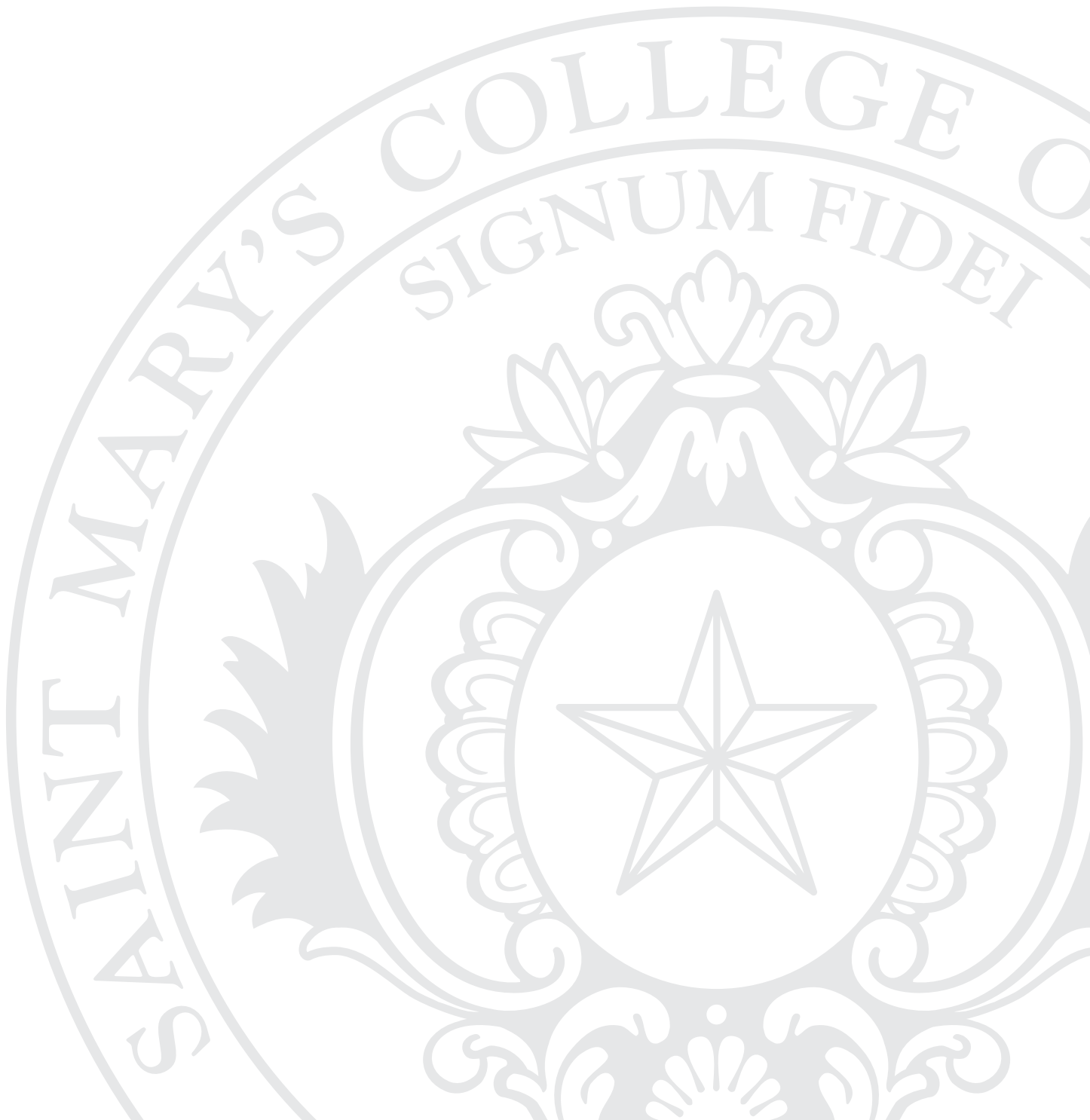


GRADUATE AND PROFESSIONAL

# Student Handbook 2015-2016



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## INTRODUCTION AND HANDBOOK RIGHTS

The Graduate and Professional Student Handbook is designed to provide students, faculty, and administrators with a reference guide for college-wide academic policies, the graduate and professional honor code, the student code of conduct, and several other policies governing student and community behavior. The policies described in the handbook were developed by the Graduate Council and the Graduate and Professional Studies Educational Policies Committee (GPSEPC), and approved by the Academic Senate. The policies are reviewed annually by GPSEPC.

Students are required to adhere to the policies outlined in the Graduate and Professional Student Handbook for the academic year they enter their program, with the notable exception of the academic honor code, which applies to all students in the form described in this handbook. Students maintain handbook rights by continuous enrollment as defined by the College. Students that do not maintain continuous enrollment will lose graduate standing and will be required to reapply for admission. Such students may be required to abide by policies and requirements set forth by the handbook of the year they reenter the program.

# Part I: Academic Policies

## Definitions Applying to 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 her/him 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, such as the Basic Skills Requirement (BSR) or the Writing Proficiency Exam, 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 Vice Provost for Graduate and Professional Studies. 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 issue Marginal Performance Letters. The use of Marginal Performance Letters is a warning to the student that even though his/her coursework might merit a passing grade, the work was nonetheless marginal. An instructor may note such deficiency by submitting a Marginal Performance Letter to the program director along with the passing grade. A Marginal Performance Letter is not a grade and does not appear on the student's transcript; it is a formal letter placed in the student's official file. This letter cannot be removed prior to degree completion except at the request of the instructor. All Marginal Performance Letters are removed from the file after the degree is completed.

Marginal Performance Letters are intended to: 1) inform the student of identifiable weaknesses in performance so that the student can become aware of them and seek to improve his/her performance; 2) inform the program administration of specific concerns with respect to a student performance so that students can be appropriately counseled; and 3) serve as the basis for probation and disqualification. Students who accumulate two or more Marginal Performance Letters 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 Vice Provost for Graduate and Professional Studies. 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 a failing grade in two courses or if they fail or receive Marginal Performance Letters in three courses.

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 Vice Provost for Graduate and Professional Studies 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 Vice Provost for Graduate and Professional Studies 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 Vice Provost for Graduate and Professional

Studies 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.

## 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 s/he is pre-registered, may have his/her 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 regularly matriculated or admitted to a graduate program as well as those not maintaining continuous enrollment. Graduate students who register as open enrollment students in another program sever their continuous enrollment in their original program. No more than three units of open enrollment credit in a graduate program may be transferred upon 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 Vice Provost for Graduate

and Professional Studies, 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 dean of the school (or deans of the schools, should the programs be in different schools). Core courses for one program may not be used to satisfy core requirements of another program.

## Course evaluations

Course evaluations should be conducted for each graduate and undergraduate professional course offered at Saint Mary's College, and students have the responsibility to participate in these evaluations.

## 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. These students must follow the Thesis, Synthesis Project, and Dissertation Guidelines.

## Thesis, Synthesis Project, and Dissertation Guidelines

Some programs require students to submit a thesis, synthesis project, or dissertation in order to complete their degrees.

These students must follow the guidelines located at [library.stmarys-ca.edu/services/graduate/thesis-guidelines](http://library.stmarys-ca.edu/services/graduate/thesis-guidelines).

## 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 Part I of the Graduate and Professional Student 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 Vice Provost for Graduate and Professional Studies. If the involved faculty member is the dean of the school, the appeal should be submitted directly to the Vice Provost for Graduate and Professional Studies, 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.



# Part 2: Graduate and Professional 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 ASSMC Student Body, the Faculty Academic Senate, the provost and the president of Saint Mary's College.

## ACADEMIC HONOR CODE PLEDGE

All enrolled students are required to abide by the pledge. 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.

## ACADEMIC HONOR CODE PRINCIPLES OF ACTION

### 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 AHC coordinator.

### 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 academic integrity.

## VIOLATIONS OF THE ACADEMIC HONOR CODE

All violations of the Academic Honor Code are administered by the Academic Honor Council. 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 proceedings of the Academic Honor Council, an Academic Review Board, or an investigative committee in the student's program.

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 undergraduate professional 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 that 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) and the Vice Provost for Graduate and Professional Studies.

### OVERSIGHT: ACADEMIC HONOR COUNCIL

#### Graduate and Professional Honor Council Membership

The Honor Council will include graduate and undergraduate professional students and faculty with representation from all schools. There will be 15 graduate members total (three students and two faculty members representing each of the three schools), each serving a one-year term. These members

share special responsibility for the dissemination and implementation of the Academic Honor Code.

### Responsibilities of the Academic Honor Council

The responsibilities of the AHC include, but are not limited to, the following:

- 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 Academic Senate,
- To constitute Review Boards from among its membership to consider alleged violations of the code,
- To consider requests for the removal of "XF" grades from student transcripts and records.

### Coordinator of the AHC

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

### Honor Review Boards

In cases when a violation of the Academic Honor Code is not handled through the channels of No-Contest Resolution, the coordinator establishes an Honor Review Board comprised of members of the AHC.

Honor Review Boards are comprised of five voting members: three student members (one from each school) and two faculty members (at least one from the school in which the offense occurred), and also include one non-voting facilitator, who is not directly associated with the program related to the alleged violation. 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 and is typically a disinterested faculty member, program director or dean. The facilitator is also responsible to help the respective parties in their understanding of the Academic Honor Code, provide confidential advice, 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 the facilitator 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. 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 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 Academic Honor Council and is not guaranteed merely with completion of the seminar on academic integrity. A letter reflecting the violation, the sanction, and the removal of the XF grade remains in the student file held in the Office of the Registrar.

### Alternative Sanctions

That the assignment of an XF grade is the standard sanction for violations that pertain to coursework does not preclude the right of the Honor Review Board to assign an alternative sanction, one that is either more harsh 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.

**Note:** All student information generated in connection with the code and its implementation are education records of the student(s) involved and cannot be discussed or disclosed (or redisclosed) other than on an educational need-to-know basis or with the student(s)'s prior written and dated consent.

### PROCEDURES FOR SUSPECTED VIOLATIONS OF THE ACADEMIC HONOR CODE

The procedure to be followed in any suspected violation of the Academic Honor Code will follow three steps, and, in certain instances (as specified, below), a fourth step.

#### Step One: Initial Discussion

**If a faculty member becomes aware of conduct that might constitute a violation of the code, then he or she should first discuss the conduct with the suspected violator. This discussion might include asking the suspected violator(s) to explain the situation or confronting them with relevant information about the suspected conduct. The possible outcomes are:**

- If the faculty member 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 faculty member requests a No-Contest Resolution by contacting the coordinator (Step Two).
- If the discussion results in lack of confirmation by both parties that a violation has occurred, then the faculty member refers the case to review by an Honor Review Board by contacting the coordinator (Step Three).
- If a student or staff member wishes to report conduct that might constitute a violation of the code, then he/she has two options:
  - Refer the matter to the relevant faculty member, or
  - Refer the matter to the Academic Honor Council by contacting the coordinator (Step Three).
  - Upon referral by the faculty member, the coordinator will contact the student. From that point, the student has five business days to schedule and attend an intake meeting.

#### Step Two: No-Contest Resolution

The No-Contest Resolution process is an option in cases when the following four 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, and 4) both parties agree to the standard sanction for the admitted violation.

In No-Contest Resolution, the standard sanction of XF is applied. To provide fairness in its application, the coordinator will witness the No-Contest Resolution process. The coordinator will serve only as an advisor to the proceedings and not as an agent of formal review. He or she will clearly inform both

parties regarding the nature and consequences of No-Contest Resolution. By choosing No-Contest Resolution, both parties waive the right to contest the matter at a later date.

### Step Three: 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 coordinator convenes the Honor Review Board. Once the Chair has established the Honor Review Board for a case, it will hold a review hearing. The hearing is a closed and confidential meeting with the person raising the concern, the alleged violator(s), and any witnesses who have relevant information that either party wishes to include in the proceedings. Prior to the review hearing, the facilitator will provide a list of witnesses and relevant information to both the person raising the concern and the alleged violator(s).

**Confidentiality.** All of the testimony and relevant information from the review hearing will be kept in confidence, in accordance with the College policy and to protect the privacy of the student(s) involved under Family Educational Rights and Privacy Act ("FERPA"). Failure to maintain the confidentiality of the matters and/or the 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 facilitator 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 or her position and offer relevant information and testimony, including that 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 facilitator of the Honor Review Board informs both parties about the decision and sanction, if appropriate, through written notification. 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 Vice Provost for Graduate and Professional Studies 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 dean may exercise the right to appoint other representatives as necessary.

