

STUDENT HANDBOOK

2020-2021



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 August 2020, please refer to 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. (rev.2/19/2021)

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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, the general principles governing community life at Saint Mary's College are guided and informed by the Mission 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.

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.

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/Appellate Board” or “Appeal/Appellate Officer”** 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 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”** is a term used in the Clery Act to describe any campus officials with significant responsibility for student and campus activities who are required to report.
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 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. (For the definition of Complainant in the Title IX Policy, please see that policy.)
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 the number of “days” prior to or after an occurrence of an event shall not include the day of the event.
12. **“Dean of Students Hold”** may be placed on your student account by the Dean of Students or designee for missing a meeting, failing to complete a sanction by a deadline and/or College Suspension, College Expulsion, Interim Suspension of Privileges. DS Holds prevent any enrollment actions such as adding or withdrawing from courses.

13. **“Disciplinary Hearing Board (DHB)”** means any person(s) authorized by the Dean of Students, or designee, to determine whether a student has violated the Title IX Policy (as well as the Code or other College policy that is related to the underlying Title IX allegations) and to determine sanctions that will be imposed when a rules violation has been committed.
14. **“Handbook”** means the Student Handbook and is also synonymous with *Code of Conduct*, *Student Code of Conduct*, and *Code* and includes all policies and processes related to the college.
15. **“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. When used under the Title IX Policy, this definition shall be limited to fact-gathering.
16. **“Organization”** means any number of persons who have complied with the formal requirements for College recognition.
17. **“Peer Conduct Council (PCC)” or “Peer Conduct Council Hearing Officer (PCCHO)”** 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.
18. **“Policy”** means the written regulations of the College as found in, but not limited to, the Code, Student Handbook, the College Catalog, the College web page and Technology Use policy, and College Catalogs.
19. **“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.
20. **“Possession”** is interpreted as being in the known presence of prohibited items. 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.
21. **“Residential Living Quarters”** includes living rooms, bedrooms, or other spaces that are capable of being occupied as the equivalent of a residence or accommodation.
22. **“Respondent”** means any student accused of engaging in conduct in violation of this Code or other College policy. (For the definition of Respondent in the Title IX Policy, please see that policy.)
23. **“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.
24. **“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 or the Title IX Policy.
25. **“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.
26. **“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.

27. **“Student Organizations”** A student organization is defined as a group of students that is registered under a department or chartered under Associated Students/Student Involvement & Leadership. These groups/organizations must have a defined relationship with the above-mentioned groups and structured officer positions. They must also have staff/faculty advisory support as well as more elaborate/complex activities and initiatives in conjunction with the College’s mission.
28. **“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, Peer Conduct Council Hearing Officers, Administrative Hearing Officers, Disciplinary Hearing Board, and Appeals Officers/Board. The Dean of Students, or designee, determines which Administrative Hearing Officers, Peer Conduct Council Hearing Officers, Peer Conduct Peer Conduct Council members, Disciplinary Hearing Board members or Appeals Officers/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 Hearings, Disciplinary Hearing Board panels, and Appeals Officers/Boards that are consistent with the provisions of the Code and/or other College policies.
3. Decisions made by an Administrative Hearing Officer, Peer Conduct Council Hearing Officer, Peer Conduct Council Panel, Disciplinary Hearing Board, and/or Appeals Officer/Board shall be final, pending the conclusion of the normal appeal process.

ARTICLE III: PROSCRIBED CONDUCT 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 their 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 to off campus behavior if:

1. The off-campus conduct is specifically prohibited by law (including but not limited to dating violence, domestic violence, stalking, sexual offenses (non-consensual penetration and fondling) 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.

CONDUCT—RULES AND REGULATIONS

Students and to the extent applicable, any student organizations 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 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.
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, 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 emergency response equipment. This means interfering with or unnecessarily using a fire alarm system, sprinklers, smoke detectors, firefighting or safety equipment or any other public safety or emergency call device as well as 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. Personal Rights and Freedoms: Actions that infringe generally upon the rights, identities and/or freedoms of other individuals are prohibited, regardless of the intention behind the actions. Such actions include, but are not limited to, physical abuse, verbal abuse, threats, intimidation, harassment, discrimination, 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 violate any of the College's policies or violations within the Code of Student Conduct.
 - f. Aiding, abetting, assisting, facilitating, or procuring another person to engage in prohibited behavior.
 - 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.
 - c. Unauthorized presence on, in or within any building or property owned or operated by the College, including roofs, balconies, lounges, parking lots, classrooms, or other areas that are not designated as acceptable; this may include residing or sleeping beyond the purpose of a short nap in vehicles or spaces that are not deemed a residential living quarters as defined by the College.
 - d. Unauthorized possession, duplication, distribution, or use of keys to any College premises or unauthorized entry to or use of College campus or College property.
 - e. Unauthorized dumping or abandonment of one's property or the property of another.
5. **Prohibited or Irresponsible Drug Related Conduct** - The sale, use, possession, manufacturing, or distribution of any illicit drug, synthetic drug, or other controlled substance, 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. **Prohibited or Irresponsible Alcohol Related Conduct**- 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. **Sexual Misconduct or Sexual Harassment not covered by the Title IX Policy**- In addition to the conduct that is specifically prohibited by the College's Title IX Policy, the College also prohibits the following:
- a. ***Other Sexual Harassment*** - unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:
 1. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
 2. Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
 3. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.
- b. **Sex Offenses** - Any sexual act directed against another person, without the affirmative consent of the victim including instances where the victim is incapable of giving affirmative consent. Sexual Act is defined as conduct between persons consisting of:
 1. Contact between the penis and the vulva.
 2. Contact between the penis and the anus.
 3. Contact between the mouth and the penis.
 4. Contact between the mouth and the vulva.
 - c. **Non-Consensual Penetration** - Actual or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim. This includes penetration forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving affirmative consent because of their temporary or permanent mental or physical incapacity.
 - d. **Fondling** - The non-consensual touching of the private body parts of another person for the purpose of sexual gratification, without affirmative consent, whether forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving affirmative consent because of their youth or because of their temporary or permanent mental or physical incapacity.
 - e. **Other Lawfully Prohibited Sexual Intercourse** - This category includes conduct constituting sexual assault that does not meet the definition of Non-Consensual Penetration or Fondling:
 1. Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law, regardless of affirmative consent.
 2. Nonforcible sexual intercourse with a person who is under the statutory age of consent, regardless of affirmative consent.
 - f. **Dating violence** - Violence committed by a person— (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.
 - g. **Domestic violence** - A felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of California or by any other person against an adult or youth victim who

is protected from that person's acts under the domestic or family violence laws of the state of California.

- h. **Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.
 - i. **Sexual Exploitation** occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person, without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include but are not limited to: prostituting another person; recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent; distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and, viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, re, and for the purpose of arousing or gratifying sexual desire. Sexual exploitation may occur regardless of whether sexual activity takes place.
 - j. **Harassment of Employees** - unwelcome behavior in the workplace that is reasonably regarded as offensive that is based on a protected category of an employee that:
 - 1. Sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim's emotional tranquility in the workplace, or
 - 2. Affects the victim's ability to perform the job as usual, or
 - 3. Otherwise interferes with and undermines the victim's personal sense of well-being.
8. **Harassment of Other Students Based on Protected Category** - Harassment is defined as unwelcome conduct on the basis of actual or perceived membership in a class protected by policy or law (including physical, verbal, graphic, or written conduct) that is sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges provided by the College.
9. **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.

10. **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 CO₂ guns), Stun guns, Tasers or any object that normally would not be considered a weapon, but by alteration, modification or redesign, or by intended use, would be readily recognized or considered as a weapon by any reasonable and prudent person.
 - b. **Explosives** include, but are not limited to, firecrackers, ammunition, and fireworks.
11. **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.
12. **Abuse of Technology** - Any abuse of computer facilities and resources, including but not limited to any violation of the College's Technology Policy.
13. **Failure to Comply** - Failure to comply with verbal or written directions of College officials or law enforcement officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
14. **Misuse of the Student Discipline Process** - Misuse of the discipline process may result in additional disciplinary fines and/or a Dean of Students Hold placed on the student account. These 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, Administrative Hearing Officer, 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, Administrative Hearing Officer, 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.
- 15) **Retaliation and/or Violation of Interim or Supportive Measures** - Threats or other forms of intimidation and/or retaliation against a student or employee for bringing a complaint of any alleged discrimination, harassment (including Title IX) 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.
- 16) **Violation of federal, state, or local law.** Engaging in conduct that violates federal state or local law whether such conduct takes place on or off campus or whether civil or criminal penalties may also be imposed for such conduct. A violation of this provision is not predicated upon a final determination by a court of law.
- 17) **Violation of Saint Mary's College policies, rules and/or regulations.** Engaging in conduct that violates College policies, rules and or regulations.

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 occur 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: PROCEDURES

The College encourages students, faculty, and staff to resolve conflicts informally and at the lowest level. When that is not possible or appropriate, anyone can report alleged student misconduct. 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, restorative, and intended to address the impact of the behavior. For behaviors that fall within the definitions of prohibited conduct in the Title IX Policy and the prohibited conduct is within the scope of the Title IX Policy, the procedures in the Title IX Policy shall be used to resolve such allegations. For any cases involving dating violence, domestic violence, stalking or sexual assault (whether under the Title IX Policy or not), the College will ensure that the procedures comply with the Clery Amendments.

A. REPORTING STUDENT 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 an online report or complaint](#) to the Dean of Students, or designee. All reports of student misconduct 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.

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. PRELIMINARY REVIEW OF ALLEGED MISCONDUCT

The Dean of Students, or designee, will review all reports of misconduct to determine if there is credible information that warrants charging a student with violating the Code. Preliminary meetings with the complainant and/or witnesses may occur prior to initiating the student conduct process or contacting the accused student. If the accused student is contacted about the case during the preliminary review, they will be made aware that the incident could result in a student conduct process.

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 and/or restorative justice, or to bring charges against the student or student organization.

(If the complaint involves behavior that would fall under the Title IX Policy, the Title IX Coordinator or designee will review and respond in accordance with the procedures outlined in the Title IX policy.)

C. NOTICE OF CHARGES

If there appears to be credible information that the student may have violated the Code of Conduct and that the College has jurisdiction over the behavior, notice is sent to the accused student. 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

The appropriate resolution pathway will be determined by the Dean of Students or designee after a review of the available information.

The following are available options:

- Alternative Conflict Resolution
- Restorative Justice
- Hearings
 - Peer Conduct Council Panel or Peer Conduct Council Hearing Officer
 - Level 1 Administrative Hearing Officer
 - Level 2 Administrative Hearing Officer
 - Disciplinary Hearing Board

Alternative Conflict Resolution

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

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

Restorative Justice Practices and Outcomes

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

If the impacted party decides not to participate and/or after a pre-conference has been conducted and it is determined that a restorative process is not applicable and/or not a good fit for those involved; the case may be referred to the Dean of Students or designee to determine the next steps which may result in a disciplinary action.

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

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

Agreed Resolution

In situations that have been investigated and are to be heard by the Level 2 Administrative Hearing Officer (AHO), 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 calendar 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 Level 2 AHO for a determination in accordance with outlined procedures.

Hearings

There are four available resolution pathways that are considered hearings. Hearings 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. In some cases, it may be necessary to investigate in order to gather additional information. Investigations may be conducted during or in advance by the Dean of Students or designee.

Peer Conduct Council (PCC) or Peer Conduct Council Hearing Officer (PCCHO)

This type of hearing can involve either a panel of three (3) trained students of which one (1) will be identified to serve as chair or a single hearing officer. The Chair's or hearing officer's responsibility is to facilitate the proceeding in accordance with the Code of Conduct. The PCC pool consists of up to 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 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, is charged with deciding, at their 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 or PCCHO is conducted according to the following general guidelines:

- The Chair of the PCC panel or PCCHO will explain the procedures.
- The Chair or PCCHO will read (if written) or explain (if oral) the alleged violation(s) of the Code.
- The Complainant (if available) and Respondent will be asked to make a statement regarding the allegation(s) of the complaint.
- PCC or PCCHO individually asks questions of the Complainant (if applicable) and the Respondent. As the PCC or PCCHO 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 or PCCHO.
- PCC or PCCHO 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.

Level 1 Administrative Hearing Officer (AHO) Review

This type of hearing involves a trained 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 alleged to have violated 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, Respondent, and relevant witnesses.
- Determine an appropriate finding.
- If responsible, impose appropriate sanctions.
- The outcome will be communicated to the Respondent in writing generally within seven (10) calendar days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.

Level 2 Administrative Hearing Officer (AHO) Review

This type of hearing is reserved for cases involving acts of prohibited conduct that is outside the scope of the Title IX Policy, including any cases of Sex Offenses, Non-Consensual Penetration or Fondling that may result in suspension or expulsion where credibility is an issue in resolving the matter. Additionally, this hearing type may be utilized for prohibited conduct that involves hazing or physical violence resulting in injury.

The process will involve an investigator who will draft a report of their review which will be provided to the AHO who is a trained staff member selected by the Dean of Students or designee who has received specific training for hearing these types of cases. This individual will conduct a hearing at the conclusion of the investigation as outlined below:

Investigation – The investigation will be conducted by a trained investigator who does not have a role in determining responsibility but who is responsible for determining facts and credibility of the parties involved, unless it is a case of a Sex Offense, Fondling, or Non-Consensual Penetration, where the credibility of witnesses will resolve the case, in which case the fact-finding and credibility shall be resolved by the AHO. 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. The Investigator will be responsible for gathering all information related to the alleged violations and creating an investigative report that fairly summarizes relevant evidence. 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. If the investigation report does not support violations of the Student Handbook, the Dean of Students may dismiss this case. However, if there is support for a violation, this investigation report will be provided to the parties and Administrative Hearing Officer for review and response at least 10 calendar days in advance of the hearing.

