

Part IV: 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, if the act involves student conduct to the dean of the school 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 (925.631.4212) 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 Clery 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. (City 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 for in this Policy. A public area is defined as those areas of the campus that are readily accessible to students, faculty, staff and guests. Public areas include, but are not limited to, lounges, lobbies, stairwells, balconies, hallways, roofs, classrooms, parking lots, and outside areas.

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

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

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 of 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, the dean of Academic Advising & Achievement 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 Brother Jerome West Hall 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 Brother Jerome West Hall 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 www.stmarys-ca.edu/about/safety/02report.pdf. You may request a copy by phone or mail by contacting Department of Public Safety, Administrative Office, Brother Jerome West Hall, PO Box 3111, Moraga, CA 94575-3111, 925-631-4052. 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 <http://www.meganslaw.ca.gov>.

IMPOUNDING OF PROHIBITED MATERIALS OR EQUIPMENT

The College may impound materials specifically prohibited by the code, College policy or law. The College may also impound equipment used in a dangerous manner or in violation of the code or other College policy, including but not limited to kegs, 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 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 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 Sexual Assault Crisis Response Team • 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 Sexual Assault Crisis Response Team... 925-878-9207
- Sexual Assault Awareness Coordinator 925-631-4193
Advocacy, support, information, and resource referral
De La Salle Hall, Ground Floor
- Women's Resource Center 925-631-4171
Information, advocacy and resource referral
De La Salle Hall, Ground Floor
- 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
De La Salle Hall, Ground Floor
- Health and Wellness Center 925-631-4254
Medical and information resource
Augustine Hall, Ground Floor

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

1.0 - INTRODUCTION

Saint Mary's College of California ("Saint Mary's") recognizes the educational value and societal significance of Electronic Information and Computing Resources systems. Therefore, Saint Mary's supports students, Christian Brothers, faculty, and staff by providing access to those valuable electronic resources.

Saint Mary's is a non-profit public benefit corporation dedicated to offering a Catholic, Lasallian, Liberal Arts education. To support the College's mission, Saint Mary's has developed a campus-wide computing system allowing its members to form an electronic link to the College and to the Internet.

This Policy presents guidelines for acceptable use of Saint Mary's Computing Resources. It serves as a reference for all persons using Saint Mary's Computing Resources or having a Saint Mary's E-mail or Internet access Account. This Policy supercedes all prior policies and guidelines governing the use of Saint Mary's Computing Resources.

The Saint Mary's community is encouraged to make innovative and effective use of its Computing Resources within a framework which provides standards for the quality and content of information, while requiring compliance with laws, as well as requiring compliance with Saint Mary's policies governing students, faculty, and staff.

This Policy seeks to ensure that Saint Mary's maintains a consistent and accurate image of itself while complying with moral and ethical standards. This Policy is subject to amendment or revision as appropriate.

2.0 DEFINITIONS

Account: Special access to Saint Mary's Computing Resources with unique User identification provided by Saint Mary's College. This includes, but is not limited to, having a Saint Mary's E-mail Account, having access to networks operated or maintained by Saint Mary's, and/or having access to the Internet through Saint Mary's Computing Resources. Only Users, as defined in this Policy, may have an Account.

Computing Resources: any computer hardware, including but not limited to wiring and cabling, and/or software owned or licensed by Saint Mary's, any Saint Mary's computing systems, or any service provided by Saint Mary's for access to the Internet. Also referred to as Saint Mary's Computing Resources.

Electronic Information: any information or data (e.g., E-mail, word processing files, data entered on online forms, web pages, etc.) placed on Saint Mary's Computing Resources, whether through a Saint Mary's Computing Resource or through an individual's own computer or other personal electronic data storage device.

CaTS: Computer and Technology Services. The department at Saint Mary's primarily responsible for maintaining all Computing Resources.

Policy: This Technology Use Policy.

Third Party User(s): persons having access to Saint Mary's Computing Resources whom do not fall within the definition of User(s) and who therefore do not have an Account (e.g., members of the public using Computing Resources in the library). Such persons are required to agree to, and abide by, the terms of this Policy when using Computing Resources.

User(s): Current Saint Mary's students, faculty, and other employees including third party contractors who have full time presence on campus and who need access for their official duties (e.g., Sodexo Marriott, Barnes and Noble etc.), trustees, regents and other members of official boards and committees as designated by the president, as well as Christian Brothers at Saint Mary's having access to Saint Mary's Computing Resources.

3.0 USING COMPUTING RESOURCES

3.1 General

Saint Mary's Computing Resources can be used to host information maintained by a Department, an Office, a properly registered student club or organization, a board, or a committee. Any information used with Saint Mary's Computing Resources must adhere to all applicable laws and all Saint Mary's policies.

The use of Computing Resources shall be consistent with the mission of the College, College policy and must not violate laws or any College Policy. If a User has questions regarding the acceptability or appropriateness of a particular behavior while using Saint Mary's Computing Resources, he or she should contact the appropriate College official. For example, an issue regarding one student allegedly harassing another via a Computing Resource would be forwarded on to the dean for Student Development and Leadership. Or, for example, an issue involving copyright infringement on a faculty or staff member's web site would be forwarded to the faculty or staff member's direct supervisor. Additionally, CaTS staff can help Users address technical and non-substantive legal issues. If Users have questions regarding copyright and trademark issues, fair use, or other legal matters; please refer to Saint Mary's General Counsel SMCnet Page located at (Address TBD) or contact Saint Mary's Office of General Counsel.