### Step Four: 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: new information not available at the time of the deliberation and Board's decision can be offered for consideration, 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 the sanction applied goes beyond the standard sanction. If the case is not subject to reconsideration, then the matter ends at this step.

**Reconsideration:** Any petition for reconsideration of a decision by the Honor Review Board is filed with Vice Provost. The Vice Provost determines whether or not the information and reasons offered support the request for reconsideration (based on the above criteria). If the Vice Provost deems 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 has been established. The Vice Provost presents 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 Vice Provost 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.**

# Part 3: Graduate and Professional 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.**

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

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

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

## ARTICLE I: DEFINITIONS

1. **"Appeal Board"** means any person(s) authorized by the Vice Provost of Graduate and Professional Studies, 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 Hearing Officer, Peer Conduct Council or Disciplinary Hearing Board.
2. **"Campus"** includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College.
3. **"Campus Security Authority"** means any campus officials with significant responsibility for student and campus activities.
4. **"Code," "Code of Conduct," or "Student Code of Conduct"** means the Undergraduate Code of Conduct. The Code means to set 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.
5. **"College"** means Saint Mary's College of California.
6. **"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).
7. **"Complainant"** means any person who submits, either orally or written, a report of conduct alleging a violation of the Code and/or College Policy. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has 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 itself.
8. **"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.
9. **"Dating Violence"** means violence that is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
10. **"Day"** means a day when the College is open for business, regardless of whether classes are in session. In determining deadlines as set forth in the student discipline process, reference to number of "days" prior to or after an occurrence of an event shall not include the day of the event.
11. **"Disciplinary Hearing Board," or "DHB,"** means any person(s) authorized by the Vice Provost for Graduate and Professional Studies, 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.
12. **"Domestic Violence"** means a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner.
13. **"Handbook"** means the 2015-16 Graduate and Professional Student Handbook.
14. **"Hearing Officer,"** means a College official authorized on a case-by-case basis by the Vice Provost for Graduate and Professional Studies, or designee, to impose sanctions upon any student(s) found to have violated the Code or other College policy. The Vice Provost for Graduate and Professional Studies, or designee, may authorize a Hearing Officer to serve simultaneously as a Hearing Officer or one of the members of the Disciplinary Hearing Board.
15. **"Organization"** means any number of persons who have complied with the formal requirements for College recognition.
16. **"Policy"** means the written regulations of the College as found in, but not limited to, the Code, Graduate and Professional Student Handbook, the College Catalog, the College web page and Technology Use policy, and Undergraduate Catalogs.

17. **“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.
18. **“Possession”** is interpreted as being in the known presence of articles. Students encountered in locations where drugs, alcohol, weapons or explosives, or other misconduct is evident will normally be considered in violation, even if they do not have the prohibited items on their person at the time they are encountered.
19. **“Respondent”** means any student accused of engaging in conduct in violation of this Code or other College policy.
20. **“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.
21. **“Sexual Assault”** means an act of hostility, power, control, degradation, and violence...not passion. They are attempts to control and degrade others using sex and sexual acts as weapons.
22. **“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.
23. **“Stalking”** means a course of conduct directed at a specific person that would cause a reasonable person to feel fear. A course of conduct is a pattern of behavior composed of two or more acts over any period of time.
24. **“Student”** includes any person participating in the graduate or professional programs 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.
25. **“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.
26. The Vice Provost for Graduate and Professional Studies is that person designated by the College President to be responsible for the administration of the Student Code.

## 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 Graduate and Professional Studies, who, is charged with overseeing and administering the student discipline process. The Vice Provost for Graduate and Professional Studies, or designee, shall determine the composition of the pools of the Peer Conduct Council, Disciplinary Hearing Board, and Appeals Board. The Vice Provost for Graduate and Professional Studies, or designee, determines which Hearing Officers, Peer Conduct Council

members, Disciplinary Hearing Board members or Appeals Board members shall be authorized to hear each matter.

2. The Vice Provost for Graduate and Professional Studies, or designee, shall develop policies for the administration of the student discipline system and procedural rules for the conduct of hearings, Peer Conduct Council panels, Disciplinary Hearing Board panels, and Appeals Boards that are consistent with provisions of the Code and/or other College policies.
3. Decisions made by a hearing officer, Peer Conduct Council, and/or Disciplinary Hearing Board shall be final, pending the conclusion of the normal appeal process.

## ARTICLE III: PROSCRIBED CONDUCT

### A. Jurisdiction of the Code of Conduct

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

Students of the College living off-campus are expected to conduct themselves as mature and responsible members of the city/town of where they reside. As such, they are responsible for upholding all state and city/town laws and ordinances, especially those relating to noise, traffic, parking, zoning, and consumption of alcohol. Students may also be found in violation of the Good Neighbor Policy as listed in this Handbook. In addition, students are expected to foster an atmosphere which nurtures positive educational pursuits and the development of understanding and tolerance of all persons.

### B. Conduct—Rules and Regulations

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

#### 1. Dishonesty

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

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

## 2. Disruptive Conduct

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

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

## 3. Disorderly Conduct

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

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

that individual's ability to work or to participate in the educational benefits at the College.

## 4. Damage to Property, Vandalism and Unauthorized Use

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

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

## 5. Illegal Drugs

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

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

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

## 7. Non-Consensual Sexual Conduct

Engaging in non-consensual sexual conduct with another person as defined in the Student Sexual Assault and Sexual Misconduct Policy and in the College's Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation. Such non-consensual sexual conduct (which can be verbal, visual or physical) is a form of discrimination prohibited by not only by these policies, but, also, by the law.

## 8. Hazing

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

## 9. Weapons and Explosives

Knowledge of or the possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use

of any such item in a manner that harms, threatens or causes fear to others.

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

#### 10. **Illegal Gambling**

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

#### 11. **Abuse of Technology**

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

#### 12. **Failure to Comply**

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

#### 13. **Misuse of the Student Discipline Process**

Including but not limited to:

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

#### **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 the school, 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 his/her 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. Consistent with the College's obligations under applicable law, the College will attempt to cooperate with law enforcement and other agencies in the 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 rules or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

#### **ARTICLE IV: CODE OF CONDUCT PROCEDURES**

The following procedures are designed to offer a fair process in determining, and when appropriate, sanctioning 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 student discipline process governing reports of conduct alleged to be violations of the Sexual Assault and Sexual Misconduct Policy and/or violations of the sexual harassment section of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation can be found in this Handbook. (See sections on Sexual Assault and Sexual Misconduct Policy and the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation.)

#### **Reports of Conduct and Student Discipline Hearings**

Any member of the College community, including but not limited to students, staff or faculty, may make a report of conduct involving a student or student organization that may be a violation(s) of the code and/or other College policies. A report of such conduct can be made either orally or in writing and shall be directed to the dean of the school, or designee. All reports of conduct must be made within one year of the date of the alleged conduct and prior to the actual physical receipt by the respondent of the terminal 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.

The dean of the school, or designee, will review all reports of conduct to determine which sections of the code and/or other College policies were allegedly violated and refer the case to the appropriate hearing process.

### Hearing Process

1. There are two hearing options to determine responsibility in student discipline matters for alleged violations of the code and/or other College policy:

- A hearing between a hearing officer and the student(s) individually;
- A hearing before a Disciplinary Hearing Board (DHB) panel.

The dean of the school, or designee, will decide which option will be used.

2. Students are required to participate in the student discipline process when they are called to a hearing or a DHB panel as a complainant, respondent or witness. Should a student fail to appear when proper notification has been given or should the student fail to provide a statement during the hearing, the hearing will proceed without benefit of that student's input. Meetings with hearing officers and/or DHB panels will be scheduled taking into consideration the student's regular academic schedule only.

3. Civil or criminal rules of evidence shall not apply, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless it is demonstrated by the student alleging the deviation that there is significant prejudice to the final outcome of the discipline proceeding as it affects the student sanctioned or the College.

The results of lie detector tests will not be accepted in student discipline investigations or proceedings. Tape recordings are not made or permitted in any phase of the discipline process. 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.

### Hearings

Responsible deans will appoint a trained hearing officer.

Students charged with a violation of the code or other College policy who is directed to meet with a hearing officer or board will receive either oral or written notice generally 24 hours prior to the meeting time.

The hearing officer will meet with the student(s) to discuss the report of alleged conduct and determine an appropriate finding:

- It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for a violation of the code or College policy; or
- It is more likely than not that the alleged conduct occurred and the respondent is responsible for a violation of the code or College policy and imposes sanctions, as appropriate.

After a decision has been rendered, the respondent will receive a letter summarizing the outcome and sanctions as appropriate, generally within seven business days; however, unavoidable

delay in providing notice of outcome is not an available ground for appeal.

If a sanction has been imposed, it is the responsibility of the student to ensure that the dean of the school or designee receives a note of completion of the sanction in writing. Failure to complete a sanction may result in the assessment of additional sanctions without another hearing.

### Disciplinary Hearing Board Panels

The Disciplinary Hearing Board (DHB) pool consists of approximately 20 faculty, staff and students. The dean of the school, or designee, determines membership from students recommended by the dean of the school, faculty nominated by the Chair of the Academic Senate, and other staff of the College as recommended.

It is expected that DHB panel members will 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 the school, or designee will decide, at his/her sole discretion, whether a DHB member can be impartial and will remove anyone whom he/she determines 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 the school or designee is final.

The Dean of Student Life will provide training and orientation sessions for the DHB pool as needed.

Three members of the DHB pool will generally be called to sit on a DHB panel based on availability and experience. Each DHB panel will identify a chair, whose role is to facilitate the hearing and to guide compliance with the process and procedures outlined below.

Students charged with a violation of the code or other College policies who are directed to meet with a DHB panel will receive oral or written notice generally 24 hours prior to the meeting time.

Both the complainant and the respondent involved in a DHB panel proceeding have the option of choosing a member of the College community (faculty, staff, or student) to serve as an advisor to accompany them through the discipline process. The advisor may not be a parent, relative, an attorney or a representative of an attorney. The advisor is not an advocate for the student in the proceedings and may not address the DHB panel, or speak on behalf of the student regarding the discipline matter with other members of the College staff. The advisor may speak with the student privately and in a manner that is not disruptive to the hearing or discipline process. The respective student's advisor may be present at any time when the student they are advising is meeting with the DHB panel or other member of the College staff regarding the discipline matter and at which the student wishes them to be present. A person serving as the advisor is required to maintain the confidentiality of the nature of the allegation(s), the content of the 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.

Student discipline hearings shall be conducted by a Disciplinary Hearing Board according to the following general guidelines:

- The Chair of the DHB panel will explain the procedures.
- The Chair will read the alleged violation(s) of the code or other College policy and will read (if written) or explain (if oral) the report of conduct.
- The complainant (if available) and respondent will be asked to make a statement regarding the allegation(s) of the complaint.
- The DHB panel may individually ask questions of the complainant, respondent, and any witnesses identified by either the complainant and/or respondent, as the DHB panel deems appropriate to the case.
- After all questions have been asked, and if they choose, the complainant and the respondent may make a closing statement to the DHB panel.
- The DHB panel will then meet in private and, based on their investigation and interviews, will deliberate on the information provided and determine an appropriate finding:
- It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for a violation of the code or College policy; or
- It is more likely than not that the alleged conduct occurred and the respondent is responsible for a violation of the code or College policy and imposes sanctions, as appropriate.
- The chair will notify the dean of the school, or designee, of the hearing's outcome within 24 hours of its completion. The dean of the school or designee will communicate the finding of the DHB panel to the respondent in writing generally within seven business days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.

If a sanction has been imposed, it is the responsibility of the student to ensure that the dean of the school receives notice of completion of the sanction in writing. Failure to complete a sanction may result in the assessment of additional sanctions without another hearing.

### **Confidentiality/Student Privacy**

Reasonable and appropriate effort is taken by the dean of the school and all other involved staff to protect the privacy of all individuals who may be 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, an investigation, a hearing, or DHB panel proceeding, 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. Individuals 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.

### **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 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):

- **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.
- **Loss of Privileges:** Denial of specified privileges for a designated period of time. Examples include, but are not limited to on-campus student employment, recreational and/or social activities.
- **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.
- **Fines:** As appropriate to the violation, a fine may be imposed.
- **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- **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.
- **Health/Counseling Assessment:** Referral to the Health and/or Counseling Center and completion of any recommended treatments.
- **Restricted Access:** Conditions imposed on a student that specifically dictate and limit his/her future presence on the campus and/or participation in College-sponsored activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on the campus or a no contact order forbidding the student from contact with another member of the community.
- **Probation:** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
- **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.
- **College Expulsion:** Permanent separation (without refund) of the student from the College prior to the actual physical receipt of the College diploma. A student who is expelled will not be eligible to receive an academic degree from the College at any time. The student is not permitted on the campus and shall not participate in any off-campus

College-sponsored/affiliated activity. The College may rescind a College degree following the awarding of a College diploma, or may withhold the awarding of a degree pending the outcome of the student discipline process for a violation of the code or other College policy, that does, or would have the potential to, result in the sanction of Expulsion. The sanction of Expulsion is noted on the student's academic transcript. Expulsion is not considered to be punitive or a deterrent in the criminal or civil sense, but rather a determination by the College that the student has demonstrated by his/her conduct that he/she is unqualified to continue as a member of the College community.