Level 2 AHO Review - In cases where a Level 2 AHO 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 AHO determines credibility and responsibility of allegation(s). It is expected that the Level 2 AHO 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 Level 2 AHO 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.

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

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 AHO.

It is the role of the Dean of Students or designee to ensure compliance with the process and procedures outlined below:

- Level 2 AHO proceedings are closed to all parties except the individual student(s), the AHO, the Investigator who serves as a witness, Witnesses, the respective student's advisor(s), and a note-taker.
- The AHO will convene the hearing with the participating students and explain the hearing process.
- The AHO will read the alleged violation(s) of the Code or other College policy.

- The Complainant and Respondent (if available) will be invited separately or together (depending on the nature of the case) to meet with the AHO, regarding the allegation(s) of the complaint.
- As the AHO deems appropriate to the case, they 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 Level 2 AHO for additional questioning.
- After the AHO has asked all the questions, and if the participating student chooses, they may make a closing statement. The purpose of the closing statement is to provide the AHO with information that the Complainant or Respondent would like the AHO 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 the student observing the hearing requests to pose questions of the participating student, the AHO will take a break to review questions submitted and determine relevancy.
- The AHO excuses the Respondent and/or Complainant from the proceedings after they make their closing statement.
- The AHO will then convene 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 simultaneously to the Respondent and Complainant in writing generally within seven (7) calendar days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.

Disciplinary Hearing Boards (DHB)

This type of hearing is reserved for alleged violations involving the Title IX Policy. See Title IX Policy for details on this hearing type.

E. Additional Process Information

Below are important details related to the student disciplinary process and procedures:

- ***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 a hearing 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 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.

A list of individuals who have volunteered and have been trained in the discipline process to serve as advisors 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.
- **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.

F. STUDENT RIGHTS AND RESPONSIBILITIES

While the campus conduct process is different from criminal or civil proceeding, the following rights are provided to students, along with the expectation that students fulfill their responsibilities in the process.

Student Rights	Student Responsibilities
To be treated with dignity and respect.	To treat others with dignity and respect.
To have an advisor of choice present to support/offer advice in any student conduct hearing or meeting. Students seeking an advisor can request a list of potential advisors (i.e. faculty and staff who have received training about the student conduct process.)	<p>To notify the College if an advisor will be present, and to understand that if the advisor does not comply with the College's expectations, he/she will be asked to leave the proceeding or meeting, which will continue without the advisor's presence.</p> <p>To notify the College of any advisor changes.</p>
To have student educational records related to the conduct process maintained as confidential except as otherwise required by law or permitted by College policy, to have all conduct proceedings and meetings be closed, and to inspect and review student conduct records, in accordance with FERPA.	To understand the recordkeeping policies and that any information related to other students will be redacted from any records that are released, unless otherwise required by law
To be informed of the policies and procedures in the Student Code of Conduct.	To review and abide by the Student Code of Conduct, including both policies and procedures.
To request appeals based on the grounds described in this Code.	To submit appeals as instructed when applicable.
To have the information reviewed by an unbiased, trained hearing body who will use the preponderance of the evidence as the standard of proof.	To understand that the conduct process is designed to be educational, not adversarial, and that it is different than a court proceeding.
To contact and present witnesses to the incident(s) being investigated or reviewed.	To present only those who have relevant information to the incident/behavior in question within the guidelines presented by the College.
To be provided with the opportunity to review materials, information, and relevant case information in a timely manner.	To follow the procedures (including deadlines) to request such a review.
To be provided with notice of charges, if the student conduct process is initiated, and to be informed of the procedures for resolution.	To review the notice and seek clarification if there are any questions about the process.

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.

There may be circumstances in which an educational conversation occurs that is a verbal advisory but not a sanction as the behavior did not yield a finding of responsibility. This conversation serves to remind students of the expectations required to be part of the Saint Mary's College community.

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):

1. **Written 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 and/or Complainant 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 their 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) may result and may take 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. **Disciplinary Probation:** A written reprimand for violation of specified regulations. Disciplinary 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. There are two forms of probation: reporting and non-reporting.
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) may result and may take effect immediately without further review. The student is also subject to additional sanctions appropriate to the new violation.
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 their conduct that they are 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. STUDENT ACCOUNT HOLDS RELATED TO STUDENT DISCIPLINE

A Dean of Students (DS) Hold may be placed on your student account by the Dean of Students or designee. The action may be taken if a student misses a meeting or fails to complete a sanction by a prescribed deadline. Additional circumstances that warrant a DS Hold include but are not limited to: College Suspension, College Expulsion, and Interim Suspension of Privileges. DS Holds prevent any enrollment actions such as adding or withdrawing from courses.

I. 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 disruption 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(s) and/or location, prohibits a student from having direct or indirect communication or contact with a specified person(s); 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 is an administrative action and 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 of privileges or no contact directive no longer exists or the proceeding concludes which will determine what, if any, sanctions will be imposed.

J. APPEALS

Students who have violated the Code of Conduct, as determined by PCC, PCCHO, or AHO may appeal the decision and or the imposed sanction within (5) calendar 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 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 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:

- A completed Appeal Request web form contained in your outcome letter provided by the Office of Community Life which outlines and supports 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.

For disciplinary proceedings arising from an allegation of dating violence, domestic violence sexual assault, or stalking, the following additional requirements apply:

- The result of any disciplinary proceeding must be shared simultaneously in writing to both the respondent and the complainant.
- Both the complainant and respondent are afforded the same right to appeal the results of the disciplinary proceeding
- Both the complainant and respondent will be notified of any change to the results of the proceeding as well as when these results are final.

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. **Procedural Error:** 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:** 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. **Sanctions:** 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.

For PCC, PCCHO, or AHO Appeals, the Dean of Students or designee will serve as the Appeal Officer.

The Appeal Officer will not meet with the students or re-hear the case. The 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, 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 AHO, PCCHO, or PCC 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 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 entity 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 entity who originally heard the case shall reconvene as soon as possible. If the hearing entity is no longer available, the Dean of Students, or designee, will appoint another hearing officer, PCCHO, or in the case of the unavailability of one or more of the PCC members, they will select additional PCC members from the PCC pool.
5. Remand the case to a new hearing officer, PCCHO, or PCC for further consideration where substantial procedural error is determined to have unfairly influenced the hearing.
6. Alter the decision of the hearing officer, PCCHO, or PCC and associated consequences or sanctions.

The Appeal Officer deliberates in private. The 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 usually within 5-7 calendar days after a decision has been reached.

Decisions rendered by the Appeal Officer are final and not subject to further appeal. Cases sent back to a hearing officer, PCCHO, or Peer Conduct Council 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 and Student Life Policies

Alcohol and Other Drugs

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

Although California state law permits the recreational use of cannabis for persons over 21 as of January 1, 2018 and as of November 2016, permits the use of medical cannabis, i.e. use by persons possessing lawfully issued cannabis cards, Saint Mary's College acts in accordance with federal law, specifically the Drug Free Schools and Community Act of 1989(DFSCA). Thus Saint Mary's College expects students and their guests to abide by federal laws that prohibit use, distribution, or consumption of cannabis on campus by anyone of any age for any reason. Cannabis is not allowed on Campus property including Campus Housing nor is it permitted at any College sponsored events or activities off campus.

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

Health Risks Associated with the Use of Alcohol and Other Drugs

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

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

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

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

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

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

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

3. **Tobacco:** The ingestion of nicotine through cigarette smoking is highly toxic, addictive, and can result in emphysema and cancer. Emphysema destroys the lung's capacity to expand and contract which causes decreased oxygen intake leading to organ damage. Smoking has been linked to cancers of the lung, mouth, throat, pancreas, cervix, kidney, and bladder. Smoking cigarettes can also affect the health of non-smokers. Environmental tobacco smoke contains many of the toxic substances the smoker inhales. Alternatives to cigarettes such as chewing tobacco, snuff and e-cigarettes are not safe. They are highly addictive, contain more nicotine than cigarettes and can cause rapidly-spreading cancers of the mouth, head, and neck. E-cigarettes contain additional harmful ingredients including: ultrafine particles that can be inhaled deep into the lungs. Flavorings such as diacetyl, a chemical linked to serious lung disease and volatile organic compounds. California State Law prohibits the purchase or distribution of tobacco products to individuals under the age of 21.
4. **Ecstasy (MDMA):** Although Ecstasy (MDMA) has been publicized as a "feel good" designer drug, it is actually a hallucinogenic-amphetamine that can lead to a variety of physical problems such as cardiac difficulties, dangerously high body temperature, severe thirst and heat exhaustion, sensory distortion and heightened arousal. Even with limited use, it can permanently alter serotonin levels in your brain, which can increase the risk of chronic depression.
5. **Steroids:** Anabolic steroids are synthetic versions of the male hormone testosterone. Used medically to supplement normal hormonal levels after injury or disease, others use steroids to increase muscle mass, reduce body fat, and enhance endurance. Steroid use can lead to a variety of health problems such as: liver disease and cancer; testicular atrophy, breast reduction, failure of secondary sex characteristics, sexual dysfunction, sterility, impotence, or fetal damage; acne, growth problems, or bone fusion. Psychological problems include aggression, violence, and uncontrolled anger ("roid rage"), rapid mood swings, and psychotic episodes.
6. **Cocaine:** Cocaine is a potent drug with effects that begin almost instantly. Cocaine use can lead to many health problems, such as damaged nasal tissues, kidney damage, or stroke; diseases of the lung, heart, and blood vessels; malnutrition, cardiac arrhythmia, convulsions, seizures, suppression of respiration, or sudden death. Psychological difficulties include intense anxiety and anger, restlessness, fear, paranoia, depression, and hallucinations. The effects of increased adrenaline fade fast resulting in a desire for more which increases the risk of repeated use and addiction
7. **LSD:** LSD dramatically alters normal mental and emotional processes. Initial effects are mostly physical: dilated pupils, muscular weakness, rapid reflexes, decreased appetite, and increased blood pressure and body temperature. Subsequently, LSD scrambles your brain chemistry, significantly distorting thought and sensation which results in unusual or frightening hallucinations. LSD can trigger more serious problems for individuals with a history of emotional difficulties or psychological problems. Effects may recur days or weeks later without further use (flashbacks).
8. **Amphetamines:** Amphetamines speed up the brain and nervous system. Even limited use can lead to many physical and emotional effects including increased heart rate and blood pressure; heart, brain, and lung damage, chronic fatigue and malnutrition. Psychological effects include anxiety, depression, mood swings, hallucinations, paranoia and psychosis.

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

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

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

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

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

Alcohol and Other Drugs Educational Programs and Resources for Assistance

Saint Mary's College strives to create a campus environment that minimizes risks associated with alcohol and other drug use. In order to promote the wellbeing of the College community, and in compliance with the Drug-Free Schools and Communities Act (34CFR Part 86, Subpart B, 1989), educational programs regarding alcohol and other drugs are provided. These programs address problems associated with alcohol and other drug misuse, coping with peer pressure, risk reduction, development of healthy lifestyles, stress management, and identifying and helping others with alcohol and other drug problems.

The College offers services to students regarding issues related to alcohol and other drug use. Those concerned about a person's life and health relative to alcohol and other drug use are urged to seek available resources. Students are encouraged to seek assistance from Counseling

and Psychological Services and the Health and Wellness Center for evaluation and/or referral. Information obtained regarding a student during participation in such programs or services will be treated as confidential, in accordance with federal and state laws.

Information/Referral Services Alcohol and Other Drugs:

<i>On Campus</i>	<i>Community</i>
Mission and Ministry 925-631-4366	Al-Anon 925-932-6770
Counseling Services (CAPS) 925-631-4364	Alcohol Beverage Control 510-622-4970
Dean of Students 925-631-4238	Alcoholics Anonymous 925-939-4155
Health and Wellness Center 925-631-4254	Marijuana Anonymous 510-287-8873
Public Safety 925-631-4282	Moraga Police Department 925-376-2515
Community Life 925-631-4238	National Institute on Drug Abuse

Legal Statutes

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

ALCOHOL REGULATIONS - PROHIBITED CONDUCT

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

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

1. Persons who are under 21 years of age may not possess or consume any alcoholic beverage or possess alcoholic beverage containers, full or empty, anywhere on campus, including in a residence hall room for the purpose of decoration. Underage students who are in locations where other underage persons are consuming or possessing alcohol will be considered to be in violation of this policy even if they do not have alcohol on their person.
2. Persons who are 21 years of age or older may possess and consume alcohol in their residence hall room and/or in the common area of their lower townhouse apartment when all residents are 21 years of age or older. These persons who are 21 years of age or older may not offer, give, provide or otherwise make alcohol available to anyone underage or to an obviously intoxicated person.
3. Alcohol may not be possessed or consumed in any public area of campus unless at a College sponsored activity at which alcohol is served in accordance with the guidelines provided for in this Policy. A public area is defined as those areas of the campus that are readily accessible to students, faculty, staff and guests. Public areas include, but are not limited to, lounges, lobbies, stairwells, balconies, hallways, roofs, classrooms, parking lots, courtyards, and outside areas.

