of the two principals whom they represent. The two principals do not attend the meeting unless requested to do so by the Committee.

8. Minutes of the proceedings will be taken and kept on file in the Office of Academic Affairs. All proceedings and correspondence, and the minutes are confidential and will not be maintained in the student's permanent academic record.

9. In hearing an appeal, the Committee has authority to:

- a. set time limits on presentation by representatives of the two principals;
- b. request written statements from the principals, if necessary;
- c. determines if the principals are to appear before it;
- d. consider during its deliberations all documents and any records considered by the initiating instructor or administrator; oral and/or written argument of both principals; additional evidence the Committee deems appropriate.

10. The Committee, upon reaching a majority decision, has the authority in the individual case to instruct the Registrar to waive an academic regulation or requirement, make an exception to an academic standard, or to change a grade.

11. The Vice Provost of Undergraduate Academics gives written notification of the Committee's decisions to the principals.

## **Class Attendance**

### **General Policy**

Regular class attendance is an important obligation and an essential condition for successful academic progress. Absences may seriously jeopardize the satisfactory completion of a course. Excessive absence can be a cause for dismissal from the College. The instructor is responsible for establishing and communicating the attendance policy for a given course. Students are responsible for all assignments in each of their courses, whether or not the assignments were announced during an absence. Penalties for absences depend upon the nature and the amount of work missed, of which the faculty member is the sole judge. It is not permissible to miss regularly scheduled classes for the purpose of intercollegiate athletic practice. A student who misses the first session of a course, even if he/she is pre-registered, may have his/her place in that course given away and be denied further attendance in that course.

### **Student Athletes**

Student-athletes will not miss class for practice. Student-athletes, in the season in which their sport has scheduled intercollegiate competitions, will not be penalized for missing class because of representing the College in those competitions – so long as the student's absence from the class for the purpose of intercollegiate athletic competition does not exceed (see *Student Athlete Handbook*):

1. 4 classes on the MWF schedule (fall and spring terms)
2. 3 classes on the T/Th schedule (fall and spring terms)
3. 2 classes during a traditional January Term course
4. 1 class per term (fall and spring) for labs and courses that meet once per week