- **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.

### Interim Suspension

In certain circumstances, the dean of the school or designee may impose an interim suspension of College privileges prior to the student discipline hearing.

Interim suspension may be imposed:

- To ensure the safety and well-being of members of the College community or preservation of College property;
- To ensure the student's own physical or emotional safety and well-being; or
- If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.

During the interim suspension, a student may be denied access to the residence halls 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 the school may determine to be appropriate.

The interim suspension does not replace the regular student discipline process, which shall proceed on the normal schedule, if required.

### Appeals

The decision of the student discipline hearing regarding responsibility may be appealed by the Respondent within five business days of the decision. The purpose of the appeal is not to rehear the underlying student discipline case. The sole purpose of an appeal is determined if there is, in the first instance, sufficient information based on the written record before the appeal officer or Appeal Board to establish its jurisdiction to consider and decide the appeal and, if so, thereafter, to determine whether the information submitted by the student states sufficient grounds (see below) to grant the appeal and take any of the actions described below.

Only one appeal is permitted. Such appeals shall be submitted in writing, signed by the student and shall be delivered to the dean of the school. The appeal may only be submitted by the student and shall consist of:

- A completed Appeal Request Form (available in the dean of the school's office), and
- A statement outlining and supporting the specific basis upon which the student is appealing.

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

- A process or procedural error was made that was significantly prejudicial to the outcome of the hearing as it affects the student appealing.
- 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.
- 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.

The appeal officer or Appeal Board will not meet with the student or re-hear the case. The appeal officer or Appeal Board 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.

Anyone who may serve as a hearing officer may also serve as an appeal officer, but the dean or associate dean of the school are the primary appeal officers. The dean determines who will serve as the appeal officer except in appeals of the sanction of College Suspension or College Expulsion which will be heard by an Appeal Board.

For the sanction of College Suspension or College Expulsion, the Appeal Board is composed of the dean of the school or designee as chair and two members of the DHB pool. If a DHB panel delivered the sanction of College Suspension or College Expulsion, those DHB panel members who delivered the sanction are not eligible to serve on that Appeal Board.

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

Based on 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, the appeal officer or Appeal Board will:

- Reject the appeal if it finds the basis for appeal unsubstantiated; or
- 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
- Modify the sanction(s) if they are found to be inappropriate; or
- Return the case to the hearing officer, or DHB panel for further consideration (which may, but does not, require a rehearing of the entire matter) if a procedural error or new information, as defined above, has arisen. In such cases, the same hearing officer, or DHB panel who originally heard the case shall reconvene as soon as possible. If the hearing officer or a member of the original DHB panel is no longer available, the dean of the school or designee will appoint another hearing officer, or in the case of the unavailability of one or more of the or DHB panel members, he/she will select additional or DHB panel members from the and DHB pools.

- Reverse the decision of the hearing officer, or DHB panel or remand the case to a new hearing officer, or DHB panel for further consideration where substantial procedural error is determined to have unfairly influenced the hearing.

If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

The appeal officer or Appeal Board chair will communicate its decision to the respondent in writing once a decision has been reached. The decision of the appeal officer or Appeal Board is final and no further appeals are permitted.

#### **Article V: Interpretation and Revision**

Any question of interpretation or application of the Student Code shall be referred to the dean of the school or designee, for final determination.

The Student Code shall be reviewed every two years under the direction of the dean of the school.

#### **Article VI: Record Retention**

Discipline records are maintained by the dean of the school and are kept for four years after the student earns a degree. For those students who are separated from the College, records will be maintained until four years after their scheduled degree completion date. The College permanently maintains the records of those students who are expelled from the College.

# Part 4: Community and Student Policies

## Abusive Conduct Policy

This policy is intended to address 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. Specifically, abusive conduct is conduct that has the observable effect of demeaning, ridiculing, insulting, stigmatizing, frightening, intimidating, or unreasonably impeding the work or movement of a person including visitors to the College or guests of students, to whom such conduct is directed. Abusive conduct may be either oral or written (including posted electronically in chat rooms, blogs, emails or in online communities) words or symbols, including, but not limited to epithets, insults, derogatory comments, posters, cartoons or other drawings. Abusive conduct may also include, but is not limited to physical touching, impeding or blocking movement, or any inappropriate and serious physical and mental interference with routine work or movement while engaged in College-sponsored activities and/or at work. While this policy is not intended to cover conduct that, if found to occur, would violate Saint Mary's Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation Policy, the College, in its sole discretion, may choose to respond to reports of such conduct in a manner consistent with that policy.

## Act of Intolerance Protocol

The mission of Saint Mary's College of California calls upon faculty, staff, and students from different social, economic and cultural backgrounds to come together to grow in knowledge, wisdom and compassion and to become active and effective global citizens. The College values fairness, integrity, respect and personal and social responsibility. We, the members of this College community, seek to create the kind of safe living and learning environment where civility and respect is fostered and where individuals and groups have an opportunity to voice their experiences or their concerns without fear.

The College respects the individual's right to speak freely and openly while acknowledging the responsibility that comes with this freedom. We encourage all College community members to seek appropriate campus forums, at appropriate times and places, to engage in meaningful dialogue to better understand others' experiences and values. However, intolerant acts are not acceptable and are inconsistent with the fundamental values of Saint Mary's. The ability to disagree or to offer an alternate belief articulated passionately yet respectfully, will continue to be a cornerstone of meaningful dialogue. However, degrading the identity, needs, and beliefs of others is not acceptable.

### WHAT IS AN ACT OF INTOLERANCE?

Generally, harmful acts motivated by bias towards a category of people or an individual based on their identification (or perceived identification) with a particular category of people may be considered an act of intolerance. These social categories include, but are not limited to, the following:

Socio-economic class  
Gender  
Race  
Ethnicity  
Religion  
National origin  
Sexual orientation  
Physical appearance  
Age  
Disability

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

### WHY IS IT IMPORTANT TO REPORT SUSPECTED ACTS OF INTOLERANCE?

Uncivil, hateful and/or harassing conduct towards others at Saint Mary's is unacceptable. We strongly encourage members of our community to report all acts of intolerance, no matter how insignificant the incident may seem to be. We reject acts of intolerance, and to do this, we need the involvement of every person, faculty, staff, and student. We need to know what happens and how often, so that we can take steps to intervene, to stop hateful and/or harassing behavior, speak out against these acts and support those who are targeted.

Incidents that may seem minor initially—name-calling or slurs of any type—can escalate into more serious incidents and therefore should be addressed.

If unchecked, individuals may feel comfortable in continuing their conduct and may be emboldened to escalate or to extend their actions inappropriately toward others.

Non-reporting can lead to an environment where bias and prejudice is accepted and tolerated.

Bias-motivated incidents send a message not only to the individual(s) on the receiving end but also to all members of the targeted group and the broader campus community.

Even if the person engaged in the conduct is unknown or action available to address the incident is limited, reporting allows the provost, Director of Human Resources and the dean of the school to better assess the campus climate and implement appropriate remediation measures.

### WHAT DO I DO IF I THINK AN ACT OF INTOLERANCE HAS BEEN COMMITTED OR I HAVE BEEN THE TARGET OF SUCH AN ACT?

**Students** who are either subject to or witness an act of intolerance are encouraged to report the act immediately to the dean of the school.

**Faculty** who are either subject to or witness an act of intolerance are encouraged to report the act to their dean if the incident involves other faculty, to the dean of the school if

the act involves student conduct or to the Director of Human Resources if the act involves a staff member.

**Staff** that are either subject to or witness an act of intolerance are encouraged to report the act immediately to the dean of the school if the act involves student conduct or to the Director of Human Resources if the act involves faculty or a staff member.

Acts of intolerance that constitute graffiti or vandalism, or threaten physical harm and/or violence should be immediately reported to Public Safety (925-631-4282 or 9-911). Do not confront the person you think committed the act. Do not disturb the scene where an incident has occurred or remove/destroy evidence such as graffiti. Public Safety officers may have the chance of finding whoever committed the act only if they can gather evidence. If the incident is in the form of an email, keep the email in your inbox or otherwise preserve it and contact Public Safety. Do not delete, alter, or forward the email.

**Notify someone who can assist you:**

Dean of Students . . . . . (925) 631-8510  
Public Safety . . . . . (925) 631-4282  
Counseling Center . . . . . (925) 631-4364  
Women's Resource Center. . . . . (925) 631-4171  
Residence & Community Life . . . . . (925) 631-4236  
Intercultural Center. . . . . (925) 631-8317  
Human Resources . . . . . (925) 631-4212  
Your Supervisor

**WHAT WILL HAPPEN ONCE I REPORT THE INCIDENT?**

**When graduate and professional students are involved, the dean of the school will learn as much as possible about the incident, will coordinate the College's response and provide support for those individuals involved. The dean of the school will address students' academic needs that may arise as a result of the incident, begin the disciplinary process when indicated and appropriate, notify the provost's Office for issues needing faculty intervention, and notify the Director of Human Resources if the incident is about the behavior of staff. The dean of the school will also convey information to the Assistant Vice President for College Communications to inform the community of any significant incidents when appropriate. All incidents reported to the dean of the school and the response made to those incidents will be listed on a link from the dean's website without personal identifying information.**

**When faculty is involved, disciplinary procedures as outlined in the Faculty Handbook will apply.**

**Reports of incidents involving staff will be addressed by the Human Resources Department. The Director of Human Resources will listen to the person making the report to understand what has happened, and then determine if it's something that can be addressed through informal processes such as coaching, one-on-one discussions with one or more parties, or, if both sides agree to do so, to use alternate College resources that might improve understanding and communication.**

**For students, staff, and faculty, if a reported incident is one that the College has a duty to formally investigate consistent with specific College policies (e.g., discrimination, harassment or sexual harassment policy), all parties will be notified of this obligation and an investigator will be assigned in line with the protocols for those specific policies.**

**Finally, depending upon the nature of the incident, the report may trigger external reporting requirements (e.g., law enforcement, Annual Clergy Report).**

**What happens if someone is found responsible for committing an act of intolerance?**

**For students, in any particular incident, there may be an immediate local and/or educational response in addition to the College response. Students responsible for acts of intolerance will be subject to the student discipline process as outlined in the Code of Conduct, and sanctions may be imposed. Sanctions are assessed in response to the specific conduct, the discipline history of the student, and in keeping with the policies and procedures described in the Code of Conduct so that the student's educational growth and personal development may take place. The assessment of sanctions, up to and including expulsion, is itself part of the College's educational mission and process.**

**Faculty conduct issues are referred to the school's dean and the provost. The dean, in consultation with the provost, makes the decision on action that will be taken. Faculty responsible for acts of intolerance will be subject to disciplinary procedures as specified in the Faculty Handbook.**

**For staff, the appropriate level supervisor of the staff employee whose conduct is a problem consults with the Director of Human Resources and her or his own supervisor before making the decision on appropriate discipline or action as described in the Staff Handbook. Staff whose behavior violates College policies and expectations of conduct described in the Staff Handbook will be subject to disciplinary procedures up to and including termination of employment.**

**Policy on AIDS and HIV**

The purpose of the Policy on AIDS and HIV is to establish broad guidelines for responding to individuals infected with human immunodeficiency virus (HIV) within the Saint Mary's College community. The Policy is based, in part, on recommendations of the American Health Association, the Public Health Department and the Centers for Disease Control.

The primary responsibility of the College community with regard to HIV/AIDS is to maintain a healthy and safe educational environment for all members of the College community. The main purposes of such a response are to prevent the spread of infection by promoting and supporting behaviors which reduce the spread of infection, and to provide support for HIV-infected individuals.

HIV, the virus causing AIDS (acquired immune deficiency syndrome), is transmitted by intimate sexual contact and by exposure to contaminated blood and body fluids. Current medical findings indicate that the individuals infected with HIV do not present a risk to others in an academic or work setting. Therefore, individuals with HIV will be permitted full access to

College programs and activities, as long as they are physically and emotionally able to function as students and employees, and the College determines, based on an individualized assessment that the condition, with or without reasonable accommodation, presents no threat to themselves or other members of the College community. The College expects those testing positive for HIV to protect the welfare of others by acting responsibly in preventing the spread of the virus.