4. The possession of kegs, “party-balls,” “beer bong,” “beer pong tables,” or similar common-source or oversized containers is not permitted on campus unless at a College sponsored activity at which alcohol is served in accordance with the guidelines provided for in this Policy. A common-source of alcohol is also defined as a quantity of alcohol more than can be responsibly consumed by an individual.
5. Violating this Policy, including but not limited to being in an intoxicated state by a student and/or their guest while on-campus or by a student attending or participating in off-campus College sponsored/affiliated events is prohibited.
6. Driving a motor vehicle after having consumed alcohol is prohibited.
7. Disorderly conduct, property destruction, violations of the rights of a roommate, intimidation or other infringements of the rights of others as a result of alcohol use is prohibited. Intoxication or alcohol abuse is not an excuse for unlawful behavior or violations of the Code or other College policies.
8. Alcohol is not permitted at athletic events or in/on College athletic facilities unless at a College sponsored activity at which alcohol is served in accordance with the guidelines provided for in this Policy.
9. Students and/or their guests may not furnish or attempt to furnish false information regarding their age and/or identity in order to possess or consume alcohol.

College Responses for Alcohol

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

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

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

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

- a) Intoxication, disorderly conduct, verbally disruptive or abusive, fist fights, vomiting but coherent and conscious.
- b) Providing alcohol to an underage or obviously intoxicated person.
- c) Possession of kegs or other common source or over-sized containers.
- d) Consumption of large quantities of alcohol regardless of physical appearance.

- i. **First Offense:** education project or program; written warning or probation; and \$50.00 fine.
- ii. **Second Offense:** education project or program; probation or stayed suspension; stayed residence hall suspension or residence hall suspension; and \$100.00 fine.
- iii. **Third Offense:** education project or program; stayed suspension or suspension or expulsion; residence hall suspension or residence hall expulsion; and \$150.00 fine.

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

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

ILLEGAL DRUGS REGULATIONS - PROHIBITED CONDUCT

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

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

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

College Responses for Illegal Drugs

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

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

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

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

- a) Possession and/or use of any controlled substance or illegal drug regardless of quantity, including seeds and/or residue.
- b) Illegal use of or misuse/abuse of prescription or other legal drugs.
 - i. **First Offense:** education project or program; written warning or probation; and \$50.00 fine.
 - ii. **Second Offense:** education project or program; probation or stayed suspension; stayed residence hall suspension or residence hall suspension; and \$100.00 fine.
 - iii. **Third Offense:** education project or program; stayed suspension or suspension or expulsion; residence hall suspension or residence hall expulsion; and \$150.00 fine.

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

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

GUIDELINES FOR EVENTS WHERE ALCOHOL WILL BE AVAILABLE

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

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

Definitions

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

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

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

For Student Sponsored Events

Only student organizations as defined in this document may sponsor events where alcohol is served. The sponsoring organization must submit a request to serve alcohol to Student Involvement & Leadership (SIL) a minimum of ten (10) business days prior to the proposed event date (late proposals will NOT be considered). Only beer or wine may be served at student-sponsored events. Distilled liquor in any form is not permitted. The sponsoring organization's advisor must be present for the duration of the event to serve as the on-site event manager. This person may not consume any alcohol or other drugs prior to or at the event and is responsible for monitoring compliance with the Alcohol and Other Drugs Policy.

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

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

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

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

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

Private-Closed Events

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

- The sponsoring organization conducts presales for event entrance.
- A minimum fee of five dollars (\$5) must be charged for event entrance.
- A minimum of two 2 staff (including the advisor) for events expecting less than 50 guests (for every additional 20 guests expected, an additional staff member will be required).

Public Events

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

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

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

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

For Faculty/Staff/Administration Sponsored Events

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

Criteria to host events:

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

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

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

Guidelines for Off-Campus Events

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

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

1. The sponsoring group must abide by applicable laws and local ordinances or codes regarding alcohol. The group should take appropriate steps to prevent underage drinking and the consumption of alcohol by intoxicated persons.

2. The sponsoring group should promote responsible behavior and the general welfare of the sponsoring group, its individual members, and others participating in or associated with the event during that time.
3. At such events, the behavior of the group, individuals, and guests are governed by the regulations set forth in the Code and other College policies.
4. At no time should faculty and staff serve in the role of bartender, pour or purchase alcoholic beverages for students.

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

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

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

Behavioral Intervention Team

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

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

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

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

The team is composed of campus personnel who have decision-making ability in dealing with troubling situations. A collaborative process to assess threats will be used and depending on the situation, personnel with areas of specialization may be called upon to assist the BIT. The team broadens the scope of involvement and includes other faculty and staff members, when

appropriate. The following individuals comprise the Saint Mary's College BIT: the Medical Director of the Health and Wellness Center, the Executive Director of Wellness & Director of Counseling and Psychological Services, the Chief and Executive Director of Public Safety & Transportation, the Director of Student Disability Services (or designee from Student Engagement and Academic Success), and the Dean of Students, who serves as the chairperson. In the absence of any of these individuals, their backup designee or a designee may be appointed by the Vice Provost of Student Life. The Chairperson keeps the Vice Provost of Student Life advised of the situations.

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

The role of the BIT is:

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

Actions that BIT may initiate:

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

If you are concerned about a student, please let us know. You may report a student of concern by submitting detailed information to: dos@stmarys-ca.edu or online: stmarys-ca-advocate.symplicity.com/care_report/.

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

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

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

Public Safety

Assumption Hall West
925-631-4282

If someone needs medical attention, contact:

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

If someone needs emotional/psychological attention, contact:

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

If there is an academic or classroom concern, contact:

Student Success Office
Filippi Academic Hall, Room 190 or Filippi Hall, Room 134
925-631-4800

Bias Incident Response

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

What is a bias incident?

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

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

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

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

The Bias Incident Response Team (BIRT) was established to promote a safe, hate-free environment where all people can live, work, and learn. BIRT's primary roles are to recommend

preventative education as well as report and respond to bias incidents and hate crimes. The responsibilities of BIRT are to:

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

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

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

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

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

- **Report the incident online at smarys-ca-advocate.symplicity.com/care_report/, which can be done confidentially and anonymously.**
- **Report the incident to any of the following administrators:**

For bias incidents committed by a student, contact:

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

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

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

What are some available resources?

- Dean of Students 925-631-4238
- Community Life 925-631-4238
- Counseling and Psych. Services 925-631-4364
- Human Resources 925-631-4212
- Intercultural Center 925-631-8317
- Public Safety 925-631-4282

- Residential Experience 925-631-4236
- Student Disability Services 925-631-4358
- Center for Women and Gender Equity 925-631-4171
- BIRT Website: <https://www.stmarys-ca.edu/student-life/your-safety-resources/bias-incident-response-team-bir>

Campus Rules Related to Animals

General

It is the Policy of Saint Mary’s College of California (“College”) that Pets are not allowed in campus facilities (See the Pet Policy). Notwithstanding the Pet Policy, there are situations and circumstances where Animals are allowed in some campus facilities. The following rules are applicable to all individuals who have been granted permission to bring an Animal into campus facilities, unless the application of a particular rule is prohibited by law. These rules do not apply to College provided Animals which have been provided as part of academic laboratory activities, research or study.

Definitions

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

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

Rules

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

terrarium with arachnids, reptiles or snakes shall be counted based on the individual Animals contained therein.

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

Cohabitation Policy

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

Community Assembly

Saint Mary's College is a community dedicated to the intellectual enrichment and personal development of all its members through study, inquiry and continuing communication with one another. Every member of the community bears the responsibility of acting in an orderly and civil manner in communication with others. Rational discussion is the hallmark of such communication in this educational environment committed to the active pursuit of truth, understanding, and the dignity of all.

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

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

Consensual Sexual or Romantic Relationships Policy

OVERVIEW

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

1. In General

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

Because of the potential for conflict of interest, exploitation, favoritism, and bias, such relationships may undermine the real or perceived integrity of the supervision and evaluation provided. Further, these relationships are often less consensual than the

individual whose position confers power or authority believes. In addition, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a sexual or romantic involvement, this past consent does not remove grounds for a charge of inappropriate behavior based upon subsequent unwelcome conduct.

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

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

2. *With Students*

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

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

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

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

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

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

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

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

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

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

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

Many existing policies govern student responsibilities towards each other (e.g. see Student Handbook or RA/TA agreements). This policy applies when undergraduate or graduate/professional students or post-doctoral scholars are serving in the teaching role as teachers, TAs, graders, RAs or research supervisors. The policy does not prohibit students from having consensual sexual or romantic relationships with fellow students. However, if such a relationship exists between a student teacher and a student in a setting for which the student teacher is serving in this capacity, they shall not exercise any evaluative or grading functions for that student.

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

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

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

4. *In Other Contexts*

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

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

The obligation to recuse and notify exists for past as well as for current relationships. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy.

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

5. *Additional Matters*

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

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

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

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

Revised May, 2018

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

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

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

Consent for Photographs and Videos

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

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

USE OF MATERIAL POSTED TO SOCIAL MEDIA

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

Dining Hall Policy and Behavior Expectations

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

Family Education Rights and Privacy Act of 1974: FERPA POLICY

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

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

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

FERPA gives students the following rights:

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

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

2. *The right to request amendment of education records:* Students may ask the College to amend a record that the student believes is inaccurate. The student should write the College official responsible for the record, clearly identify the part of the record he or she believes to be inaccurate, and specify why it is believed to be inaccurate. Students also have the right to insert in their records written explanations concerning the content of the records if a request to make a change has been denied (see below). Please note that FERPA does not give any student the right to contest a grade given in a course, but does give the student the right to seek to correct an improperly recorded grade. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. A representative from the office of Academic Affairs has been designated as the hearing officer. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. *The right to consent to disclosures of personally identifiable information:* Personally identifiable information contained in the student's education records may not be disclosed without the student's consent, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including public safety personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a discipline or grievance committee, or assisting another school official in performing his or her tasks. In addition, the College may, but is not required to, disclose personally identifiable information from an education record of a student without consent if the disclosure meets one or more of the following conditions:
 - a) The disclosure to officials of other universities in which a student seeks enrollment, provided that the student is given notice of the disclosure, is provided with a copy of the records disclosed (if so requested by the student), and is given the opportunity to

- review and challenge the records sought. College policy is to forward only Saint Mary's College transcripts and only upon a student's written request.
- b) The disclosure is to an authorized representative of the Comptroller General of the United States or to certain federal, state and local educational authorities.
 - c) The disclosure is in connection with financial aid for which the student has applied or which the student has received.
 - d) The disclosure is to State and local officials or authorities under applicable state laws concerning the juvenile justice system.
 - e) The disclosure is to organizations conducting studies, provided that the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted.
 - f) The disclosure is to accrediting organizations to carry out their accrediting functions.
 - g) The disclosure is to parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.
 - h) The disclosure is to comply with a judicial order or lawfully issued subpoena and the College has made a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
 - i) The disclosure is in connection with a health or safety emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
 - j) The disclosure is information the educational agency or institution has designated as "directory information" (see below).
4. *Disclosures pursuant to student consent.* If the information request does not fit into one of the categories described above, you must obtain the student's consent prior to disclosing the records. The consent must be in writing, signed by the student, and dated, and must specify the records to be released, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

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

Records to which students are denied access because they are not "education records" usually will not be made available to an outside party.

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

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

Directory Information

Material classified as "directory" information can be released without student consent. Directory information, as defined by the College, includes the following: the student's name, date/place of birth, photographs, periods of enrollment, degrees, awards and honors received, major fields, campus or home address, email address, student class schedules, telephone numbers, height/weight of student athletes and the most recent previous educational institution attended by the student. A student may, however, have all of the information withheld upon written notice to the Office of the Registrar given within ten days after the beginning of each semester.

USA Patriot Act and FERPA

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

Film Policy

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

There are three exceptions under Copyright Law:

1. **Educator's Performance Rights:** There is a clause in the U.S. Copyright Law which gives exemption to the law through the Educator's Performance Rights. ALL six of the

qualifications below must be met in order to show a film using the Educator's Performance Rights. a) Performances and displays of audiovisual works must be made from legitimate copies; b) Performances and displays must be part of a systematic course of instruction and not for the entertainment, recreation, or cultural value of any part of the audience; c) Performances and displays must be given by the instructors or pupils; d) Performances and displays must be given in classrooms or other places devoted to instruction; e) Performances and displays must be part of the teaching activities of non-profit educational institutions; and f) Attendance is limited to the instructors, pupils, and guest lecturers.

2. Public Domain: There are some films which fall under "public domain" and are not subject to licensing. You can find a complete listing of such films at www.fesfilms.com/masters.html. Most of these films are pre-1950.
3. Short Clips: Showing a short clip less than 15 seconds from any movie can be done without acquiring a license. Any clip longer than 15 seconds requires appropriate permission and licensing.

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

Good Neighbor Policy

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

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

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

Good Samaritan Policy

At Saint Mary's College, the welfare of our students is a priority. In instances of crisis or medical emergency, Saint Mary's College students are expected to care for themselves and for others throughout the community by getting help from appropriate College officials even when

violations of the Student Code of Conduct may have occurred. Because the College understands that fear of disciplinary actions may deter requests for emergency assistance, the Good Samaritan Policy was created to alleviate such concerns and reduce hesitation by Saint Mary's students to seek help.

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

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

This policy does not protect repeated, flagrant, or serious violations of the Community and Student Life Policies or violations that caused harm to another person requiring emergency response, nor does the policy preclude or prevent action by police or legal authorities.