The College community will handle, with sensitivity, information relating to any student or employee with HIV/AIDS. Decisions regarding a student or employee with HIV/AIDS will be made on a case-by-case basis depending on the particular facts unique to each individual.

Please contact the Health and Wellness Center at (925) 631-4254 for information about free and anonymous HIV testing.

## 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 Policy is intended to allow the responsible and legal use of alcohol under certain conditions (noted below) for those over 21 years of age 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 their guests. Additionally, private sponsors and their guests who use the College facilities are required to comply with this Policy.

### 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.

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

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

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

Numerous health risks are associated with drinking. Alcohol intensifies the effects of over-the-counter medications or other drugs, which may cause physical damage to the body. Long-term excessive drinking can lead to a variety of health problems such as: decreased brain functions; 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.

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

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

**Tobacco:** The ingestion of nicotine through cigarette smoking is highly toxic, addictive, and can result in emphysema and cancer. Emphysema destroys the lung's capacity to expand and contract which causes decreased oxygen intake leading to organ damage. Smoking has been linked to cancers of the lung, mouth, throat, pancreas, cervix, kidney, and bladder. Smoking cigarettes can also affect the health of non-smokers. Environmental tobacco smoke contains many of the toxic substances the smoker inhales. Chewing tobacco and snuff are not safe alternatives to cigarettes. They are highly addictive, contain more nicotine than cigarettes, and cause rapidly spreading cancers of the mouth, head, and neck.

**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.

**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.

**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.

**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).

**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.

**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.

**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 make them unable to combat assault.

### Information/Referral Services Alcohol and Other Drugs ON CAMPUS

Alcohol and Other Drug (AOD) Program . . .	(925) 631-4364
Alcohol Review Committee . . . . .	(925) 631-4704
Campus Ministry . . . . .	(925) 631-4366
Counseling Center . . . . .	(925) 631-4364
Dean of Students . . . . .	(925) 631-4236
Health and Wellness Center. . . . .	(925) 631-4254
Public Safety . . . . .	(925) 631-4282
Residence & Community Life . . . . .	(925) 631-4236
Student Involvement and Leadership . . . . .	(925) 631-4704
Student Life. . . . .	(925) 631-4235

### COMMUNITY RESOURCES

Al-Anon/Alateen . . . . .	(925) 932-6770
Alcohol Beverage Control . . . . .	(510) 622-4970
Alcoholics Anonymous . . . . .	(925) 939-4155
Marijuana Anonymous . . . . .	(510) 287-8873
Moraga Police Department . . . . .	(925) 376-2515

### LEGAL STATUTES

Students, faculty, staff, administration, alumni, and guests of Saint Mary's College are responsible for the observance of applicable laws and local ordinances or codes with respect to alcoholic beverages and illegal drug use. These laws prohibit the consumption of alcoholic beverages by anyone under 21 years of age. Additionally, it is unlawful to sell, purchase, deliver, or furnish alcoholic beverages to anyone under 21 years of age or to any obviously intoxicated person.

In accordance with the Drug-Free Schools and Communities Act of 1989, the applicable laws are listed below to indicate the types of conduct that are in violation of statutes and the range of legal sanctions that can be imposed. This is not intended to be a comprehensive list of all applicable laws regarding alcohol beverage use, as other statutes may apply.

#### Federal Statutes

1. The manufacture, sale or distribution of all scheduled illicit drugs constitutes a felony. (21U.S.C.§841)
2. Scheduled drugs include the various narcotics, barbiturates, amphetamines, cocaine, cannabis, hallucinogens, and synthetic drugs, e.g. PCP, MPTp, MDMA. (21 U.S.C.§812)
3. Simple possession of controlled substances can be punished by civil fines of up to \$10,000 per violation and a jail sentence. (21 U.S.C.§§844 and §844a)
4. Distribution or possession with intent to distribute a controlled substance on College property requires a sentence enhancement of up to twice the prescribed sentence for the original offense and at least twice the prescribed amount of parole time. This provision also calls for a mandatory sentence



of not less than one year in prison for any offense except possession of less than 5 grams of marijuana. (21 U.S.C. 853a)

5. Persons convicted of possession or distribution of controlled substances can be barred from receiving benefits, such as student loans, grants, contracts and professional and commercial licenses, except some long-term drug treatment programs. (21 U.S.C §853a)

6. Aliens convicted of a violation of any law or regulation of a state, the United States, or a foreign country, are subject to deportation and exclusion from entry to the United States. (8 U.S.C. §§1182, 1251)

7. Persons who are health care providers are barred from receiving payment from federal insurance programs upon conviction of a criminal offense involving distribution or dispensing of a controlled substance. (5 U.S.C. §8902a)

8. Property, including vehicles, aircraft, money, securities, or other things of value, used in, intended for use in, or traceable to transactions that involve controlled substances in violation of federal law are subject to forfeiture to the United States. (21 U.S.C. §881)

### California Statutes (Alcohol)

Other than where noted, violation of the statutes below constitutes a misdemeanor or infraction with a monetary penalty and/or mandatory community service.

1. No person may sell, furnish, give, or cause to be sold, furnished or given away, any alcoholic beverage to a person under the age of 21, and no person under the age of 21 may purchase alcoholic beverages. (CA Business and Professions Codes 25658a and b)

2. It is unlawful for any person under the age of 21 to possess alcoholic beverages on any street or highway or in any place open to public view. (CA B&P Code 25662a)

3. It is unlawful to sell alcoholic beverages any place in the state without a proper license from the Department of Alcoholic Beverage Control. (CA B&P Code 23301)

4. It is unlawful for any person to drink while driving (Vehicle Code 23220) or to have an open container of an alcoholic beverage in a moving vehicle as a driver or passenger. (Veh. Codes 23222 and 23223)

5. Individuals with a blood alcohol level of .08 or higher, a driver is presumed to be under the influence of alcohol. (Veh. Code 23152; sanctions vary with number and type of offenses but can include suspension or loss of driving privileges, alcohol education program and mandatory imprisonment with fine)

6. It is unlawful for any person under the age of 21 who has a blood alcohol level of .01 or greater to drive a vehicle. ("The Zero Tolerance Law" —Veh. Code 23136; blood alcohol level of .05 or greater—Veh. Code 23140; sanctions vary with number and type of offenses but can include suspension or loss of driving privileges and alcohol education program)

7. It is unlawful to operate a bicycle on a highway while intoxicated. (Veh. Code 21200.5; this law provides that bicyclists enjoy the same rights and are subject to the same regulations as motor vehicle operators)

8. It is unlawful to be intoxicated and disorderly, defined as being in a condition where you are unable to exercise care for your own safety or the safety of others, or if you interfere

or obstruct any street, sidewalk, or public way. ("Disorderly Conduct" —CA Penal Code 647f)

9. It is unlawful for a person under the age of 21 to possess or present fraudulent evidence of age and identity in order to obtain alcohol and unlawful to transfer any form of identification for the purpose of falsifying age in order to secure alcoholic beverages. (CA B&P Code 25661)

### California Statutes (Marijuana)

1. The cultivation (i.e. growing or harvesting), possession for sale, or sale of marijuana constitutes a felony. A felony conviction can involve serving time in a state prison. (Cal. Health and Safety Code §§11350 et seq.)

2. Possession of one ounce or more of marijuana for personal use constitutes a felony, the conviction of which could require paying a fine and/or serving time in jail. (Cal. Health and Safety Code §§11350 et seq.)

3. Possession of less than one ounce of marijuana for personal use constitutes a misdemeanor, the conviction of which could require a fine up to \$100. (Cal. Health and Safety Code §§11350 et seq.)

### Local Statutes

The town of Moraga adheres to the Contra Costa County Code in regard to the public consumption of alcohol.

1. It is unlawful for any person to possess an open container of an alcoholic beverage on any public street, sidewalk, parking lot, playground, or other public facility. (County Code 54-16.002; infraction subject to citation)

2. It is unlawful to possess an open container of an alcoholic beverage and remain on premises where alcoholic beverages are sold for off-site consumption, or on an adjacent sidewalk or parking lot if the premises post signs indicating so. (Cty. Code 54-14.002; infraction subject to citation)

### ALCOHOL REGULATIONS – PROHIBITED BEHAVIORS

Whether one chooses to drink alcohol or use other drugs, members of the College community are exposed to the secondhand consequences of others' excessive use. These can range from damaged property, physical and sexual assault, and unwanted sexual advances, as well as disrupted sleep and studying, interruptions in classes, and harassment. High-risk use of alcohol and use of other drugs impacts both the quality and safety of our environment and the student's college experience.

Students and their guests are expected to abide by the Code, this Policy and state and local laws/ordinances relative to the possession, consumption and distribution of alcoholic beverages. Alleged violations of the following regulations will initiate the student discipline process:

1. Persons who are under 21 years of age may not possess or consume any alcoholic beverage or possess alcoholic beverage containers, full or empty, anywhere on campus, including in a residence hall room for the purpose of decoration. Underage students who are in locations where other underage persons are consuming or possessing alcohol will be considered to be in violation of this policy even if they do not have alcohol on their person.

2. Persons who are 21 years of age or older may possess and consume alcohol in their residence hall room but may not offer,

give, provide or otherwise make alcohol available to anyone underage or to an obviously intoxicated person.

3. Alcohol may not be possessed or consumed in any public area of campus unless at a College-sponsored activity at which alcohol is served in accordance with guidelines provided in this Policy. A public area is defined as those areas of the campus that are readily accessible to students, faculty, staff and guests. Public areas include, but are not limited to, lounges, lobbies, stairwells, balconies, hallways, roofs, classrooms, parking lots, and outside areas.

### College Responses

Saint Mary's policy on the use of alcohol combines observance of federal, state and local laws, protection of the overall community and reduction of high risk conduct by students. Alleged violations of the Prohibited Behaviors will initiate the student discipline process. Sanctions will vary depending on the nature of the offense and these responses are meant to act as minimum sanctions. A student's discipline record is cumulative during his/her enrollment and applies to incidents on and off campus.

**Category I:** For TUG Students under 21 only.

**Category II:** regardless of age, student exhibits any of the following behaviors while under the influence of alcohol: intoxication, disorderly conduct, verbally disruptive or abusive, fist fights, vomiting but coherent and conscious; providing alcohol to an underage or obviously intoxicated person; possession of kegs or other common source or over-sized containers; use of a "beer bong;" consumption of large quantities of alcohol regardless of physical appearance.

**First Offense:** education project/program, warning/probation, \$100.00 fine.

**Second Offense:** education project/program, assessment, probation/stayed suspension, stayed residence hall suspension/residence hall suspension, \$150.00 fine.

**Third Offense:** education project/program.

**Category III:** regardless of age, student exhibits any of the following behaviors: 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; a pattern of alcohol abuse; driving a motor vehicle while under the influence of alcohol.

**First Offense:** education project/program, assessment, probation/stayed suspension, stayed residence hall suspension/residence hall suspension, \$150.00 fine.

**Second Offense:** stayed suspension/suspension/expulsion, residence hall suspension/expulsion, \$250.00 fine.

### ILLEGAL DRUGS REGULATIONS – PROHIBITED BEHAVIORS

Students are expected to abide by the code, this Policy and federal, state and local laws/ordinances relative to the illegal possession, use or distribution of controlled substances, illegal drugs and drug paraphernalia. Alleged violations of the following 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 on the campus or at College-sponsored events is prohibited. Drug paraphernalia includes, but is not limited to, bongs, pipes, hookahs, water pipes, "whip- it's" 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.

In accordance with the Drug Free Schools and Community Act of 1989, the College does not allow the possession or use of marijuana on campus for any reason.

2. Possession of large quantities and/or the actual or attempted sale, distribution or manufacture of any controlled substance, illegal drug and/or drug paraphernalia on the campus or at College-sponsored events is prohibited.

3. The illegal use 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

Alleged violations of the Prohibited Behaviors will initiate the student discipline process. Sanctions will vary depending on the nature of the offense and these responses are meant to act as minimum sanctions. A student's discipline record is cumulative during his/her enrollment and applies to incidents on and off campus.

**Category I:** Possession of drug paraphernalia or objects that could be used as drug paraphernalia; being in a location where controlled substances and/or illegal drugs are present.

**First Offense:** education project/program, warning/probation and \$50.00 fine.

**Second Offense:** education project/program, assessment, probation/stayed suspension, stayed residence hall suspension/residence hall suspension, \$150.00 fine.

**Third Offense:** education project/program, stayed suspension/suspension, residence hall suspension/residence hall expulsion, \$250.00 fine.

**Category II:** Possession and/or use of any controlled substance or illegal drug regardless of quantity, including residue; illegal use of prescription or other legal drugs.

**First Offense:** education project/program, probation/stayed suspension, stayed residence hall suspension/residence hall suspension, \$150.00 fine.

**Second Offense:** education project/program, assessment, stayed suspension/suspension, stayed residence hall suspension/residence hall suspension/residence hall expulsion, \$250.00 fine.

**Third Offense:** expulsion.

**Category III:** Possession of large quantity and/or the actual or attempted sale, distribution or manufacture of any controlled substance, illegal drug and/or drug paraphernalia; driving a motor vehicle while under the influence of illegal drugs or controlled substances.

**First Offense:** suspension/expulsion, residence hall expulsion, \$250.00 fine.

**Second Offense:** expulsion.

## Guidelines for Student-Sponsored Events

Student Involvement and Leadership (925-631-4704) approves all student-sponsored events at which alcohol will be present. All events at which students may be in attendance (sponsored by any campus constituency) and alcohol is served must be registered and/or approved through Student Involvement and Leadership.

Only officially recognized student organizations may sponsor events where alcohol is served. The sponsoring organization must submit an Alcohol Service Request Form to SIL at least three (3) weeks prior to the proposed event date. The sponsoring organization must have a faculty/staff advisor for the duration of the event to serve as the on-site event manager. This person may not consume any alcohol or other drugs prior to or at the event and is responsible for monitoring compliance with the Alcohol and Other Drugs Policy, obtaining the necessary one-day permit through the California Department of Alcohol Beverage Control, and possessing the permit at all times during the event.

Only beer or wine may be served at student-sponsored events. Distilled liquor in any form is not permitted. Food and non-alcoholic beverages must be available at the event and a reasonable portion of the budget must be designated for this purpose. Non-alcoholic beverages must be attractive, and displayed with equal prominence as the alcoholic beverages.

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 dean of the school for which the event is being sponsored.

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

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 group 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 FACULTY/STAFF/ALUMNI/ADMINISTRATION SPONSORED CAMPUS EVENTS

Faculty/staff/alumni sponsors of College events where students may or may not be present and where alcohol will be offered are required to submit an Alcohol Service Form to SIL two (2) weeks 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.

## 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.

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.

### PUBLICITY AND SPONSORSHIP FOR STUDENT SPONSORED EVENTS

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 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.

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 fund-raising or other special events as approved by the Vice Provost for Student Life or the dean of the school.

## Amorous Relationships

Amorous relationships are those romantic or sexual relationships to which both parties appear to have freely consented. When such a relationship involves a power differential between two members of the College community, it is of concern to the College, and such relationships should be avoided due to:

- The potential conflict of interest that arises when an individual supervises, evaluates, coordinates, directs, advises, hires, terminates, instructs, promotes, or grants pay raises or other benefits to another person, or provides professional services (e.g., counseling) to another individual with whom that person has an amorous relationship.

- The potential for unintended consequences that results because these types of relationships may develop or exist solely as a result of the power differential, which may or may not involve sexual harassment as proscribed by the College's policy prohibiting sexual harassment.

## POLICY

The College discourages amorous relationships where there is a power differential between the parties or where the potential exists for such a power differential in the foreseeable future.

Four examples of relationships involving power differentials are (This list is not all-inclusive.):

- That between faculty and student, including those involved in formal instruction, advising and tutoring.
- That between staff and student.
- That between employee and supervisor.
- That between the provider (e.g., staff) and recipient of educationally related College or College-related services (including those involved in counseling, student services such as registration and financial aid, and athletic coaching).

Of special concern to the College are amorous relationships initiated between a faculty or staff member and a student while the former is instructing, advising or mentoring the latter. Such circumstances pose extraordinary risks of compromising or appearing to compromise the College's central mission and of breaching the faculty's commitment to the welfare of its students. Hence, the College expects faculty members and staff employees to refrain from initiating or participating in such a relationship.

## PROCEDURES

If an amorous relationship exists or develops between individuals having a power differential within the College, the person with greater power shall report the relationship to an appropriate supervisor or to the Director of Human Resources. The supervisor or the Director shall make suitable arrangements:

- To ensure the objective evaluation of that person's performance, and
- To protect affected individuals and the integrity of the College's functioning as well as the confidentiality of all those involved.

## OTHER CONSIDERATIONS

Employees engaged in conduct of the type described in this policy may also violate the College's policy prohibiting sexual harassment. In addition, all faculty members, supervisors, and other employees should understand that there are substantial risks even in consenting amorous relationships where a power differential exists. Even if the conflict of interest issues are resolved, charges of sexual harassment may develop. A faculty member's or supervisor's protection under applicable law, including legal representation provided by the College, may not apply because such relationships may be outside the scope of one's employment. Furthermore, in administrative actions or lawsuits resulting from allegations of sexual harassment, consent may be very difficult to establish where a power differential exists. Even relationships in which there is no direct power differential may cause difficulties because faculty or staff employees engaged in such a relationship may, in the future, be placed in a position of responsibility for the students or employee's instruction or evaluation.

## SANCTIONS

The process for investigating an alleged violation of the College's Amorous Relationship policies and the sanctions for a violation of this Policy are the same as the process for investigating possible violations of the College's Non-Discrimination (Sexual Harassment) and Retaliation Policies and the sanctions for violation of these Policy, which may include administrative leave without pay, transfer, demotion and termination.

## 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 the dean of the school prior to publicizing the actual event. All public assemblies, therefore, are expected to assure the following factors in order to be considered both appropriate and permissible at the College:

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

## FERPA Policy (Family Educational Rights and Privacy Act of 1974)

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. FERPA also protects the privacy of these records and requires the College to inform all students of the granted rights and safeguards. FERPA gives students the following rights:

### A. The right to inspect and review the student's education records:

A student may review education records directly concerning the student within 45 days of the day the College receives a

request for access. Students shall submit their requests to the Office of the Registrar, who is authorized to review each request and to approve requests which are proper. The Registrar will make arrangements for access and will notify the student of the time and place where the records may be inspected. Students may request copies of their records. A student may be charged for this service, but the amount will not exceed the actual cost of producing the records. The College does not provide copies of documents (discipline record, high school transcripts, transcripts from other colleges, test scores, letters of recommendation, etc.), unless failure to receive a copy would interfere with the student's ability to inspect or review his/her education record or other arrangements cannot be made in order for the student to review and inspect their record.

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

#### **B. The right to request the amendment of the student's education records:**

A student 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 wants changed, and specify why it is inaccurate. A student also has the right to insert in his or her records written explanations concerning the content of his or her records if a request to make a change has been denied (see below). Please note that FERPA does not give any student the right to contest a grade given in a course, but does give the student the right to seek to correct an improperly recorded grade. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. A representative from the office of Academic Affairs has been designated as the hearing officer. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

#### **C. The right to consent to disclosures of personally identifiable information:**

Personally identifiable information contained in the student's education records may not be disclosed without the student's consent, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. A school official is a person employed by

the College in an administrative, supervisory, academic or research, or support staff position (including public safety personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a discipline or grievance committee, or assisting another school official in performing his or her tasks. In addition, the College may, but is not required to, disclose personally identifiable information from an education record of a student without consent if the disclosure meets one or more of the following conditions:

1. The disclosure to officials of other universities in which a student seeks enrollment, provided that the student is given notice of the disclosure, is provided with a copy of the records disclosed (if so requested by the student), and is given the opportunity to review and challenge the records sought. College policy is to forward only Saint Mary's College transcripts and only upon a student's written request.
2. The disclosure is to an authorized representative of the Comptroller General of the United States or to certain federal, state and local educational authorities.
3. The disclosure is in connection with financial aid for which the student has applied or which the student has received.
4. The disclosure is to State and local officials or authorities under applicable state laws concerning the juvenile justice system.
5. The disclosure is to organizations conducting studies, provided that the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted.
6. The disclosure is to accrediting organizations to carry out their accrediting functions.
7. The disclosure is to parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.
8. The disclosure is to comply with a judicial order or lawfully issued subpoena and the College has made a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
9. The College initiates legal action against a parent or student and has made a reasonable effort to notify the parent or eligible student so that the parent or eligible student may seek protective action.
10. 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.
11. The disclosure is information the educational agency or institution has designated as "directory information" (see below).
12. The disclosure is to an alleged victim of any crime of violence or the results of any discipline proceeding conducted by an institution of post-secondary education against the alleged perpetrator of that crime with respect to that crime.

### **D. 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, Washington, DC 20202-4605.

### **DIRECTORY INFORMATION**

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

### **USA PATRIOT ACT AND FERPA**

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

### **Film Policy**

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

### **Medical Leave of Absence**

One of Saint Mary's College's goals for students is to ensure a quality education while fostering an environment that promotes education, service, and the growth and safety of all members of its community. College officials may become aware of a student who may be seriously interfering with some aspect of that goal because of a physical, emotional, or psychological health condition. In these situations, College officials may consider the appropriateness of (1) utilizing the regular student disciplinary system, or (2) involuntary examination, hospitalization, and treatment for mental illness. In addition to, or instead of, either of those procedures, the matter may be handled as a potential medical leave of absence according to the procedures described in this policy.

Involuntary medical leave of absence is not a substitute for appropriate disciplinary action. A student suffering from a mental disorder who is accused of a disciplinary violation should not be diverted from the disciplinary process unless, as a result of the mental disorder, the student either lacks the capacity to respond to the charges, or did not know the nature and quality of the act in question. This policy should not be

used to dismiss students who have not otherwise engaged in conduct which poses a danger to themselves or to others, or which substantially disrupts normal College activities.

The College may also request or require a student to withdraw from the College when, as a result of their physical, psychological, or emotional health, the student engages or threatens to engage in conduct that: (1) poses a direct threat of harm to themselves or others, or (2) is disruptive to the extent that it either causes emotional, psychological, or physical distress to other members of the College community, or (3) substantially impedes the ability of other students, faculty, or staff to participate in the educational programs or employment opportunities offered by the College.

Students may also be requested or required to withdraw from the College if they refuse to cooperate with recommended procedures that allow for an accurate assessment of the student's physical or psychological functioning. Withdrawal may also be requested or required if a student's physical or psychological condition is of sufficient severity to substantially exceed the normal limits of the College's or locally available treatment resources and whose condition will deteriorate without additional resources.

### **VOLUNTARY MEDICAL LEAVE OF ABSENCE**

The following guidelines outline the College's procedure for granting a voluntary medical leave of absence. These guidelines are intended to provide a mechanism whereby an ill student will not be penalized for seeking treatment for his/her illness.

A student can be granted a voluntary medical leave of absence from the College in those cases in which the student's health is impeding normal academic progress. The student must submit written documentation establishing the need for leave to the Dean of Academic Advising & Achievement from the student's treating licensed and relevant non-familial health care professional. The Dean of Academic Advising & Achievement will decide whether to grant the leave of absence, and may do so in consultation with the Director of Student Health & Wellness and/or other relevant private health care professionals. It is preferable, but not mandatory, that the Director of Student Health & Wellness or the Director of Counseling be involved before a student departs on a voluntary medical leave of absence. In the event that a student is injured or becomes ill away from the College, a student may submit a written request to the Dean of Academic Advising & Achievement for a medical leave of absence and include documentation on the need for a medical leave from the treating physician.

Upon receiving a voluntary medical leave, the Dean of Academic Advising & Achievement will provide written communication to the student that shall include a rationale, the conditions and requirements that must be met and the process by which the student requests readmission. For administrative purposes students who have voluntarily withdrawn may be considered on leave from the College and the Dean of Academic Advising & Achievement will inform the Registrar.

Within five (5) days of receiving the written decision of the Dean of Academic Advising & Achievement, if a student is denied a voluntary medical leave, the student may appeal to the dean of the school. The student shall state in writing the

specific points the student wishes the dean or designee to consider. The dean's decision is final.

When a student is placed on a voluntary medical leave of absence, the student will be withdrawn from all classes. Tuition and room and board reimbursement will be in accordance with established College withdrawal policy.

### **IMMEDIATE INTERIM SUSPENSION**

In certain circumstances, the dean of the school or designee may impose an Immediate Interim Suspension 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 the school or designee to meet as soon as possible with the student before deciding on 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, 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 the school or designee may determine to be appropriate. The Immediate Interim Suspension shall remain in effect until the dean of the school or designee determines that the reason for imposing the suspension no longer exists.

### **INVOLUNTARY MEDICAL LEAVE OF ABSENCE**

The dean of the school should be notified whenever a student appears to have a serious physical, psychological, or emotional disorder which offers reasonable cause to believe she or he may be a danger to self or others, or may disrupt proper activities of the College community and its members.