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

- **Alcohol/Drugs**

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

- **Title IX Violations**

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

Health & Wellness Policies at Saint Mary's College

The Health & Wellness Center (H&WC) is an on-campus resource that provides medical services to all full-time undergraduate and international graduate students in an urgent care

model. In collaboration with many other offices, the H&WC also provides many programs and activities related to health promotion and prevention. There are three key requirements to complete for all incoming undergraduate students:

MEDICAL HISTORY FORM AND IMMUNIZATIONS

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

HEALTH INSURANCE COVERAGE

Each year all undergraduate students are automatically enrolled in the Saint Mary's College negotiated Student Health Insurance Plan (SMC-SHIP). If you have health insurance that meets the requirements set by the College, you must actively waive the SMC-SHIP **every year**. Please go to the H&WC website for general information on the type of coverage that the SMC-SHIP insurance plan provides. If you still wish to be covered by your own health insurance plan, there are instructions on waiving the SMC-SHIP by completing an online insurance waiver. Please save a copy of the email stating successful waiver of the SMC-SHIP for your records. If you do not waive the health insurance by the deadline, you will be enrolled in the SMC-SHIP and will be responsible for the cost of the health insurance. If at any time you lose your health insurance coverage and would like to enroll in the SMC-SHIP, please contact the Health and Wellness Center.

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

REQUIRED ONLINE TRAINING COURSES

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

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

Housing & Residential Procedures

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

RESPONSIBILITY FOR LIVING SPACE

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

College owned and personal furniture must be positioned and used in a manner consistent with their intended purpose and design. Lost or damaged furniture is the responsibility of the residents of the room. Students are not permitted to remove any College issued furniture from the room in which it is assigned and may not remove furniture from public areas and/or lounges. Students are not allowed to disassemble College furniture. Similarly, window screens, curtains, curtain rods or other items affixed to any part of the room may not be removed or added to the facility. There is no storage for room furnishings. Residents will be charged for missing or damaged furniture. Residents are not permitted to loft, bunk or adjust the height of the beds.

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

DAMAGE/LOSS TO PERSONAL PROPERTY

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

GENDER INCLUSIVE HOUSING

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

HOUSING OVER BREAKS AND HOLIDAYS

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

service during Thanksgiving Recess, Christmas Recess, January Term Recess, and Easter Recess.

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

HOUSING ELIGIBILITY

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

Exemption Policy/Process for On Campus Residency Requirement

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

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

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

All exemption requests must be received prior to July 1st for the academic year and January 1st 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 1st /January 1st deadline. A delay in response from the committee past 10 business days does not constitute automatic approval of your request.

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

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

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

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

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

Eligibility for Room Selection

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

KEYS

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

REASSIGNMENT

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

ROOM CHANGES

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

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

Missing Student Procedure

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

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

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

Concurrently College officials will endeavor to determine the student’s whereabouts through contact with friends, associates, and/or employers of the student. College officials will try to determine whether or not the student has been attending classes, labs, recitals, and

scheduled organizational or academic meetings, or appearing for scheduled work shifts. If located, verification of the student's state of health and intention of returning to the campus will be made. When and where appropriate, a referral will be made to campus and/or community resources.

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

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

Non-Discrimination Disclosure

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

Section 504 and ADA Coordinator

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

Title IX Coordinator

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

Parental Notification

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

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

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

Pregnant and Parenting Students - Resources

If a student becomes pregnant during their time at the College, the Health & Wellness Center, Counseling & Psychological Services, and the Center for Women & Gender Equity, the Mission & Ministry Center and Student Disability Services are resources that are available to assist the student. Students may meet with the Director of Student Disability Services to examine the possibility of providing academic accommodations to assist with classes and student life.

Nursing Mothers and Lactation Room

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

Parent Drop-in Group

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

Contact Information:

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

Public Event Guest Speaker Policy

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

The sponsor of the guest speaker must determine prior to approval of the event that the guest speaker's presentation aligns with the College's Mission and meets the criteria spelled out in the

speaker policy. The sponsor must receive approval for the guest speaker from their academic chair, dean or supervisor.

EXTERNAL SPEAKER AND PUBLIC EVENT POLICY

A. PREAMBLE

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

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

B. POLICY ON PUBLIC PRESENTATIONS

1. Definitions

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

2. Considerations for Public Presentations

- a. Public presentations must serve the mission of the College, as provided in the Preamble.
- b. All applicable procedures for contracting and scheduling, as provided in the Faculty, Staff or Student Handbook, must be followed.
- c. Public presentations must be ticketed, if seats are limited.
- d. Significant access for SMC students must be assured.
- e. If the presentation involves audience participation (e.g., a question period), SMC students must enjoy priority.
- f. Sponsors' announcements or advertisements will declare that public presenters' views are not necessarily those of Saint Mary's College or the sponsoring collegiate entity.

- g. The Office of College Communications must approve announcements and advertisements.
 - h. Sponsors will take reasonable steps to ensure that debate or discussion attending public presentations is conducted in a fashion worthy of a community of learning.
 - i. It belongs to the exercise of that deliberate responsibility for the common good which is supposed in the Preamble that sponsors of foreseeably controversial presentations take counsel with the appropriate Dean or other supervisor, who may in turn seek the counsel of the Provost or President.
3. Conditions under which the President may preclude, rescind or modify invitations to public presenters, In extraordinary circumstances, the President may deny a requested invitation, reschedule or relocate the presentation, or rescind the invitation if in the President's judgment one of the following conditions apply:
- a. The presentation is egregiously contrary to the College's mission;
 - b. The presentation presents an immediate and unmanageable risk to the physical safety of members of the College community or their guests; or
 - c. The presenter(s) or his/her (their) agent's refusal to agree to the College's expressed policies or contracting terms presents an unacceptable risk to the College.

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

Public Safety and Transportation Policies

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

TRAFFIC AND PARKING

Parking and vehicle use regulations are designed to provide for orderly parking as well as the safe flow of traffic on campus. Operators of vehicles (including, but not limited to, cars, trucks, motorcycles and scooters and bicycles) on campus are expected to safely operate their vehicle while maintaining a maximum speed of 15 mph and observing all College traffic rules and regulations. Recreational vehicles (RVs) are not permitted on campus without prior written approval from the Executive Director of Public Safety & Transportation. The rules and

regulations include, but are not limited to: yielding to pedestrians, obeying traffic signs and devices, complying with all California vehicular regulations (e.g. wearing safety belts, wearing helmets, driving under the influence), non-entry or storage in any building, and removal of vehicles from campus at the end of the academic year. **All vehicles entering campus are subject to search. Drivers and passengers may be required to show identification before entering campus.**

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

All non-visitor motor vehicles on campus must be registered with the Department of Public Safety and Transportation and must properly display the appropriate parking permit at all times. For information on obtaining and paying for a parking permit, please visit the Public Safety webpage at: stmarys-ca.edu/public-safety . Daily visitor parking permits may be purchased at the machines in visitor lots and Soda Center lot. Violation of these regulations may result in violation notices, vehicle immobilization, towing, loss of parking privileges and referral to the student or staff discipline process. At its discretion, the College may remove and impound motor vehicles or bicycles blocking the entry or exit of any building on campus, if found improperly parked or abandoned.

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

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

CLERY AND SEX OFFENDER NOTICE

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

and other matters. The Annual Security & Fire Safety Report is available electronically at: <http://www.stmarys-ca.edu/public-safety> . Request a copy via telephone at: 925-631-

4282. Request a copy by mail at:

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

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

IMPOUNDING OF PROHIBITED MATERIALS OR EQUIPMENT

The College may impound materials specifically prohibited by the Code, College policy or law. The College may also impound equipment used in a dangerous manner or in violation of the Code or other College policy, including but not limited to kegs, drug paraphernalia, skateboards, "hoverboards" and instruments of potential violence. Once equipment is impounded, the individual will lose all further privileges of use or possession of such equipment or similar equipment on College property permanently. Prohibited materials or equipment may be destroyed without remuneration.

Residential Living Policies

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

FIRE SAFETY

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

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

BALCONIES & BREEZEWAYS

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

SMOKING/VAPING

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

COOKING & MICROWAVES

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

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

GUIDELINES FOR USE

- Only non-treated wood, paper and charcoal briquettes may be used as burning materials. It is the responsibility of the individual/organization to provide needed materials. In addition, the individual/organization is responsible for any damage caused to surrounding grounds caused by fire/grilling.

- Fires must be completely extinguished immediately following the conclusion of the event. Smoldering coals, smoke, or residual heat may indicate the ability for a fire to reignite and must have dissipated prior to individuals leaving the area unattended. Lit fires must always be attended.
- Unauthorized possession or use of alcohol at the BBQ grills is prohibited.
- BBQ grills should only be used for cooking food and for no other purpose.
- If fire/smoke becomes unmanageable with use of fire extinguisher call Public Safety: 925-631-4282.

HALL RECREATION

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

NOISE

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

NOXIOUS ODORS

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

PROHIBITED ITEMS

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

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

- Open flames, candles, sunlamps, incense, hookahs or any device capable of producing an open or enclosed/contained flame
- Cinder blocks

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

RIGHT OF ENTRY

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

ROOM OCCUPANCY

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

VISITATION AND OVERNIGHT GUESTS

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

Safety & Protection of Minors Policy

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

Definitions

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

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

Minors Not Participating in College-related Programs and Activities

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

Requirements for College-related Programs and Activities Where Minors Participate

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

- a. For participants ages 6-8 years, 1 staff for every 8 day participants;
 - b. For participants ages 9-13 years, 1 staff for every 10 day participants. SMC does not permit overnight campers under the age of 13; and
 - c. For participants ages 14-17, 1 staff for every 12 day participants and every 10 overnight participants.
5. All staff, students, faculty, volunteers or third parties who work with minors are required to immediately report any suspected inappropriate behavior, molestation, abuse or neglect of minors to the campus Office of Public Safety at (925) 631-4282.

Social Events

All events sponsored by Saint Mary's College are closed to the general public unless otherwise indicated. For student sponsored events, students are limited to one (1) guest per SMC student-host (to events in which guests are permitted). A valid student ID card must be presented for admission to ALL events. Guests must present a valid picture ID (i.e., driver's license, passport or California ID card) and must be accompanied by their Saint Mary's College host at all times. Non SMC Affiliated guests are not permitted to gain admittance to student sponsored events.

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

Admission to the Event

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

Social Media Statement

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

Solicitation, Distribution and Advertising Policies

COPYRIGHT/USE OF COLLEGE NAME AND LOGO

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

POSTING POLICY

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

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

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

1. The posting, distributing, or disseminating of printed materials (i.e. fliers, posters, table tents, banners, handbills, etc.) that are used to advertise, market, promote and/or provide notice of activities, events or information are all subject to the Posting Policy.
2. Approval to post, distribute or disseminate printed materials for on-campus and off-campus individuals is granted through Student Involvement and Leadership (SIL).
3. A maximum of 50 posters or fliers must be submitted to Student Involvement and Leadership for approval and posting. Off-campus individuals may not post their own materials on campus. Materials should measure a minimum of 8 1/2" x 11" and not exceed 11" x 17" in size.
4. All printed materials must indicate the name of the sponsoring department, or student organization and contact information, as well as the location, date and time of the event. It must also include contact information for Student Disability Services for students that may need accommodations.
5. Printed materials may not be placed on or against, attached to, or written on any structure or natural feature of the campus such as, but not limited to, the surface of walkways or roads (floors), fountains, posts, pillars, waste receptacles, lawn, trees, or on

vehicles parked on campus, doors or buildings, windows, surfaces or stanchions and wooden standards.

6. The use of chalk, for marketing purposes, on any surface is not permitted.
7. Only one (1) posting of any kind is permitted in any posting location. Posting is permitted on a first-come, first-served basis, and existing postings may not be removed or covered by new ones.
8. Materials promoting a single event can be posted for a period of two (2) weeks. Materials promoting a series of events may be posted until the end of the series.
9. No individual or group may leave fliers, announcements, or printed literature of any kind on campus grounds, parked vehicles, or inside any campus building, nor otherwise affix or insert such materials into campus lawns or grounds.
10. Postings must be removed within 24 hours following the publicized event by the sponsoring organization.
11. Only "safe-release" painters' tape (blue tape) may be used to post fliers and posters. Other tapes will damage the surfaces of walls and buildings. Fliers posted on bulletin boards may be attached with staples, pushpins, or blue tape. Please note that blue tape can be purchased through the College's warehouse or Office Depot; Student Involvement and Leadership does NOT provide it for college departments.

Off-Campus Individuals

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

Posting Areas

1. External Posting Spaces
 - i. There are less than 25 high-traffic areas located throughout the central campus for posting fliers. These areas are painted in a brown color and are clearly marked as posting areas for approved materials which should measure a minimum of 8 1/2 “ x 11” and not exceed 11” x 17” in size.
2. Bulletin Boards and Display Cases
 - i. Departmental bulletin boards, typically located outside of administrative or academic department offices, are maintained by the respective departments. Permission for posting at these locations must be obtained from the specific department head or designee.
3. Residence Halls
 - i. Departments, student organizations and individuals do not have access to Residence Halls and must not post on any area in or surrounding the building. Posting on the exterior of the building, doors, windows, lamp posts and light fixtures is not permitted.
 - ii. Copies of fliers, posters and other promotional materials must be submitted to the Office of Residential Experience for posting.
4. Large Banners
 - i. Departmental/Organizational event-related vinyl banners (not to exceed 10’ x 3’ in size) that are associated with a pre-approved event can be hung from the trees in front of Filippi Administrative building. Banners must bear a Saint Mary’s College approved logo, name, and/or in accordance with College Communications brand. Approval must be requested a minimum of two (2) weeks prior to the hanging of the banner. In addition, the actual hanging of banners must be coordinated through Facilities Services.
 1. Materials posted in Oliver Hall must observe the Posting Policy in its entirety. Items that are not congruent with the policy or stamped by Student Involvement and Leadership, will be removed.
5. “Day of” Posting
 - i. “Day of” posting is allowed for directional and informational purposes for campus-wide events and must be removed immediately after the event. “Day of” posting must be related to the function of the program such as schedule, directions, and registration. Pre-approval must be secured through Student Involvement and Leadership.
 - ii. A-frames may be used but cannot be placed in the Chapel Arcade, walkways or blocking egress as it limits accessibility.

Sanctions

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

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

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

PAINTING THE SMC

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

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

1. Submit a request to paint the SMC to Student Involvement and Leadership two weeks prior to your proposed date via email (sil@stmarys-ca.edu), phone or by submitting a web request at www.stmarys-ca.edu/sil. Be sure to include proposed dates and the reason for painting it. Associated Students student organizations should submit their request as an event via SPOT.
2. Upon receiving written approval from SIL, your group may paint the "SMC."
3. The "SMC" shall remain painted for a period of no more than two (2) weeks, after which Facilities Services will repaint it to its original white color.
4. The SMC is to remain white during the following times:
 - Move-In Day
 - Mass of the Holy Spirit
 - The beginning of Fall Semester Finals' Week through the end of the Christmas break
 - De La Salle week
 - The beginning of Spring Semester Finals' Week through both commencement ceremonies
 - All summer

SOLICITATION AND COMMERCIAL ACTIVITY

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

FUNDRAISING POLICY

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

1. Student clubs, classes and organizations may conduct on-campus fundraising after seeking the approval of their advisor and Student Involvement and Leadership.

2. Student organizations are permitted to conduct infrequent collection of food, clothing or change for charities; make requests for donated labor or donated products; and hold activities like bake sales that by and large do not solicit significant cash gifts. These student fundraising activities are only permitted on campus.
3. Student groups may solicit from individuals and businesses that have given money to the group in the past five years or that have a previous relationship with the group.
4. Student group solicitation of off-campus businesses for in-kind product and food donations is permitted on a limited basis subject to the approval of the Director of Student Involvement and Leadership, in consultation with the Advancement Office. An advance list of businesses to be solicited is required to be submitted to the Director as well.
5. Off-campus door-to-door and telemarketing type fundraising activities by student clubs and organizations are not permitted.
6. Students are not permitted to solicit alumni directly.
7. Students may not raise funds from foundations or from corporations.
8. The Vice President for Advancement will have final discretion in approving all fundraising activities. For questions, please call 925-631-4328.

Student Chosen Name Policy

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

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

Where Can a Chosen Name be Used

At this time, the student's chosen name will be reflected on student identification cards, Moodle, and Library systems. We plan to add additional campus systems as they are reviewed, reconfigured, and tested. Campus announcements will accompany the rollout of chosen names to these additional systems. The student's legal name will still continue to be used for official transcripts, diplomas, financial aid documents, payroll, and other instances where a legal name is required by law or university policy.

Limitations

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

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

Process

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

Legal Name Change

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

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

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

Student Complaints Policy and Procedure

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

Students at Saint Mary's College of California may report a concern or complaint regarding any area of academic or student life without fear of coercion, harassment, intimidation, or reprisal from the College or any of its employees. Students have the right to expect a timely response to a complaint. Every effort will be made to resolve matters fairly and promptly. If additional

follow-up and investigation is warranted, Saint Mary's will attempt to conduct the additional follow-up in a timely manner so as to not unduly delay the resolution of the complaint.

Because no single process can serve a wide range of possible complaints, Saint Mary's College provides specific processes for responding to certain kinds of student complaints. Where College policy provides a specific complaint or grievance procedure, the aggrieved student must use that procedure. As a general guide, students should refer to the Student Handbook. Students are made aware of the Student Handbook via email at the beginning of the fall semester.

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

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

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

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

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

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

Student Disability Services

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

REQUESTING ACCOMMODATIONS

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

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

ACCESSIBILITY

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

GRIEVANCES

The College and Student Disability Services support students in their right to file a grievance when a student believes they have been denied equal access in the form of appropriate accommodations, modifications, auxiliary aids or effective communication or suffered discriminatory harassment as described in Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act (ADA) of 1990. The general grievance procedures, which apply to all students, are available to students with disabilities and can be found at this [link](#). Grievances specific to accommodations and the Student Disability Services office should be referred to the Director of Student Disability Services for review and adjudication.

SERVICE ANIMAL AND ASSISTANCE (EMOTIONAL SUPPORT) ANIMAL POLICY

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

Definitions/Terminology

Assistive Animal: An Emotional Support Animal.

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

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

STATEMENT OF POLICY

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

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

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

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

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

Relationship to SMC's Pet Policy

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

workplace accommodation, such exceptions must be reviewed by Human Resources as a part of the interactive accommodation process.

Student Services Policies

IDENTIFICATION CARDS (ID'S)

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

MEDIA POLICY

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

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

3. All student publications, radio and television should carry a statement that the opinions expressed are not those of the College or the Associated Students.

Technology Use Policy

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

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

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

Related IT Policies

- *Saint Mary's College of California General Policies Governing the Use of Information Technology*
- *Saint Mary's College of California Policy Governing the Attachment and Use of Personally-owned Computer Equipment on the Saint Mary's Network (also referred to as Bring Your Own Device, BYOD)*
- *Saint Mary's College of California Policy for College-Provided Mobile Computing Equipment*
- *Saint Mary's College of California Password Policy*
- *Saint Mary's College of California Web and Blog Use Policy*
- *Saint Mary's College of California Institutional Information Security Policy*

These policies can be found on the Technology Policy page of the College's website,

<https://www.stmarys-ca.edu/it-services/technology-planning-and-policy/technology-policy>

Title IX Policy

GENERAL RULES OF APPLICATION

Effective Date

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

Changes to the Title IX Final Rule

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

Non-Discrimination

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

DEFINITIONS

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

1. **Quid Pro Quo** which includes an employee conditioning employment or educational benefits on participation in unwelcome sexual conduct;
2. **Unwelcome conduct of a sexual nature** that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
3. **Sexual assault** 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 included, 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. For the purposes of this definition, affirmative consent is used.
4. **Dating violence** - Violence committed by a person— (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following

factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

5. **Domestic violence** - A felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of California or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of California.
6. **Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.
7. **Sexual Exploitation** - occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person, without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include but are not limited to: prostituting another person; recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent; distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and, viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, re, and for the purpose of arousing or gratifying sexual desire. Sexual exploitation may occur regardless of whether sexual activity takes place.

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

Affirmative Consent

For the purposes of this Title IX Policy, "consent" is defined as unambiguous and willing participation or cooperation in act or attitude that is commonly understood to be consistent with the exercise of free will. Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Consent requires participants who are fully conscious, are equally free to act, have clearly communicated their willingness, cooperation, or permission to participate in a specific sexual activity, are positive and clear in their desires, and are able to cease ongoing consensual activity at any time. If you have sexual activity with someone you know to be- or should know to be – mentally or physically incapacitated (for example, by alcohol or other drug use or unconsciousness), you are in violation of this policy. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what,

where, why or how of their sexual interaction. Expression of nonconsenting does not have to be verbal; it can be communicated with gestures or body language. Silence, in and of itself, cannot be interpreted as consent. A prior sexual history between the complainant and respondent does not constitute consent.

Consent is not freely given if:

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

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

Education Program or Activity

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

- Any on-campus premises.
- Any off-campus premises that Saint Mary's College of California has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Saint Mary's College of California's programs and activities over which Saint Mary's College of California has substantial control.

Grievance Process

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

Formal Complaint

For the purposes of this Title IX Policy, "formal complaint" means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Saint Mary's College of

California's education program or activity and requesting initiation of the procedures consistent with the Title IX Policy to investigate the allegation of sexual harassment.

Complainant

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

Relevant evidence and questions

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

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

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

Respondent

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

Academic Freedom

Harassment does not include verbal expression that is relevant to course subject matter, and the College's procedures for handling harassment complaints shall not abridge academic freedom.

Supportive Measures

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

Confidentiality and Privacy

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

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

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

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

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

Disability Accommodations

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

have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

MAKING A REPORT REGARDING COVERED SEXUAL HARASSMENT

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

Contact Information for the Title IX Coordinator:

Laurie Panian
Associate Vice President, Chief Human Resources Officer and Title IX Coordinator
Filippi Administration Building, Garden Level
lp10@stmarvs-ca.edu
(925) 631-4530

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

Reporting

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

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

The following Officials may provide **confidentiality**:

- Confidential Resources (for students)

1. Megan Gallagher, Director of CARE Center
2. Counseling and Psychological Services Counselors
3. Clergy during Confession

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, even if they do not choose to file a police report at this time. Forensic medical exams are available at Contra Costa County Regional Medical Center in Martinez.

NON-INVESTIGATORY MEASURES AVAILABLE

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

Supportive Measures

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

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

Supportive measures are non-disciplinary and non-punitive.

Emergency Suspension (applies to students)

Saint Mary's College of California retains the authority to remove a Respondent from the College's program or activity on an emergency basis, where Saint Mary's College of California (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate

threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

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

Procedure for Emergency Suspension in Title IX allegations

- a. Notice: If the Dean of Students or designee imposes an emergency suspension, then the student will receive written confirmation of the emergency suspension. The notice will state the facts and circumstances warranting the emergency suspension, the conditions of the emergency suspension, that a Dean of Students (DS) hold will be placed on the student's account, and the student's review rights.
- b. Review: Within five (5) calendar days of the imposition of the emergency suspension, the student may petition the Dean of Students or designee to review the reliability of the information concerning the alleged harm or ongoing threat. The petition for review must be in writing and may include evidence supporting the student's position that the student does not pose or no longer poses an immediate threat to physical health or safety.
- c. Final Determination: If, after considering the petition for review and evidence, the Dean of Students or designee affirms the decision to emergency suspend, the matter will proceed promptly through the investigation and hearing process without undue delay, unless additional time is requested by the student. However, if, after considering the petition for review and evidence, the Dean of Students or designee determines that the student has established by a preponderance of the evidence that the student does not pose or no longer poses immediate threat to physical health or safety, the emergency suspension will be lifted and the matter will proceed according to the normal Title IX process, up to and through a hearing and appeal, if required.

Administrative Leave (applies to employees)

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

Amnesty for Student Code of Conduct Violations

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

TITLE IX PROCESS

FILING A FORMAL COMPLAINT

The timeframe for the Title IX Process begins with the filing of a Formal Complaint. The Process will typically be concluded within a reasonably prompt manner, and no longer than 60

calendar days, after the filing of the Formal Complaint, however the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

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

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

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

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

Multi-Party Situations

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

DETERMINING JURISDICTION

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

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

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

Allegations Potentially Falling Under Two Policies

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

Mandatory Formal Complaint Dismissal

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

Discretionary Formal Complaint Dismissal

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

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by Saint Mary’s College of California; or,
- If specific circumstances prevent Saint Mary’s College of California from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

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

Notice of Formal Complaint Dismissal

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

Notice of Formal Complaint Removal and Referral to Code of Conduct

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

NOTICE OF ALLEGATIONS

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

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

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

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

Contents of Notice

The Notice of Allegations will include the following:

- Notice of the College's Title IX Process including information on informal resolution processes and a hyperlink to a copy of the processes.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source;
- For Students, a statement that *Article III, section 1. Dishonesty* in the Student Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the process.
- For Employees, a statement that Section 2.14 Prohibited Conduct in the Employee Handbook prohibits knowingly making false statements or knowingly submitting false information during the process, or in the Faculty Handbook at 2.9.3.1.3 with respect to Intentionally False Reporting.

Ongoing Notice

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

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

ADVISORS

The College allows equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

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

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

The College will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

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

Notice of Meetings and Interviews

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

Delay Requests

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

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

INVESTIGATION

General Rules of Investigations

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

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

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

Inspection and Review of Evidence

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

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

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

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

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

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

The College will provide copies of the parties' written responses to the investigator to all parties and their advisors, if any. Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX process.

The parties and their advisors agree not to photograph or otherwise copy the evidence.

Inclusion of Evidence Not Directly Related to the Allegations

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be relevant to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of an involved party. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a "privilege log" that may be reviewed by the parties and their advisors, if any.

Investigative Report

The investigator designated by the Title IX Coordinator or designee will create an Investigative Report that fairly summarizes relevant evidence and will provide that Report to the parties at least ten (10) calendar days prior to the hearing for each party's review and written response. The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence. (See Appendix 3 for additional information.)

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

Post Investigation/ Pre-Hearing Meeting

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

HEARING

General Rules of Hearings

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

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

Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Process. Once signed, this Agreement may not be withdrawn.

Continuances or Granting Extensions

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

Newly-discovered Evidence

As a general rule, no new evidence or witnesses may be submitted during the live hearing. If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

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

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

Participants in the live hearing

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

Complainant and Respondent (The Parties)

The parties cannot waive the right to a live hearing. The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party.

- For example, a verbal or written statement constituting part or all of the sexual harassment itself is not a “prior statement” that must be excluded if the maker of the statement does not submit to cross-examination about that statement.
- Saint Mary’s College of California will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party’s participation.
- If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party (such during the investigation process) in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross examination or other questions.
- The parties shall be subject to the institution’s Rules of Decorum (Appendix 2).

The Decision-maker

- The hearing body for student will consist of a panel of three (3) decision makers known as the Disciplinary Hearing Board (DHB) and one of these panelists will serve as the Chair.
- The hearing body for employee will consist of a single Decision-Maker.
- The status of the respondent determines who will serve as the decision maker. If the respondent has a dual status of student and employee of the College, the decision-maker will be determined by the context of the incident.
- No member of the DHB or the decision-maker will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the DHB or decision-maker serve on the appeals body in the case.
- No member of the DHB or decision-maker will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The members of the DHB or decision-maker will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a DHB member’s or decision-maker’s actual or perceived conflicts of interest or bias at the commencement of the live hearing.