The dean of the school will contact the student and seek voluntary resolution of the situation through investigation and review. Voluntary withdrawals are encouraged to maximize the participation of the student and his or her family in this process. Depending upon circumstances, an immediate professional assessment of the student's condition by the appropriate medical or mental health specialists, or both, or other appropriate resources may be required, including a report of the findings to the Health Review Team. A student who fails to meet the conditions for evaluation may be subject to an Immediate Interim Suspension.

The Health Review Team is comprised of the following individuals: Director of Student Health and Wellness or the Director of Counseling, and the Dean of Students who serves as the chairperson. In the absence of any individual, a designee may be appointed by the Vice Provost of Student Life.

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

Additional assessments including, but not limited to, psychological testing, medical examination, or referral for psychiatric consultation may be required. The student must

sign a waiver(s) allowing any attending medical or behavioral health professional to release the records and allow them to discuss these records with the Health Review Team.

The Health Review Team will receive all medical, psychological or observational reports submitted with regard to or on behalf of the student as may pertain to determining health 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 Health Review 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. For administrative purposes students who have been involuntarily withdrawn may be considered on leave from the College and the dean of the school will inform the Registrar.

Within five (5) days of receiving the written decision of the Health Review Team, if a student disagrees with the decision regarding involuntary withdrawal or readmission, the student may appeal to the dean of their school. The student shall state in writing the specific points the student wishes the dean to consider. The dean's decision is final.

When a student is placed on an involuntary medical leave of absence, the student will be withdrawn from all classes. Tuition and reimbursement will be in accordance with established College withdrawal policy.

### **READMISSION**

During any medical leave of absence, the College expects the student to undergo professional health-care treatment as the primary method of resolving the initial problem. Failure to seek ongoing treatment will raise serious doubt as to the student's readiness to return, and in such cases the College may withhold readmission until appropriate treatment has been received. The College expects that ill health which results in a medical leave must be treated satisfactorily in order for the student to return to the intellectual and emotional demands of campus life.

The College also requires that the student's off-campus primary health care provider make contact with the Director of Student Health and Wellness or the Director of Counseling and discuss the nature of the problem that led to the student's taking medical leave. To facilitate this communication, the student must provide written releases to both parties to communicate freely with each other. This communication must occur prior to the beginning of the student's treatment to ensure that there is clarity regarding the medical and/or psychological problems that need to be addressed in treatment.

When a student is placed on a medical leave of absence, a letter from the Dean of Academic Advising & Achievement or the dean of the school to the student will include the conditions and requirements that must be met and the process by which the student requests readmission. A student who has withdrawn under the Medical Leave of Absence policy may not seek readmission to the College before the start of the next term.

A student wishing to return from a medical leave must initiate a request for readmission by writing a letter to the dean of

the school less than four (4) weeks prior to the start of the fall or spring terms. The Health Review Team 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. The Team may interview the student but is not required to do so.

### **TRANSCRIPTS**

A student who, under the Medical Leave of Absence policy, is allowed to withdraw or who is withdrawn will be given a "W" grade for each course in which the student is currently enrolled. An administrative hold will be placed on the student's record to prevent any unauthorized readmission by the student. All records concerning medical leaves of absence are considered confidential and will only be kept by the appropriate office(s) at the College.

### **NONDISCRIMINATION 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 physical or mental disability.

### **Policy Prohibiting Discrimination and Harassment, Including Sexual, and Retaliation**

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

### **DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment is a form of sex discrimination, which is illegal under both federal and state laws. It can be verbal, visual, or physical. Although what constitutes sexual harassment will vary with the particular circumstances, it is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in a College activity; or
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting that individual; or
- Such conduct has the effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or abusive working or learning environment.

Sexual harassment does not include verbal expression or written material that is relevant and appropriately related to course subject matter or curriculum, and nothing in this policy is intended to interfere with Saint Mary's educational mission or academic freedom, e.g., the ability of a teacher or student to examine examples of harassment appropriate to a particular subject.

A determination of whether particular conduct creates an intimidating, hostile or abusive work or learning environment is assessed from the point of view of a reasonable person in the complainant's position. Such a determination also takes into account the totality of the circumstances, including, but not limited to, the following:

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

### **Examples of Conduct Which May Be Sexual Harassment**

Examples of verbal, physical or visual conduct which may be sexual harassment include, but are not limited to:

- direct propositions of a sexual nature
- sexual innuendoes and other seductive behavior, including subtle pressure for sexual activity such as repeated, unwanted requests for dates, and repeated inappropriate personal comments, staring, or touching
- direct or implied threats that submission to sexual advances will be a condition of employment, promotion, grades, etc
- conduct (not legitimately related to the subject matter of a course or curriculum, if one is involved) that has the effect of discomforting, humiliating or both, and that includes one or more of the following: comments of a sexual nature, including sexually explicit statements, questions, jokes, anecdotes, or graphic material (e.g., visuals, such as screen savers, which are sexually explicit)
- unnecessary or unwanted touching, patting, massaging, hugging or brushing against a person's body or other conduct of a physical nature
- remarks of a sexual nature about a person's clothing or body
- insulting sounds or gestures, whistles, or catcalls
- invading someone's personal space or blocking her/his path
- unwelcome and inappropriate letters, telephone calls, electronic mail, or other communications



- displaying sexually suggestive objects, pictures, cartoons or posters (e.g. screen savers).
- a consensual romantic or sexual relationship which: causes adverse treatment of third parties; or creates a hostile or intimidating working or learning environment for third parties
- stalking (which is also criminal behavior)
- sexual assault (which is also criminal behavior)

Some conduct that may appear to be consensual may also be unacceptable.

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

Not all sexual harassment occurs between persons of differing power. Sexual harassment may also occur between peers. In addition, while the majority of reported cases of sexual harassment involve a male harassing a female, sexual harassment may also involve a female harassing a male, or an individual harassing a person of the same gender.

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

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

Threats or other forms of intimidation and/or retaliation against a student or employee for bringing a complaint of alleged discrimination, harassment (including sexual or sexual assault) 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 policy.

Retaliation is a violation of College policy and may also be a violation of the law. An allegation of retaliation constitutes an independent basis for investigation and imposition of sanctions on the retaliating student or employee if determined to have occurred. All conduct that is believed to constitute retaliation should be reported immediately to the dean of the school (when the individual alleged to have engaged in retaliation is a student or student visitor) or to the Director of Human

Resources (when the individual alleged to have engaged in retaliation is an employee (faculty and staff) or visitor to the College (e.g., contractors, vendors, or non-student guests)). The reporting procedures described below also apply to allegations of retaliation. Interim protections mean steps the College takes to reasonably protect employees and students during an investigation and/or student discipline process.

### **Reporting Procedures and Resources for Addressing Complaints of Discrimination, Harassment, Including Sexual, and Retaliation**

Saint Mary's has in place internal procedures to investigate and address complaints of discrimination, harassment (including sexual) and retaliation as described in this Policy. These procedures are intended to assure fairness and to maintain confidentiality in the process of responding to complaints.

Complaints of discrimination and harassment, including sexual harassment or sexual assault, based on the protected characteristics listed above and/or retaliation involving students or student visitors should be reported promptly to the dean of the school who will initiate the appropriate student discipline process to address those complaints.

Complaints of discrimination, harassment, including sexual harassment or sexual assault, based on the protected characteristics above and/or retaliation that involve employees (faculty and staff) or visitors to the College (e.g., contractors, vendors, volunteers or non-student guests) should be reported promptly to the Director of Human Resources, who is responsible for overseeing Saint Mary's compliance with this Policy and who will determine the appropriate next step for investigation and resolution. In the case of conduct involving a faculty or staff member or a visitor, then the conduct may be reported initially to the dean of the school, in addition to, or instead of, the Director of Human Resources.

All members of the Saint Mary's community shall cooperate fully with the Director of Human Resources in the fulfillment of her/his responsibilities.

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

### **Non-Discrimination Seminars**

Saint Mary's offers its employees during each academic year several opportunities to attend seminars regarding discrimination (which will also include an update on legal developments in the area of sexual harassment). Throughout each academic year, students have the opportunity to attend programs regarding discrimination and sexual harassment, including sexual assault. Except as described below, all employees must attend one such on-campus seminar in this area per academic year (defined as July 1 to June 30). Lecturers and adjunct faculty who have difficulty attending on-campus seminars due to either geographic distance from Moraga and/or evening teaching schedules during the academic year, as well as staff who work only at off-campus locations (excluding the Rheem campus), may comply with this requirement by

completing an on-line sexual harassment seminar offered by the College once every two academic years. Employees who are on an approved and/or legally mandated leave during the academic year are not required to fulfill this requirement while on that leave, but will be expected to do so in the next academic year following their return from such leave.

Except for those faculty and staff described above, failure of a tenure-track or tenured faculty or staff member to attend an on-site College-sponsored sexual harassment seminar during each academic year, when offered, as evidenced by the absence of a record of attendance at such seminar, may result in the Board of Trustees declining to indemnify (i.e., pay any judgment against or settlement on behalf of the individual), to the extent permitted by law, the faculty or staff member should a claim for discrimination, including but not limited to sexual harassment, or retaliation be brought against that faculty or staff member.

Except for those faculty and staff as described above, failure of a non-ranked faculty member (e.g., adjunct, lecturer) to attend an on-site College-sponsored sexual harassment seminar during each academic year, when offered, as evidenced by the absence of a record of attendance at such seminar, may result in the Board of Trustees declining to indemnify (i.e., pay any judgment entered against or settlement on behalf of the individual), to the extent permitted by law, the faculty member should a claim for discrimination, including but not limited to sexual harassment, or retaliation be brought against that faculty member, as well as precluding that non-ranked faculty member from being considered for or offered another faculty appointment at the College.

### **Sanctions**

Employees who engage in conduct in violation of this policy are acting outside the scope of their employment responsibilities and, in addition to discipline up to and including termination of their employment, may be subject to individual legal liability and damages for their action.

### **PUBLIC SAFETY POLICIES**

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

### **TRAFFIC AND PARKING**

Parking and vehicle use regulations are designed to provide for orderly parking as well as the safe flow of traffic on campus. Operators of motor 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. The rules and regulations include, but are not limited to, yielding to pedestrians, obeying traffic signs and devices, complying with all California vehicular regulations (including, but not limited to, wearing of safety belts, helmet laws, not driving under the influence of alcohol or other drugs), entry or storage in any building, and removal of vehicles from campus at the end of the academic year.

All motor vehicles on campus must be registered with the Department of Public Safety and properly display the appropriate parking permit at all times. Students are eligible for either a Resident permit or a Commuter permit—not both. Permits, parking maps with lot designations and other information are available at the Public Safety Office in Assumption Hall West or the Front Gate Kiosk. Daily visitor parking permits may be obtained at the Front Gate. Violation of these regulations may result in parking citations, vehicle immobilization, towing, and loss of parking privileges and/or referral to the student 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 or found improperly parked or abandoned.

The fines for tickets for parking and traffic violations are paid at the Business Office or may be appealed within fourteen (14) days from issuance. Appeal forms are available at the Public Safety Office in Assumption Hall West or at the Front Gate. Fines not paid or appealed will be doubled and placed on the student's term bill. Failure to pay fines also subjects a vehicle to being immobilized with a tire boot. Vehicles that are immobilized with a tire boot are assessed a \$50.00 boot removal fee in addition to any other fines for violation of parking regulations. The tire boot is not removed from the vehicle until the fee and all fines are paid in the Business Office. Vehicles that are towed from campus are done so at the owner's expense.

Contact the Department of Public Safety for more detailed information concerning campus parking and vehicle use regulations.

### **CLERY AND SEX OFFENDER NOTICE**

As provided by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, Saint Mary's College of California, through its Department of Public Safety, annually provides notice and makes available copies of the Annual Security Report, to the campus community, prospective students, employees and the public. Each Security Report includes statistics for the previous three years concerning crimes and incidents (whether they occurred on campus, in off-campus building and property owned or controlled by the College, or on public property adjacent to campus) reported to campus security authorities. Each Security 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 Security Report is available electronically at [stmarys-ca.edu/public-safety/annual-security-and-fire-safety-report](http://stmarys-ca.edu/public-safety/annual-security-and-fire-safety-report). You may request a copy by phone or mail by contacting Department of Public Safety, Administrative Office, Assumption Hall West, PO Box 3111, Moraga, CA 94575-3111, 925-631-4282. In addition, as provided by the Campus Sex Crimes Prevention Act, the Contra Costa County Sheriff's Office maintains a Megan's Law database of sex crime offenders. Information may

be obtained in person from the Sheriff's office located at 500 Court Street, Martinez, CA Monday-Friday, 9:00 a.m. to 4:00 p.m. or through the California Department of Justice website which lists designated registered sex offenders in California at 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, skateboards 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 will be destroyed without remuneration.