Advisor of choice

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.

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

Witnesses

- Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from retaliation.
- If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing.
- Witnesses shall be subject to the institution's Rules of Decorum (Appendix 2)

Hearing Procedures

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

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

statement to the DHB or decision-maker. A Party's waiver of cross-examination does not eliminate the ability of the DHB panel or decision-maker to use statements made by the Party.

Live Cross-Examination Procedure

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

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

Review of Audio Recording

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

DETERMINATION REGARDING RESPONSIBILITY

Standard of Proof

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

General Considerations for Evaluating Testimony and Evidence

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

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

Generally, credibility judgments should rest on the plausibility of an individual's testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

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

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

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed.

The parties may call "expert witnesses" for direct and cross examination whose testimony may be considered with respect to the subject matter of their expertise. The College does not provide for expert witnesses in other proceedings.

The parties may call character witnesses to testify. The College does not provide for character witnesses in other proceedings.

The DHB may admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes.

Components of the Determination Regarding Responsibility

For Students, the written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph, and upon request, Saint Mary's will disclose the Determination Regarding Responsibility to the victim's next of kin. The Determination will include:

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

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

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

Timeline of Determination Regarding Responsibility

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

Disciplinary Sanctions

For Students, sanctions are assessed in response to the specific conduct, the disciplinary history of the Respondent as well as the impact to the community. The list of commonly used sanctions can be located in the *Student Code of Conduct, Article IV, section G*.

For Employees, the College may consider properly established records of previous conduct and the seriousness of the violation. Where there are allegations of discrimination or harassment and a longer pattern or practice of discrimination or harassment exists, Saint Mary's College of California shall consider the totality of events in determining appropriate discipline.

The following list of sanctions may be imposed upon any employee (faculty or staff) found to have violated the Title IX Policy. More than one of the sanctions listed may be imposed for a single violation.

- **Written Warning** – a notice in writing to the employee that they have violated policy.
- **Required Education or training** – Activities designed to help the employee understand the inappropriateness of the conduct and designed to assist the employee in becoming more aware of the policies.
- **Performance Improvement Plan** – a formal agreement between the supervisor and employee that outlines specific performance standards that need to be met and potential consequences if they are not met in a specified timeframe.
- **Suspension without Compensation** - a set period of time which an employee is not permitted to report to work or conduct duties related to their position at the College for which the employee will not be compensated and may not use annual leave or sick time.
- **Mandated Transfer to another position/department** – a reassignment to another department or position.

- **Demotion of current position to an alternative role/responsibilities** – a removal of current title and/or responsibilities as a result of being found responsible for a violation of policy.
- **Termination of Employment** – a discontinuation of employment with the College.
- **Ineligibility for a period of time for Faculty Development Funds or Sabbatical Leave.**

Finality

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

APPEALS

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

The limited grounds for appeal available are as follows:

- A process or procedural error was made that that was significantly prejudicial to the outcome of the matter (i.e. a failure to follow the institution’s own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against Complainants or Respondents in general, that affected the outcome of the matter.
- The severity of the sanction imposed was not appropriate based on the section of the Code or other College policy which the individual was found to have violated.

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

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

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

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

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

RETALIATION

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

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

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

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

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

RECORD RETENTION

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

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

ALTERNATIVE PROCEDURES

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

- U.S. Equal Employment Opportunity Commission (EEO), <http://www.eeoc.gov/>, 800-669-4000, 800-669-6820, TTY
- U. S. Department of Education, Office for Civil Rights (OCR), 50 Beale Street, Suite 7200, San Francisco, CA 94105-1813, telephone (415) 486-5555, fax (415) 486-5570, or email: OCR.SanFrancisco@ed.gov.
- California Department of Employment and Housing, <http://www.dfeh.ca.gov/> 800-884-1684

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

APPENDIX I – INFORMAL RESOLUTION PROCESS

Elements of an Informal Resolution Process

Procedures for Entering and Exiting Informal Resolution Process

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

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

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

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

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

Determination to Approve Entry into Informal Resolution Process

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

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

Informal resolution is only permitted to address allegations of student-on-student sexual harassment, and is never allowed as an option to resolve allegations that an employee sexually harassed a student.

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

Role of the Facilitator

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

All facilitators must have training in the definition of sexual harassment under 34 C.F.R. § 106.30(a), the scope of the institution's education program or activity, how to conduct informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

Confidentiality

In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the Formal Complaint is confidential. No evidence concerning the allegations obtained within the informal resolution process may be disseminated

to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization., As a condition of entering the informal resolution process, any evidence shared or received during the informal resolution process may not be used in any subsequent formal resolution process or institutional appeal.

Title IX Informal Resolution Options

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

Agreed Resolution

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

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

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

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

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

Restorative Justice

A Party may request to engage in Restorative Justice (RJ) Practices at any stage of the Title IX process, however, restorative justice may not be an appropriate mechanism for all conflicts. The College utilizes practices derived from Restorative Justice Principles to address instances of conflict that arise in the community and violations of the Code of Conduct and College Policy. The purpose of a Restorative Justice process is to bring together all parties involved and/or impacted, to address the harms associated with the incident. This fosters opportunities for discussion from diverse points of view and an opportunity to gain a better understanding of those involved. Central to Restorative Justice, is collaborative decision making that includes those who have been impacted and those who have caused harm along with others impacted. Restorative Justice Practices and outcomes are dependent upon the willingness of those that have been impacted to choose to participate and in those who have caused harm, to acknowledge

responsibility for the impact they have had on others and to the best of their ability repair the harm they caused to impacted parties and the community.

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

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

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

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

Alternative Conflict Resolution

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

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

APPENDIX 2 – RULES OF DECORUM

Purpose of the Rules of Decorum

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

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

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

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

Rules of Decorum

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

1. Questions must be conveyed in a neutral tone.
2. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
3. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
4. While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
5. The advisor may not yell, scream, badger, or physically “lean in” to a party or witness’s personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Disciplinary Hearing Board (DHB) or decision maker.
6. The advisor may not use profanity or make irrelevant *ad hominem* attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
7. The advisor may not ask repetitive questions. This includes questions that have already been asked by the DHB or decision maker, the advisor in cross-examination, or the party or advisor in direct testimony. When the DHB or decision-maker determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on.

8. Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

Warning and Removal Process

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

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

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

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

For flagrant, multiple, or continual violations of this Rule, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis. Evidence of violation(s) of this agreement will be gathered by the Title IX Coordinator, Director of Student Conduct, or a designee of either and presented to the Vice Provost of Student Life for cases involving students/Director of Human Resources for cases involving employees or designee. The Advisor accused may provide an explanation or alternative evidence in writing for consideration by the Vice Provost of Student Life for cases involving students/Director of Human Resources for cases involving employees or designee. Such evidence or explanation is due within fifteen (15) calendar days of receipt of a notice of a charge of re-disclosure or improper access to records. There shall be no right to a live hearing, oral testimony, or cross-examination. The Vice Provost of Student Life for cases involving students/Director of Human Resources for cases involving employees or designee shall consider the evidence under a preponderance of the evidence standard and issue a finding in writing and, if the finding is Responsible, shall include a Sanction. The finding shall be issued in writing to all Parties and Advisors (if there is a current case pending) within thirty (30) calendar days unless extended for good cause. There is no appeal of this finding. Sanctions shall be higher for intentional re-disclosure of records than for negligent re-discourse. In the event that an Advisor is barred permanently or for a term from serving in the role as Advisor in the future, they may request a review of that bar from the Vice Provost of Student Life for cases involving students/Director of Human Resources for cases involving employees or designee no earlier than three-hundred and sixty-five (365) days after the date of the findings letter.

Relevant Questions Asked in Violation of the Rules of Decorum

Where an advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the witness or party's personal space, the question may not be deemed irrelevant by the DHB or decision-maker simply because of the manner it was

delivered. Under that circumstance, the DHB or decision-maker will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules).

APPENDIX 3 – RELEVANCE GUIDE

Any question posed by the advisors must be evaluated for “relevance” in real time by the hearing officer. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

What is a relevant question?

The Department of Education encourages institutions to apply the “plain and ordinary meaning” of relevance in their determinations. Basically, a relevant question will ask whether the facts material to the allegations under investigation are more or less likely to be true. A question not directly related to the allegations will generally be irrelevant.

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

Relevance decisions should be made on a question-by-question basis, looking narrowly at whether the question seeks information that will aid the decision-maker in making the underlying determination. The relevance decision should not be based on who asked the question, their possible (or clearly stated) motives, who the question is directed to, or the tone or style used to ask about the fact. Relevance decisions should not be based in whole or in part upon the sex or gender of the party for whom it is asked or to whom it is asked, nor based upon their status as complainant or respondent, past status as complainant or respondent, any organizations of which they are a member, or any other protected class covered by federal or state law (e.g. race, sexual orientation, disability).

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

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

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

What is an irrelevant question?

Question about Complainant’s Prior Sexual Behavior or Sexual Predisposition

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

1. such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
2. if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Question regarding Privileged Information

Questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege are irrelevant. Depending on your state, individuals with legal privilege may include medical providers (physician, dentist, podiatrist, chiropractor, nurse), psychologists, clergy, rape crisis counselors, and social workers.

Questions about Undisclosed Medical Records

Questions that call for information about any party's medical, psychological, and similar records are irrelevant unless the party has given voluntary, written consent.

Duplicative Questions

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

How should the decision-maker reach a relevance determination?

If the decision-maker is a single individual, the decision-maker will be solely responsible for determining the relevance of the question before it is asked. If the decision-maker is a panel, the panel's Chair will make all determinations of relevance.

What should the relevance determination consist of?

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

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

Generally probative questions

- The question is relevant because it asks whether a fact material to the allegations is more or less likely to be true.
- The question is irrelevant because it asks about a detail that does not touch on whether a material fact concerning the allegations is more or less likely to be true.

Question about Complainant's Prior Sexual Behavior or Sexual Predisposition

- The question is relevant because although it calls for prior sexual behavior information about the complainant, it meets *one of the two exceptions* to the rape shield protections,

and it tends to prove that a material fact at issue is more or less likely to be true [**denote which exception**].

- Exception one: The question is asked to prove that someone other than the respondent committed the conduct alleged by the complainant.
- Exception two: The question concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is asked to prove consent
- The question is irrelevant because it calls for prior sexual behavior information about the complainant without meeting one of the two exceptions to the rape shield protections.

Question regarding Privileged Information

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

Questions about Undisclosed Medical Records

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

Duplicative Questions

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

The decision-maker may relay a longer explanation if necessary under the circumstances. The relevance determination will be conveyed orally, except as needed to accommodate a disclosed disability of a hearing participant, and all relevance determinations will be preserved in the record of the proceeding.

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

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

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

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

Tobacco Policy

Nicotine and many of the byproducts of tobacco are classified as Class A carcinogens by the CDC, the Surgeon General of the United States, the American College Health Association, and

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

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

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

Vendors

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

Vendor Guidelines

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

- Vendors wishing to set up displays larger than an 8ft. table (i.e. banners, signs, larger displays) must obtain permission from the office in advance. Appropriate displays will be accommodated as space permits.
- Vendors must remain at their tables at all times. Walking around the campus, approaching students, etc. is not permitted and may result in removal from campus and the inability to advertise on campus in the future.
- Competing services may be present on campus. We will attempt NOT to place competitors next to one another; however, this may occur.
- Negative promotions or other practices which detract from the positive atmosphere of the campus will result in removal from campus and the inability to promote on campus in the future.
- Refunds are not available for cancellations made within a week of the campus visit.

- California legislation requires colleges to adopt policies to regulate the marketing practices used on campuses by companies marketing credit cards. Due to these policies, Saint Mary's College will not allow any vendor to market credit cards.
- Storage of equipment and/or merchandise will not be provided by Saint Mary's College of California.
- No more than two vendors are allowed per table.

Vendor Guidelines

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

Contact Information:

Student Involvement and Leadership
 925-631-4852
sil@stmarys-ca.edu

Whistleblower Policy - Fraudulent or Dishonest Conduct

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

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

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

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

Definitions

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

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

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

- Forgery or alteration of documents.
- Unauthorized alteration or manipulation of computer files.
- Fraudulent financial reporting.
- Pursuit of a benefit or advantage that would create a conflict of interest with one's responsibilities or obligations as a member of the College community.
- Misappropriation or misuse of College resources, such as funds, supplies, or other assets or property.
- Authorizing or receiving compensation for goods not received or services not performed.
- Authorizing or receiving compensation for hours not worked.

Whistleblower Protections

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

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

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

Whistleblowers who believe they have been retaliated against may file a written complaint with the Associate Vice President, Chief Human Resources Officer if an employee is involved, or

with the Dean of Students if a student is involved. This protection from retaliation is not intended to prohibit the individuals identified above (for receiving such reports of improper conduct) from taking action, including disciplinary action, in the usual scope of their duties and responsibilities that are based on valid employment or student-related factors.

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

Whistleblower Procedures

The Associate Vice President, Chief Human Resources Officer, or their designee, shall conduct or direct the investigations of all suspected fraudulent or dishonest conduct with such College officials as may be necessary or appropriate at the discretion of the Vice President for Finance. In the case of suspected student conduct reported under this policy, the Dean of Students or their designee either investigates the suspected conduct or may refer the investigation of such suspected conduct to the Office of Community Life to investigate allegations of violations of student conduct policies.