#### **Retaliation**

Threats or other forms of intimidation and/or retaliation against a student or employee for bringing a complaint of any alleged violation of the Code or other College policy are prohibited. This includes threats or other forms of intimidation and/or retaliation against the family or friends of a student or employee who brings a complaint, 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 Code or other College policy. Retaliation is a violation of College policy and may also be a violation the law. An allegation of retaliation constitutes an independent basis for investigation and imposition of sanctions on the retaliating student or employee if determined to have occurred. All incidents that are believed to constitute retaliation should be reported immediately to the dean of the school (when the individual alleged to have engaged in retaliation is a student) or to the Director of Human Resources (when the individual alleged to have engaged in retaliation is a non-student).

### **Sexual Assault and Sexual Misconduct Policy**

Sexual assault, sexual misconduct and "having consensual sex" are not the same. Sexual assault and sexual misconduct are acts of hostility, power, control, degradation, and violence... not passion. They are attempts to control and degrade others using sex and sexual acts as weapons. Anyone can be a victim of sexual assault or sexual misconduct—women, men, and children. Perpetrators of sexual assault and sexual misconduct can be anyone: a stranger, someone you have known for a long time or someone you have just met.

Saint Mary's College of California insists that all members of its community shall be able to pursue their interests free from sexual assault, sexual misconduct and other forms of sexual harassment. This policy pertains to incidents of sexual assault and sexual misconduct between students or where the alleged perpetrator is a student. To report conduct that an individual believes is a violation of this policy when the person engaging in the conduct is a student, follow the procedures outlined below. To report a violation of this policy when person engaging in the conduct is a faculty or staff member, contact the Director of Human Resources at 925-631-4212. For information regarding reporting other forms of

sexual harassment, see the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation.

### **DEFINITIONS OF PROHIBITED CONDUCT**

**Sexual Assault is defined as engaging in sexual intercourse with any person without that person's consent. Sexual intercourse is the penetration, however slight, of the vagina, or anus with any object or body part and of the mouth with a sexual body part or sexual object. Students found responsible for violating the sexual assault section of this policy will be expelled.**

**Sexual Misconduct is defined as the act of making sexual contact with the intimate body part of another person without that person's consent. Intimate body parts include the sexual organs, the anus, the groin or buttocks of any person, or the breasts of a female. Students found responsible for violating the sexual misconduct section of this policy will be suspended for a minimum of one (1) year and will be required to complete an educational sanction assigned by the DHB panel.**

**Consent is defined as unambiguous and willing participation or cooperation in act or attitude that is commonly understood to be consistent with the exercise of free will. Consent requires participants who are fully conscious, are equally free to act, have clearly communicated their willingness, cooperation, or permission to participate in a specific sexual activity, are positive and clear in their desires, and are able to cease ongoing consensual activity at any time. Refusal to consent does not have to be verbal; it can be expressed with gestures, body language or attitude. A prior sexual history between the complainant and respondent does not constitute consent.**

**Consent is not freely given if:**

1. It is obtained through the use of force, through the fear of or the threat of force, or by kidnap; or
2. A reasonable person in the position of the alleged perpetrator 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:
  - a. 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
  - b. The individual is unconscious, asleep, or suffering from shock; or
  - c. The individual is under the age of eighteen and therefore legally unable to give consent; or
  - d. The individual has a known mental disorder or developmental or physical disability, and therefore legally unable to give consent.
3. The individual has acted or spoken in a manner which expresses he or she refuses to give consent.

### **COLLEGE AND COMMUNITY RESOURCES**

The following resources are available to students and other members of the Saint Mary's community for information and support concerning sexual assault and sexual misconduct:

- SMC Campus Assault Resources & Empowerment (CARE)**
- **925-878-9207**

The College's Sexual Assault Crisis Response Team is available 24-hours a day, seven days a week via published cell phone number, 925-878-9207, for confidential referral and support services when the College is in session. Members of the team are trained to assist students by providing information and discussing available resources and options (medical, legal, emotional, and academic), making referrals, providing access to appropriate College and community services, and providing on-going follow-up. Members of the Sexual Assault Crisis Response Team do not act as counselors.

The Sexual Assault Crisis Response Team assures confidentiality if contact is made via the Response Team cell phone number. The victim's name and personal information will be kept confidential within the team unless written permission is received to release the information or unless one of the following exceptions exists:

- Knowledge of suicidal or homicidal thoughts; or
- Knowledge that child/elder abuse has occurred; or
- Information release is court-ordered; or
- There is an imminent threat to the safety of the caller, another student and/or a member of the College community.

If any of the above exists the Sexual Assault Crisis Response Team coordinator will consult with appropriate staff regarding next steps.

Students who believe they have experienced conduct that is a violation of the Sexual Assault and Sexual Misconduct Policy or of the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation may choose to contact the Sexual Assault Crisis Response Team for assistance via the Response Team cell phone. When an individual contacts the response team via the cell phone number, no College discipline action will take place unless the individual chooses to move forward and make a formal report to the dean of the school, or designee, or Director of Human Resources as described in the following section on Reporting. Any reports not initiated through the response team cell phone will be considered formal reports and will initiate College action.

### CAMPUS RESOURCES

SMC Campus Assault Resources & Empowerment (CARE)  
925-878-9207

Sexual Assault Awareness Coordinator . . . . 925-631-4193  
*Advocacy, support, information, and resource referral*  
Mitty Hall, Garden Level

Women's Resource Center. . . . . 925-631-4192  
*Information, advocacy and resource referral*  
Mitty Hall, Garden Level

Public Safety Department  
Emergency . . . . . 9-1-1 OR 925-631-4282  
General Information/Administration . . . . 925-631-4052

Counseling Center . . . . . 925-631-4364  
*Counseling services, support and information*  
Augustine Hall, Ground Floor

Health and Wellness Center. . . . . 925-631-4254  
*Medical and information resource*  
Augustine Hall, Ground Floor

Student Involvement and Leadership . . . . . 925-631-4704

Student Life. . . . . 925-631-4235

### COMMUNITY RESOURCES

Contra Costa County Crisis & Suicide  
Intervention 24-hour Hotline . . . . . 1-800-833-2900

Contra Costa Rape Crisis 24-hour Hotline . . 1-800-670-7273

National Sexual Assault Hotline . . 1-800-656-HOPE (4673)  
www.RAINN.org

STAND! Against Domestic Violence . . . . . 1-888-215-5555  
*24-hour crisis counseling and emergency resource*

Moraga Police Department 24-hour number . 925-284-5010

### REPORTING

If a student believes he or she has experienced conduct that is a violation of the Sexual Assault and Sexual Misconduct Policy, there are several reporting options available. Students may contact the Sexual Assault Crisis Response Team for information about all available reporting options by calling 925-878-9207. Please note that any report of conduct made outside of this phone number will initiate College discipline action. To report other forms of sexual harassment see the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation.

#### To the College

Individuals are strongly encouraged to report conduct that they believe may constitute sexual assault or sexual misconduct to the College and the police. All reports of alleged conduct that, if determined by the DHB to have occurred, would be violations of this Policy received outside of the Sexual Assault Crisis Response Team phone number will be investigated and appropriate disciplinary action will be taken regardless of whether a police report has been filed. The College will evaluate all reports of conduct that might constitute sexual assault and sexual misconduct and, when appropriate, will take disciplinary action in accordance with the student discipline process set forth in this Policy. All complaints must be made within: (a) one year of the date of the conduct, and (b) prior to the actual physical receipt by the respondent of the terminal degree from the College. Reports of conduct can also be made directly to the Office of Public Safety or dean of the school. If the person engaging in the alleged conduct is an employee, reports should be made directly to the Director of Human Resources.

#### To the Police

Individuals are strongly encouraged to report all conduct they believe to constitute sexual assault or sexual misconduct 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 her/him 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 rape kit collected in order to gather forensic evidence.

## **DISCIPLINE PROCESS**

The discipline process described here applies to alleged violations of this policy and the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation (for all other alleged violations of the code or other College policy, refer to the Hearing Process defined in the Rights and Responsibilities section of this handbook). Upon receipt of a report or of conduct, whether oral or written, of an alleged violation, the dean of the school or designee will begin a preliminary investigation and determine if there is enough information to merit a disciplinary hearing regarding the allegation. The dean of the school 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.

After meeting with the complainant and respondent, the Dean of Students or designee will prepare the case to be heard by the DHB panel. The complainant and respondent will generally be given at least twenty-four (24) hour advance notice of the scheduled meeting time for the DHB panel.

Students are expected to participate in the student discipline process when they are called as a complainant, respondent or witness to a hearing. Should a student fail to appear for a hearing when proper notification has been given or should the student fail to provide a statement during the hearing, the hearing will proceed without benefit of that student's input. Meetings with the DHB panel will be scheduled taking into consideration the student's regular academic schedule only.

### **Truthfulness**

All individuals participating in the student discipline process are expected to tell the full and complete truth in all disciplinary matters. In order to ensure this is possible, individuals participating in student discipline hearings regarding an alleged violation of the Sexual Assault and Sexual Misconduct Policy will not be charged and held responsible for minor violations of the code or other College policy. However, if there is a concern about a student's safety and/or use of alcohol and other drugs, the College may recommend counseling or other educational resources to the affected student.

### **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, DHB 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.

### **Rights of the Individual Alleging the Violation/Complainant**

- The right to an advisor who will assist the individual through the student discipline process.
- The right to confidentiality of the student discipline process to the extent possible (see above).
- The right to request a change of on-campus residence.
- The right to request academic schedule adjustments.
- The right to on-campus emergency counseling sessions with a member of the Counseling Center staff.
- The right to seek off-campus medical and counseling services.
- The right to seek confidential assistance from the Sexual Assault Crisis Response Team, a member of the Counseling Center staff in a client relationship, or a priest in a confessor relationship.
- The right to make a complaint which will initiate the student discipline process.
- The right to request an on-campus no contact order for the respondent as an interim measure through the student discipline process.
- The right to file a police report and take legal action separate from and/or in addition to student discipline action.

### **Rights of the Respondent**

- The right to an advisor who will assist the individual through the student discipline process.
- The right to confidentiality of the student discipline process to the extent possible (see above).
- The right to on-campus emergency counseling sessions with a member of the Counseling Center staff.
- The right to seek confidential assistance from a member of the Counseling Center staff in a client relationship, or a priest in a confessor relationship.
- The right to seek outside counseling support.

### **Advisors**

Both the complainant and the respondent involved in a disciplinary matter alleging a violation of this policy or the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation, have the option of choosing a member of the College community (faculty, staff, or student) as an advisor to accompany them through the process. The advisor may not be a parent, relative, an attorney or a representative of an attorney.

Members of the DHB panel or individuals who will be serving as a witness in the case may not serve as an advisor. The advisor is not an advocate for the student in the proceedings and may not address the DHB panel 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 DHB panel or other member of the College staff regarding the disciplinary matter and at which the student wishes for them to be present. Additionally, written statements signed by either an advisor or an individual who is not eligible to serve as an advisor (including an attorney) will not be accepted as part of the student discipline process, including any appeals filed by the student(s) subsequent to the DHB hearing.

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.

A list of individuals who have volunteered and have been trained to serve as advisors in sexual assault, sexual misconduct and sexual harassment cases is available from the Dean of Students or designee to both the complainant and the respondent. Students are strongly encouraged to choose an advisor to assist them in the student discipline process. It is the student's decision if they want an advisor and who that advisor will be.

### **Disciplinary Hearing Board Panel**

The DHB panel for sexual assault, sexual misconduct and sexual harassment cases is comprised of faculty and staff who have been trained to hear these cases. Three (3) members of the DHB pool will generally be called to sit on a DHB panel, with one member serving as chair. Members of the DHB pool are appointed the Dean of Students. The Dean of Students or designee serves as the discipline process facilitator for all sexual assault, sexual misconduct and sexual harassment cases and is present during the hearing. The facilitator's role is to assist the chair and to ensure compliance with the process and procedures outlined below.

It is expected that DHB panel members will exhibit the highest ethical standards and disqualify themselves if they believe they cannot be impartial or fulfill their obligation to maintain the confidentiality of the process and the dignity and privacy of the respondent, the complainant, and any witnesses before, during, and after the disciplinary hearing. Both the respondent and complainant may raise issues of concern about the impartiality of a member of the DHB panel convened for a particular case. The Dean of Students has the sole discretion to decide whether a DHB panel member can be impartial and will remove anyone whom he/she determines is unable to be impartial and/or respectful of the confidentiality of the process and privacy of the individuals involved.