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

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

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

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

More information for employees can be found at this site:

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

Withdrawal and Leaves of Absence from the College

There are two general categories of consideration when circumstances require a student to discontinue enrollment from all classes, for a semester, or longer due to reasons other than

academic disqualification. These categories are **Withdrawal from the College** and **Leave of Absence**. This section of the handbook will describe each category and the variations within each category.

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

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

Withdrawal from the College

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

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

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

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

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

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

The Registrar will execute an Administrative Withdrawal when a student does not return to classes following a subsequent academic term of enrollment, and has not otherwise formally withdrawn or taken a Leave of Absence. Students seeking reinstatement to Saint Mary’s

College following a Registrar's Administrative Withdrawal must submit an application for readmission through the College Registrar's Office. The form is available on the Registrar's website; <http://www.stmarys-ca.edu/office-of-the-registrar/student-resources/forms> .

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

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

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

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

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

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

Within five (5) calendar 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, not including Jan term, during which the leave takes effect. Students on leave will be kept informed of pertinent information, deadlines, and activities for the subsequent term, including registration information. Readmission is guaranteed assuming the student returns after no more than two full terms from the start date of the leave. The student will also be eligible to register for classes during the normal registration period while on leave. Students who do not return within the above specified time period will be withdrawn from the College and required to apply for readmission.

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

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

Medical Leave of Absence

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

The Assistant Vice Provost or designee will review the student's petition and the medical documentation, and render a decision to approve or deny the request for a Medical Leave of Absence within ten business days following the receipt of both the petition and the medical

documentation. The Assistant Vice Provost or designee may consult with appropriate professional resources, such as the Directors of the Health and Wellness Center, Counseling and Psychological Services, and Student Disability Services prior to rendering a decision. The decision will be communicated to the student, and copied to the College Registrar via email to the student's Saint Mary's College email address. If the student's petition for a Medical Leave of Absence is denied, the student may choose to pursue a standard withdrawal from the College. When a student is approved for a medical leave all courses will continue to be listed on the student's transcripts. The designation of "W" will appear in place of a grade. A "W" will not impact the student's GPA. Students on medical leave will be kept informed of pertinent information, deadlines, and activities for the subsequent term, including registration information. Readmission is guaranteed assuming the student returns within the specified period of time. The student will also be eligible to register for classes during the normal registration period while on leave. Tuition credit/refund is given only after the formal medical leave process is completed and approved, and in accordance with the following schedule: 85% tuition up to the end of the first week of classes; 80% tuition to the end of the second week of classes; 75% tuition refund to the end of the fourth week of classes. No credit or refund will be given after the fourth week of the semester. If a student or student's family has purchased medical tuition insurance, the Assistant Vice Provost or designee will provide necessary confirmation of an approved medical leave to the insurance provider at the written request of the student.

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

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

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

Immediate Interim Suspension of Privileges

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

Academic Policies

Undergraduate 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 (SP) 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 or spring), fail to maintain satisfactory academic progress are considered to have probationary status. The Assistant Vice Provost for Student Success or designee 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
- Students subject to disqualification will be notified promptly, in writing, by the Assistant Vice Provost for Student Success or designee.

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 email may lead to a student being disqualified automatically. Any student subject to disqualification will be disqualified from further study at Saint Mary's College unless, within one week from the date of notification, they file a petition against disqualification with the

Academic Probation 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 Probation Review Board, whose members are a representative from the Office of Academic Affairs, the Assistant Vice Provost for the Student Success Office or designee, 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 Probation 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 Probation 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 or designee will determine whether such appeal will be heard by the Review Board.

A student disqualified from this College may apply to the Academic Probation 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).

Note: Graduate and Professional Student policies related to Academic Standing are detailed in the GPS Academic Policies section of this handbook.

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 Associated Students, 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 re-disclosed) 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. These members share a special responsibility for the dissemination and implementation of the Academic Honor Code on campus.

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 Student Success Office. 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 the 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 appropriate sanction is decided by the majority vote of the voting members. The non-voting Facilitator serves as the neutral presiding officer of the review. The role of the non-voting 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.

All enforcement of XF sanctions is administered by the Assistant Vice Provost of Student Success or designee.

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 they have 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 they 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.

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 the 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://help.turnitin.com/originality/integrations/moodle/student/student-category.htm>

- 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 FOR UNDERGRADUATES

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 for Student 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, including:

- Vice Provost for Student Academics (ex officio and nonvoting)
- at least three (3) ranked faculty members appointed by the Chair of the Committee on Committees;
- three (3) 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 for Student Academics;
- at least three (3) 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 their School 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 for Student Academics within one month from the beginning of the next long term.
2. The student is normally expected first to take their appeal to the instructor or administrator involved. If the student is not satisfied with the outcome, they 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 for Student 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, they must advise the Vice Provost for Student Academics that the appeal is 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 for Student 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 the Vice Provost. 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 for Student Academics gives written notification of the Committee's decisions to the principals.

Note: Graduate and Professional Student policies regarding Academic Appeals may be found in the GPS Academic Policies section of this handbook.

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 absences 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 they are pre-registered, may have their 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 class for the purpose of intercollegiate athletic competition does not exceed (see *Student Athlete Handbook*):

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

Note: Graduate and Professional Student policies regarding Attendance may be found in the GPS Academic Policies section of this Handbook.

Graduate and Professional Student Academic Policies

DEFINITIONS APPLYING TO GPS ACADEMIC POLICIES

Graduate student: A student admitted to any graduate-level program at Saint Mary's College.

Professional student: A student admitted to any undergraduate program designed for working adults. For purposes of clarity, these students are also referred to in the handbook as “undergraduate professional student.”

Business day: Refers to all days during which the College is officially open, including days when classes are not in session.

Program director: The administrator responsible for a particular program.

Dean: The administrator responsible for a particular school. In nearly all cases, the dean may delegate responsibilities assigned to them to another party, such as an associate dean.

ADMISSIONS REQUIREMENTS

Saint Mary’s College welcomes applications from students qualified to pursue a program of study leading to a graduate or undergraduate professional degree. The admissions process is designed to evaluate the potential for success in an individual program. Applicants should consult the department to which they are applying for its specific evaluation requirements and criteria.

GENERAL REQUIREMENTS FOR GRADUATE STUDENTS

Applicants must hold or expect to hold prior to the beginning of classes a bachelor’s degree (for master’s degree programs) or a master’s degree (for doctoral programs) from a regionally accredited U.S. institution or an equivalent international university. International students must provide transcripts showing graduation from a recognized college or university with a degree normally requiring 15-16 years of prior education before graduation from college or university.

Applicants must submit two or three letters of recommendation (varies by program) from academic or professional references and official transcripts of all baccalaureate and post-baccalaureate studies.

In evaluating a candidate for admission, the admissions officer or committee reviews the following credentials: the completed application, transcripts from the colleges and/or universities the applicant has attended, and letters of recommendation.

Some schools and programs in the College require standardized examinations, such as the GRE or GMAT, and some schools or programs may conduct admissions interviews or require writing samples or statements of purpose. In reviewing transcripts, admissions officers will take into account the choice of coursework, the rigor of the undergraduate major, the competitiveness of the academic institutions, and the grade point average (GPA). For master’s degree and credential programs, an undergraduate GPA of 2.8 or better is generally the standard for admissions consideration. Doctoral programs typically require an undergraduate GPA of 3.0 and a graduate GPA of 3.5.

GENERAL REQUIREMENTS FOR UNDERGRADUATE PROFESSIONAL STUDENTS

Applicants to the LEAP program must hold a high school diploma or its equivalent. Applicants to the Leadership and Organizational Studies program must have earned a minimum of 64 semester units of acceptable transfer credit.

Applicants must submit two letters of recommendation from academic or professional referees and official transcripts of all baccalaureate studies.

In evaluating a candidate for admission, the admissions officer or committee reviews the following credentials: the completed application, transcripts from the colleges and/or universities the applicant has attended, letters of recommendation, an experiential learning inventory, and an essay or statement of goals. In reviewing transcripts, admissions officers will take into account the grade point average (GPA). An undergraduate GPA of 2.0 or better is generally the standard for consideration.

ACADEMIC STANDING

UNCONDITIONAL ACCEPTANCE

Students who meet all program admissions criteria, have complete files, and have been selected for admission by program-specific admissions processes are accepted unconditionally.

PROVISIONAL ACCEPTANCE

Students whose admissions files are incomplete (e.g., missing test scores, transcripts, etc.) may be provisionally admitted, and must take steps to ensure that their files are completed within one term. The time limit may be extended with the approval of the program director.

CONDITIONAL ACCEPTANCE

If a student has a complete application but missing requirements, this student may be admitted conditionally. The program director will notify the student in writing how to attain unconditional acceptance and provide a deadline for achieving it.

ACADEMIC PROBATION

Graduate students whose cumulative grade point average in courses constituting the degree falls below a 3.0 (B) average at any time during their course of study are placed on academic probation. They are notified of their status in writing by the Assistant Vice Provost for Student Success or designee. Upon notification, students have one academic term to bring their grade point average up to the 3.0 level. Failure to do so will result in academic disqualification.

Some programs at the College—especially those using P/F grading—may the grade of issue Marginal Performance grade. The use of Marginal Performance grade is a warning to the student that even though their coursework might merit a passing grade, the work was nonetheless marginal. Students who accumulate two or more Marginal Performance grade or one (1) failing grade will be placed on Academic Probation.

Undergraduate Professional students whose grade point average falls below a 2.0 (C) average at any time during their course of study are placed on academic probation. They are notified of their status in writing by the Assistant Vice Provost for Student Success or designee. Students have one semester to bring their grade point average up to the 2.0 level. Failure to do so may result in academic disqualification.

ACADEMIC DISQUALIFICATION

Graduate students are disqualified from continuing in a program when they have not attained a cumulative grade point average of 3.0 or higher for two continuous terms of enrollment. Two terms of enrollment count as continuous even if a student has taken a leave between terms. Students in P/F programs are subject to disqualification if they receive two (2) failing grades or one (1) failing grade and two (2) marginal performance grades, or four (4) marginal performance grades.

Undergraduate Professional students are disqualified from continuing in a program when they have not attained a 2.0 grade point average for two or more terms. The Assistant Vice Provost for Student Success or designee notifies students subject to disqualification.

Any student subject to disqualification is barred from further study at Saint Mary's College.

SPECIAL ACADEMIC PROBATION

Special Academic Probation is granted at the discretion of the Assistant Vice Provost for Student Success or designee and may be based on the student's extreme personal hardship, serious illness, or a similar reason that justifies poor academic standing. Students facing academic disqualification may request to be placed on Special Academic Probation by filing a Petition for Special Action within two weeks of the notice of disqualification. In addition to explaining their special circumstances, students must also outline how they expect to improve their grades and resume regular academic standing by the end of the next term. If granting Special Academic Probation, the Assistant Vice Provost for Student Success or designee may further specify additional conditions and program requirements for removing academic probation status. Students who fail to meet the conditions of Special Academic Probation are disqualified from further study.

FULL- AND PART-TIME STATUS

Students should consult with their individual programs in order to determine a course of study that is considered full- or part- time. Full-time status may be a requirement of a program and may determine eligibility for financial aid.

RESIDENCY REQUIREMENT

"In residence" typically means on the Saint Mary's College campus, but there are common exceptions: Students attending SMC-sponsored overseas programs and students attending at satellite campuses are in residence, as are students enrolled in online or hybrid courses. At least 50 percent of all credential or master's programs must be completed in residence. The remaining 50 percent may consist of transfer credits, challenges, comprehensive evaluations, independent study, and other non-standard classes.

TRANSFER UNITS FOR GRADUATE STUDENTS

A limited amount of graduate credit obtained at other accredited colleges or universities may be accepted in partial fulfillment of some requirements for a credential, certificate, or master's degree. Generally, no more than two full-unit courses can be so approved, but under special circumstances, the dean of the school may approve up to a total of three full-unit courses. Transferred credit does not qualify as work done in residence.

Courses acceptable for transfer credit must:

- Have been graduate courses with clear relevance to course of study,
- Have been taken at a regionally accredited institution of higher education within the last five years, (Coursework may be acceptable beyond five years if the candidate can demonstrate current experience and knowledge.)
- Have been assigned a grade of "B" (or its equivalent or better),
- Not have been supervised fieldwork, field practice, practicum or independent study (with the exception of one semester of credit for the school counseling PPS credential)

Permission to take courses at another institution, after admission to the College, may be granted at the discretion of the program director only if all of the following criteria are met:

- The course is vital to the student's program of study and is currently not available or not offered in a timely fashion at the College.
- The course is offered at the appropriate graduate level and is offered by a regionally accredited institution.
- The total number of transfer units does not exceed the maximum described above.
- Permission must be granted before the course is taken.
- Upon relocation outside of the area, a student may petition for an additional course to be taken at another institution.

Upon completion of the course, the other institution should forward the transcript information directly to the Registrar.

TRANSFER UNITS FOR UNDERGRADUATE PROFESSIONAL STUDENTS

Credit obtained at other accredited colleges or universities may be accepted in fulfillment of elective and some general education requirements for a bachelor's degree. Transferred credit does not qualify as work done in residence.

Courses acceptable for transfer credit must:

- Have been taken at a regionally accredited institution of higher education or an appropriate and comparable institution in another country,
- Have been assigned a grade of "C-" (or its equivalent or better),
- Be transferable to the University of California if taken at a California community college, except for courses that are related to their current career field or (for LEAP students) the career field to which they are transitioning, which may be transferable to the California State University System,
- Not exceed 10 semester units for activity units (e.g., physical education),

- Not include remedial subjects and secondary school mathematics,
- May not exceed a total of 64 lower division semester units when combined with other courses comprising the bachelor's degree.