### **Outline of Hearing**

1. DHB panel proceedings are closed to all parties except the individual student(s), the DHB panel, the facilitator, witnesses, and the respective students' advisor(s).
2. The chair will convene the DHB panel.
3. The chair will introduce the DHB panel to the complainant and explain the process.
4. The complainant will be asked to submit a written statement or make an oral statement to the DHB panel. Upon completion of the statement, the complainant will answer questions from the DHB panel. The complainant will be excused until the DHB panel recalls him/her for further questions.
5. The chair will invite the respondent into the hearing and will introduce the DHB panel to the respondent and explain the process. The facilitator will read to the respondent the complaint (including material information supporting it, e.g. time, place and specific conduct alleged), the College Policy that the conduct, if found to have occurred, would violate and the complainant's statement.

The respondent will be asked to submit a written statement or make an oral statement. Upon completion of the statement,

the respondent will answer questions from the DHB panel. The respondent will be excused until the DHB panel recalls him/her for further questions.

The chair will recall the complainant. The facilitator will read the respondent's statement to the complainant. The complainant will be given the opportunity to respond to the respondent's statement at this session or he/she may request a subsequent session of the DHB panel to prepare a response.

If the complainant determines that a subsequent session of the DHB panel is not required, the complainant will respond to the statement and answer questions from the DHB panel.

If the complainant determines that a subsequent session of the DHB panel is required, the complainant will answer questions from the DHB panel and upon completion of these questions, will be excused until the DHB panel recalls him/her for the subsequent session.

The chair will recall the respondent. The facilitator will read the complainant's statement, if any, to the respondent. The respondent will be given the opportunity to respond to this statement at this session or the respondent may request a subsequent session of the DHB panel to prepare a response.

If the respondent determines that a subsequent session of the DHB panel is not required, the respondent will respond to the statement and answer questions from the DHB panel.

If the respondent determines that a subsequent session of the DHB panel is required, the respondent will answer questions from the DHB panel and upon completion of these questions, will be excused until the DHB panel recalls him/her for the subsequent session.

Any witnesses will individually be asked to make a statement and respond to questions from the DHB panel.

All participants (complainant, respondent, and any witnesses) must be available for recall by the DHB panel for additional questioning until the chair excuses them.

The chair will ask the respondent to make a closing statement to the DHB panel. The respondent is then excused from the proceedings.

The chair will ask the complainant to make a closing statement to the DHB panel. The complainant is then excused from the proceedings.

The DHB panel will deliberate in private and based on their investigation and interviews will determine an appropriate finding:

- It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for a violation of the Code or College policy, or
- It is more likely than not that the alleged conduct occurred and the respondent is responsible for a violation of the Code or College policy and impose sanctions, as appropriate.

The chair will notify the dean of the school or designee of the hearing's outcome within twenty-four (24) hours of its completion. The dean of the school or designee will communicate the finding of the DHB panel to the respondent and the complainant in writing generally within seven (7)

business days. Unavoidable delay in providing notice of outcome shall not constitute an appealable procedural error.

## SANCTIONS

The College has established minimum sanctions for violations of the Sexual Assault and Sexual Misconduct Policy. The conduct prohibited by this Policy is described in the Definitions of Prohibited Behaviors section of this policy. A more severe, but not less than the minimum, sanction(s) may be imposed by the DHB panel depending on the circumstances of a particular case. Any one or more of the sanctions (in excess of the minimum required sanctions) may be assessed to a student found responsible for violating the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation.

## APPEAL PROCESS

This process applies to an appeal of sanctions received from a violation of Sexual Assault and Sexual Misconduct Policy only. For appeal of sanctions received from a violation of the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation, refer to Section F (Appeals) as defined in the Student Conduct Code and Procedures section of this Handbook. Both the complainant and the respondent may participate in the appeal process in student discipline cases for violations of the Sexual Assault and Sexual Misconduct Policy.

The decision of the Disciplinary Hearing Board regarding responsibility may be appealed by the respondent and/or the complainant within five (5) business days of the decision. The purpose of the appeal is not to rehear the underlying student discipline case; for example, credibility determinations made by the DHB will not be revisited or reconsidered. 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 Board to establish its jurisdiction to consider and decide the appeal and, if so, thereafter, to determine whether the information submitted by the student appealing states sufficient grounds (see below) to grant the appeal and take any of the actions described below.

Only one request for an appeal may be submitted by either the complainant and/or the respondent. The appeal may only be submitted by the student and shall consist of:

1. A completed Appeal Request Form (available in the dean's office), and
2. A statement outlining and supporting the specific basis on which the student is appealing.

**NOTE:** Appeals signed by anyone other than the student appealing, including appeals signed by an advisor or someone not eligible to serve as an advisor (including an attorney), will not be accepted for appeal.

An appeal must be submitted to the dean of the school and must be based on one or more of the following grounds or it will not be accepted and considered:

1. A process or procedural error was made that was significantly prejudicial to the outcome of the hearing as it affects the student appealing.

2. New information that was not available or known to the student appealing at the time of the hearing has arisen which, when considered, may materially alter the outcome. **NOTE:** Information that the appealing student chose not to present at the time of the hearing is not considered new information.

3. The severity of the sanction imposed was not appropriate based on the section of the Code or other College policy which the student was found to have violated.

If an appeal is received from either the complainant or the respondent, the Dean of the School or designee will notify, in writing, the non-appealing student within five (5) business days of receipt of the appeal that an appeal has been filed and the ground(s) upon which the appeal has been made. Within five (5) business days of such notification, the non-appealing student may submit a written statement to the Dean of the School or designee that he/she wishes to be considered by the Appeal Board.

An appeal is heard by an Appeal Board consisting of two (2) members of the DHB pool who did not serve on the original case and the Dean of the School or designee will chair the hearing. The Appeal Board will not meet with the respondent and/or the complainant or rehear the case; it will not, for example, reconsider the DHB's determinations of credibility. The Appeal Board will consider only 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. Based on these materials, the Appeal Board 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. Return the case to the DHB panel for further consideration (which may, 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 DHB panel who originally heard the case shall reconvene as soon as possible. If a member of the original DHB panel is no longer available, the Dean of Students will select additional DHB panel member(s) from the DHB pool.
5. Reverse the decision of the DHB panel or remand the case to a new DHB panel where substantial procedural error is determined to have unfairly influenced the hearing.

The Appeal Board chair will communicate its decision to the respondent and the complainant in writing once a decision has been reached. The decision of the Appeal Board is final and no further appeals are permitted.

During the consideration of a request for an appeal, sanctions imposed by the DHB panel shall not be in effect. However the Dean of the School or designee may impose conditions or continue existing conditions governing the respondent's status with the College during the appeal process.

## Solicitation, Distribution and Advertising Policies

### COPYRIGHT/USE OF COLLEGE NAME AND LOGO

The College's names, logos, seal and other marks, including but not limited to the image of the Chapel, are protected under state and federal law and the unauthorized use of these marks is prohibited. Furthermore, the De La Salle statue is protected by copyright. Permission for any student or recognized student group to use these marks must be coordinated through the Assistant Dean of Student Life for Student Involvement and Leadership, 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

In order to comply with established fire codes, to reduce visual clutter on campus, to reduce paper waste and to cut overall costs of event promotion for groups and organizations, a posting policy has been established by the campus Deans and Directors Committee with the approval of the President's Cabinet. The College's posting policy applies to all printed materials posted or distributed on campus.

**Designated Posting Areas and Methods.** Special posting areas will be designated in 27 high-traffic areas located throughout central campus. These areas will be painted a uniform color and will be clearly marked as posting areas for approved materials. No materials may be posted outside of these areas. Posting will not be permitted on any painted building surfaces (other than the designated posting areas), glass doorways, windows, floor surfaces, or areas that might appropriately be used as escape routes in a fire or other emergency. Only special masking tape ("painter's tape") may be used to secure postings. All materials must be removed once the event is over and/or College approval expires; failure to remove expired postings might result in monetary fines or loss of posting privileges. Large banners, signs, or other specialized promotional materials may be posted only with advance approval from the Office of Student Involvement and Leadership.

**Posting Approval.** All posted materials must be approved by the Office of Student Involvement and Leadership, unless those materials are posted on one of five public posting areas (non-designated corkboards in building hallways of Dante Hall, Garaventa Hall, and Galileo Hall). The printed material must include the name and contact information of the sponsoring organization along with the event cost, date, time, and location. Material that is inconsistent or incompatible with the College's mission and goals as determined by the Assistant Dean of Student Life for Involvement and Leadership, in consultation with the Vice Provost for Student Life, will not be posted or otherwise circulated. Any posting that does not display the stamp of the Office of Student Involvement and Leadership will be removed.

No postings are allowed in or on any residence hall without the explicit permission of the Office of Residence Life.

### 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. 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

All solicitations of cash gifts from Saint Mary's College alumni, parents and friends must receive prior approval from the Senior Director of Development.

## Student Services Policies

### IDENTIFICATION CARDS (IDS)

Incoming students are issued a photo ID card at orientation or registration. The ID card is valid for the years of attendance at Saint Mary's College and provides various privileges/discounts. The ID card verifies current SMC student status, student meal, and provides library access and admission to College events. The Business Office issues replacements for lost ID cards Monday – Friday, 9:00 a.m. to 5:00 p.m. for \$10

## 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 rules are applicable to student publications:

1. Student media (publications, radio, and television) 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.
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 necessarily those of the College or the Associated Students of Saint Mary's College.

## Technology Policy

The Technology Policy is available online at:

[stmarys-ca.edu/human-resources/2014-staff-handbook/appendix-b-saint-mary-s-college-of-california-technology-use](http://stmarys-ca.edu/human-resources/2014-staff-handbook/appendix-b-saint-mary-s-college-of-california-technology-use)



## Whistleblower Policy: Fraudulent or Dishonest Conduct

Saint Mary's College of California, reflecting its Lasallian and Catholic values, expects that its faculty, staff and students will act in a manner that is consistent with those values in their use of College resources and property. To protect the integrity of Saint Mary's learning community and to ensure the highest standards of conduct by and among members of that community, the College will investigate any possible fraudulent or dishonest use or misuse of College resources or property by faculty, staff, or students. Anyone found to have engaged in fraudulent or dishonest conduct is subject to disciplinary action by the College up to and including dismissal or expulsion, and civil or criminal prosecution when warranted. All members of the College community are encouraged to report possible fraudulent or dishonest conduct. An employee should report his or her concerns to a supervisor, department chair or program director. If for any reason an employee finds it difficult to report his or her concern to a supervisor or department or program chair, the employee can report it directly to the area vice president, vice provost or dean of the employee's school. Students should report any concerns to the dean of students. Those receiving reports of suspected fraudulent or dishonest conduct involving employees are required to report such conduct to the Director of Human Resources; in the case of students, those receiving such reports (e.g., the dean of students) are required to report such conduct to the Vice Provost for Student Life.

### DEFINITIONS

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

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

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

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

### WHISTLEBLOWER PROTECTIONS

The College will use best efforts to protect whistleblowers against retaliation, as described below. The College cannot guarantee 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 Director of Human Resources, if an employee is involved, or with the dean of the school 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).

### Procedures

The Director of Human Resources, or her/his 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 the school or his/her designee either investigates the suspected conduct or may refer the investigation of such suspected conduct to the College's Disciplinary Hearing Board ("DHB"), consistent with policies and procedures in place to investigate allegations of violations of student conduct policies. Cases involving possible violation of criminal law will be investigated in cooperation with the Director of Public Safety or his/her designee.

If the facts reported could be a violation of this Policy, the Director of Human Resources or her/his designee or, in the case of students, the dean of the school, will provide the individual making the accusation with a copy of this policy and review its terms. If the Director of Human Resources or her/his designee or, in the case of students, the dean of the school, or the DHB, 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 Director of Human Resources or the dean of the school will explain to the person who has reported the concern or conduct the reason for the determination and advise the person of any other available reporting channels (administrative (to appropriate government agencies) or criminal (to appropriate law enforcement agencies)). Consistent with the requirements of California law, the College posts in Filippi Hall near the Human Resources Department, among other locations, a toll-free phone number

for reporting violations of a state or federal statute or regulation to a government or law enforcement agency, or for reporting retaliation by the College for making such disclosures.

**For review of a complaint, contact the Bureau for Private Postsecondary Education at ; [bppe.ca.gov](http://bppe.ca.gov); phone:(916) 431-6924, or fax: (916) 263-1897.**