Permission to take courses at another institution, after admission to the College, may be granted at the discretion of the program director only if all of the following criteria are met:

- The course is offered by a regionally accredited institution.
- The course meets the criteria for acceptable transfer credit.
- The course is applicable to the student's program and does not exceed the maximum of 64 lower division units allowed toward the bachelor's degree.
- Permission is requested before the course is taken.

Upon completion of the course, the other institution should forward the transcript information directly to the Registrar.

GRADING

GRADUATE STUDENTS

Graduate courses are evaluated on the 4.0 scale with "A" being equivalent to 4.0. Pass/fail (P/F) grading is offered in many graduate courses and programs. In most graduate programs, a passing grade (or the grade of "Pass" in a P/F courses) is equivalent to a "B-" or higher. In the Professional MBA Program, a passing grade is equivalent to a "C" or higher. Any failing grade must be repeated for credit toward the degree. In some programs, students may be required to complete a particular class with a passing grade before enrolling in subsequent course offerings. All grades will appear on the transcript, but for the purposes of calculating grade point average, only the grade received in the most recent (passing) enrollment will be used. The number of times a course may be repeated for credit with a passing grade is at the discretion of the individual program.

Graduate students who complete their degree with a cumulative grade point average of 3.75 or higher are designated as graduating with Honors by indication on both the transcript and the diploma. Students in P/F courses can also graduate with honors by receiving the grade of "honors" ("H") in five or more courses. Honors recognition in a course is given to students whose standard of performance significantly exceeds that expected in the course and is considered to be rare.

UNDERGRADUATE PROFESSIONAL STUDENTS

Undergraduate professional courses are evaluated on the 4.0 scale with "A" being equivalent to 4.0. In courses taken P/F in undergraduate professional programs, the grade of "Pass" is equivalent to a C- or higher, and will not impact the student's GPA. Any grade beneath a C- (in letter-graded or P/F courses) needs to be repeated for credit toward the degree.

Undergraduate professional students are awarded honors designation using the traditional Latin honor system: cum laude (3.5 cumulative GPA); magna cum laude (3.75 cumulative GPA); and summa cum laude (3.85 GPA).

INCOMPLETES AND FINAL GRADES

An instructor may grant an incomplete (“I”) to a student due to circumstances such as a serious illness, personal or family crisis, or extraordinary demands due to employment, or an unresolved Honor Code issue, given that the student is passing the course and has had reasonable attendance throughout the term. The instructor is responsible for determining whether an incomplete is the appropriate grade. Incomplete grades must be cleared by the end of the next term. An extension may be requested in writing prior to the deadline, using the form Student Petition for Exceptional Action. The petition must be approved by the instructor and the program director. Incomplete grades that are not cleared automatically become “F” grades, depending on the default grading status of the course. Students who have two incomplete grade reports for two consecutive semesters may not register for any new courses until the incompletes have been cleared.

Final grades are considered permanent and not to be changed except in the case of an error in computing, recording or evaluating a student’s work, or in the case of an Honor Code sanction imposed after grades have been posted. When necessary, faculty may secure a Grade Change Petition from the Registrar’s office. Students wishing to appeal a specific grade assigned should consult with their program director for program-specific appeal guidelines.

GPS ATTENDANCE POLICY

Regular attendance is an important obligation and essential condition for successful academic progress. Absences may seriously jeopardize the successful completion of a course.

The instructor is responsible for communicating the attendance policy for a given course. Students are responsible for all assignments in a course whether or not the assignments were announced during an absence. Penalties for absences depend upon the nature and 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 they are pre-registered, may have their place in that course given away and be denied further attendance in that course. The College recognizes that during a field experience placement or practicum, students may encounter labor disputes that result in a work stoppage (either a strike or a lock-out), a “sick-out,” or a slow-down, or other job action. The policies and procedures of the College in such an event are available from the program director.

AUDITING

Students may audit College courses without earning College credit, depending on availability. A Petition to Audit a Course form must be filed by the student with the program director. Auditors cannot expect to take examinations or submit written work for evaluation, but may participate in class discussions.

OPEN ENROLLMENT

Open enrollment is limited to students not matriculated in a graduate program. Students may register as open enrollment students at the discretion of the program. Programs will determine the admissions criteria for open enrollment and the related costs. Open enrollment students must seek approval of the relevant academic dean to finalize registration. No more than one third of overall program credits may be accrued through open enrollment in the event of entry into the graduate program.

CONTINUOUS ENROLLMENT AND LEAVE OF ABSENCE

All students are expected to be continuously enrolled in their program unless otherwise stipulated in program materials. Students who wish to leave the College temporarily must request such a leave in writing from their program director. Students may take leave for one academic term unless otherwise specified by the program. Normally, students who are not enrolled in classes for two academic terms will be considered withdrawn and must reapply to the program (and must pay an application fee). Programs are not required to accept such applications for readmission. If students are readmitted, they are held to the catalog requirements of the term in which they are readmitted. Students may file a petition with the program to extend their leave for more than one semester for medical reasons or for active military service. Students may also file to extend their leave on educational grounds. The rationale for this planned leave must document the intention to pursue other activities that clarify educational goals or enrich educational programs. These activities might include travel for educational purposes or on-the-job experience in an area related to the student's field of academic study.

The College does not permit leaves based on the lack of funds to pay tuition and other fees.

TIMELY COMPLETION OF DEGREE

It is expected that students will make steady progress toward the completion of their degree. Therefore, students receiving the bachelor's, credential or master's degree have five years to complete their program; students receiving the doctoral degree have eight years. Extensions may be granted for extraordinary circumstances by the dean of the school, but students may be held to new standards and/or asked to verify currency in any coursework taken more than five years prior.

DUAL DEGREE PROGRAMS

Saint Mary's allows for students to enroll in courses of study defined as dual degree programs. These programs, which involve students enrolling concurrently in two aligned courses of study, are defined by the College and available to potential applicants. In dual degree programs, students are admitted to the degree programs under the usual processes for the individual programs. These students should ensure that they are seeking clear academic advice in scheduling coursework and fulfilling degree requirements in a timely manner.

SECOND MASTER'S DEGREE

Students wishing to take two or more courses of study concurrently that are not defined as dual degree programs are required to file a petition for exceptional action, providing a rationale for working on another degree program before completing the degree program in which they are currently enrolled. This petition must be approved by the Vice Provost for the Graduate and Professional Studies. Core courses for one program may not be used to satisfy core requirements of another program.

STUDENT FEEDBACK SURVEYS

Student feedback surveys should be administered for each graduate and undergraduate professional course offered at Saint Mary's College, and students have the responsibility to participate in these surveys.

DEGREE REQUIREMENTS

Students are expected to satisfy degree requirements defined by their individual programs. Please see program materials or program director for specific requirements.

ADVANCEMENT TO CANDIDACY AND COMPLETION OF DEGREE

Each student who plans to become a candidate for a degree is required to:

- Be admitted to a specific program and maintain good academic standing
- Complete all required courses and reach the minimum unit requirement for the program
- File a Petition for Candidacy with the Registrar.

Students who have advanced to candidacy may be required to take additional exams or participate in final projects in order to complete the requirements for their degree. Some programs also require students to submit a thesis, synthesis project, or dissertation.

THESES, SYNTHESIS PROJECT AND DISSERTATION GUIDELINES

Filing Theses, Dissertations and Action Research Projects

If a student's degree requires a thesis, dissertation, or action research project, the student must submit the work through ProQuest using the following steps.

- 1. Manuscript Review** - The thesis or dissertation chair reviews the final manuscript to ensure that the document meets the program requirements and academic writing standards. The chair can require that the student seek editing support if there are serious academic writing challenges. Before submitting the final manuscript to ProQuest, each program will identify a faculty-approved reviewer (which could also be the thesis or dissertation chair) to examine the manuscript for compliance with APA/MLA standards such as requirements for pagination, Table of Contents, in-text citations, heading levels, margins, and the like. Once students receive feedback from the reviewer, it is their responsibility to make the corrections and to have the revised manuscript accepted by the faculty-approved reviewer.
- 2. Signature page** - Before the academic chair signs off on the thesis or dissertation signature page, he or she will coordinate with the faculty-approved reviewer to ensure that the document meets the formatting requirements. The signed signature page is not included in the document submitted to ProQuest. A copy of the completed signature page, however, will be placed in the student's file.
- 3. Student Submission** - After the chair has signed off on the thesis or dissertation, students submit their manuscripts to ProQuest according to the guidelines posted on the ProQuest website.
- 4. Graduation Check** - Each school or program will identify a school or program ProQuest administrator who will be responsible for overseeing the graduation check and communicating with the Campus ProQuest Administrator. There are four sources of data that must be reviewed for the graduation check: the signature page; a copy of an email, showing verification that the PDF has been downloaded to ProQuest; evidence that all degree requirements have been completed; and evidence that the student is in good financial standing. After all degree requirements have been verified, the school or program ProQuest administrator will notify the Campus ProQuest Administrator to publish the manuscript.
- 5. Final Approval and Delivery to ProQuest for Publication** - After each of the above steps has been completed, the Campus ProQuest Administrator will approve the manuscript for publication and electronically deliver the manuscript to ProQuest for publication.

- 6. Coordinating with Library Cataloguing and Programs/Schools** - On a regular basis, the Campus ProQuest Administrator will notify the library cataloger and program or school ProQuest administrator about which manuscripts have been approved and published. Students must follow the guidelines located at <http://www.stmarys-ca.edu/graduate-and-professional-studies/about-proquest>

GPS ACADEMIC APPEAL PROCESS

The academic appeal process provides students with an opportunity to have their appeals heard in a predictable, timely and fair manner. Students are free to pursue any other right or remedy provided by law, but this policy sets forth the exclusive procedures to be followed by a student seeking an administrative resolution to an appeal.

DEFINITION

An academic appeal is a dispute that involves the application of, or compliance with, the academic policies and procedures of Saint Mary's College. Appeals governed by this process generally include outcomes directly related to policies described in the Graduate and Professional Student Academic Policies section of this *Handbook*. An appeal shall not include challenges to or attempts to change state or federal law, or policies or procedures of Saint Mary's College. Appeals may involve any of the following:

- The interpretation of admissions criteria regarding a particular student's application,
- Probation or disqualification,
- The determination of the number of units taken in residence at Saint Mary's College,
- The determination of transfer course or unit eligibility for degrees at Saint Mary's College,
- Grades,
- Determinations associated with the continuous enrollment/ leave of absence policy,
- Determinations regarding the deadline for completion of degree,
- Determinations regarding the approval of a second master's degree,
- Determination of degree candidacy and conferral of degree,
- Or, any other situation related to academic policies (other than the Honor Code).

GENERAL PROVISIONS

A student who elects to file an appeal shall follow the steps described below within the determined time frame.

At each step of the appeal procedure, a colleague or faculty member may accompany the student. Because the appeal process is not a legal process, the student shall not be accompanied or represented by an attorney.

Neither the student filing an appeal nor any faculty member or colleague accompanying the student will be disciplined or discriminated against for participating in the appeal procedure.

After a formal, written appeal has been filed, the issues of the appeal shall not be added to or altered except with the written permission of the dean of the school. If the process reveals that different or additional issues must be part of the appeal, then the changed appeal must be initiated anew.

APPEAL PROCEDURES

A student who wants to appeal an academic issue should first discuss it with the involved faculty member (in the case of a grade) or the program director (on other matters) in order to try to work out a satisfactory solution in an informal manner. If a solution satisfactory to all parties is not accomplished through informal discussion, then the appealing student may file a formal appeal.

If an informal resolution cannot be reached, the student must submit a written appeal to the Dean of the respective school. If the involved faculty member is the dean of the school, the appeal should be submitted directly to the Vice Provost for Student Academics, who will carry out the actions attributed to the dean. The written appeal should include a statement of the issue and the desired remedy.

No later than 10 business days after receiving the appeal, the dean shall convene an Appeals Committee.

APPEALS COMMITTEE AND FINAL DECISION

The Appeals Committee shall consist of two full-time faculty members (appointed by the dean), the associate dean, who shall act as chairperson of the committee, and a student appointed by the dean to serve on the committee for a particular appeal. The dean also shall appoint two full-time faculty members as alternates to the committee to be called upon in cases when a faculty member of the committee is disqualified or is otherwise unavailable.

A student who is concerned that a faculty or student member of the Appeals Committee may be biased concerning that student's appeal may communicate this concern to the dean in writing. A committee member who feels a bias concerning a student's appeal may request that the dean appoint an alternate faculty or student member to serve. The dean shall determine if there is an actual or potential bias problem with a faculty or student member of the Committee and shall appoint an alternate when appropriate.

Appeal Committee members:

- Shall review the formal written appeal and all subsequent documentation generated through the Appeal Procedure,
- Shall provide all parties to an appeal the opportunity to be heard by the Committee,
- May conduct interviews and make inquiries in order to receive additional information to assist in its evaluation of the appeal,
- May interpret established policy as it applies to the specific circumstances of the appeal,
- May engage in additional fact-finding and suggest future policy changes to the administration of the College,

- Shall come to a consensus in its decision,
- Shall keep all proceedings of the Committee confidential to the extent possible while carrying out their assigned duty,
- Shall keep minutes and documents pertaining to the appeal in a confidential file separate from the student's regular file.
- The chair of the Appeals Committee shall notify the dean and student in writing of the committee's decision. The decision of the Appeals Committee is final.

ACADEMIC HONOR CODE

Graduate and Professional Students are expected to adhere to and are held accountable to the Academic Honor Code as articulated above.