3.2 Access

Computing Resources are available to Users on campus as well as remotely through dial-in-modem connections, twenty-four hours a day, seven days per week. Technical support is limited

to business hours and Saint Mary's may on occasion temporarily interrupt access of Users to conduct ordinary as well as extraordinary business and maintenance.

3.2.1 Faculty and Staff

Use of Computing Resources is limited to that which is necessary as part of a User's duties and responsibilities in User's employment. Incidental or minimal personal use during a User's working hours where such use does not interfere with a User's performance, or does not violate any applicable Policy, rule, or law, may be permitted. Specific questions regarding personal use of Computing Resources during a User's working hours should be directed to the User's supervisor, dean, department head, or vice president, as appropriate. Monitoring and control of personal use of Computing Resources during a User's workday is at the discretion of the person under whose direction the User works. A User's performance appraisal may take into account personal use and a supervisor may limit personal use as a condition of employment where appropriate.

Use of Computing Resources on User's own time is permitted to the extent that Computing Resources are available. Users needing to use Computing Resources for official Saint Mary's business, whether administrative or academic, shall always have precedence over any User using Computing Resources for personal matters. Therefore, Users engaged in personal activities may be asked to discontinue such use to free Computing Resources for Users needing to access Computer Resources for non-personal matters.

E-mail may be used for incidental personal purposes provided that, in addition to the foregoing constraints and conditions, such use does not: (1) directly or indirectly interfere with Saint Mary's operation of Computing Resources; (2) burden Saint Mary's with noticeable incremental cost; or (3) interfere with the User's employment or other obligations to Saint Mary's.

3.2.1.1 Portable Computing and Telecommunications Equipment

Portable computing and telecommunications equipment belonging to the College, such as laptop computers or cell phones, may be issued to Faculty and Staff Users as needed for the requirements of the official academic or administrative tasks they perform. The equipment shall remain in the possession of the User until the end of the term specified in the portable computing or telecommunication equipment lending agreements, which must be signed by the User. Saint Mary's reserves the right to recall the equipment for inventory, upgrades, repair/replacement or for any other reason, and the User will return the equipment in a timely fashion if recalled. Efforts will be made to minimize the inconvenience of a recall to the User. This equipment shall not be repaired or altered in any way except by Computer and Technology Services or Telephone Services personnel. The User shall notify the appropriate (CaTS or Telephone) Help Desk promptly when either of these tasks are needed. The User must report any damage or loss of the equipment to CaTS or Telephone Services immediately. Stolen equipment must also be immediately reported to Public Safety and an Incident Report filed. Damage or loss caused by neglect or carelessness may cause all or a part of the repair or replacement costs to be charged to the User. Saint Mary's may consider a failure by the User to report loss or damage in a timely fashion as evidence of the User's responsibility for such loss or damage.

Portable computing and telecommunications equipment belonging to Saint Mary's should be used primarily for college-related work. Excessive use for non-College related activities is not appropriate, and, in the case of portable telephone equipment, the User may be charged for excessive personal calling if so deemed by the User's supervisor. Portable computing equipment must be used in compliance with all applicable copyright laws. This means that only properly licensed software may be installed on the equipment. The User will ensure that any licensed software installed on College owned portable computing equipment which is not covered by licenses owned by Saint Mary's, or are open-sourced (free, without restriction), have licenses that permit the installation and use of the software on college-owned equipment. The User will also maintain records of the licenses and purchase information of any such software so that it can be produced if required during a copyright audit. Please refer any questions on this requirement to the Director of CaTS.

Failure by the User to abide this policy may result in the loss of all User privileges of portable equipment owned by Saint Mary's.

3.2.1.2 Guidelines for Protection of Sensitive and Legally Protected Data on Portable Computing Equipment:

Legally protected and sensitive data may not be stored on a laptop hard drive or floppy drive in unencrypted form.

Legally protected and sensitive data must be stored on College file servers (e.g. FS1) , and laptop Users should download such data to their computers only on an as needed basis, and remove it from the computer when it is no longer needed.

Legally protected and sensitive data used with a laptop must be stored on a Flash Drive ("thumb drive", "flash memory stick") in an encrypted format, or on other media in encrypted format.

Flash Drives containing legally protected or sensitive data must be stored separately from the laptop.

Legally protected and sensitive data must not be stored on personal computers not owned and maintained by the College.

Users must report the loss or theft of a laptop, flash drive or any other device containing legally protected and sensitive information immediately to the Chief Technology Officer, and to their supervisors or department chairs.

Laptops must have current and active anti-virus and anti-spyware programs running at all times.

3.2.1.3 Management of Computing Resources

All Saint Mary's owned computing equipment is managed by CaTS. Management includes the installation and maintenance of all application and operating system software. This may include the installation of various software clients that aid in managing Saint Mary's owned computing equipment. No employee is permitted to evade or compromise this management or the capability of management by, including the changing of administrative passwords or rights, nor does the granting of administrative rights on any Saint Mary's owned computer to a faculty or staff member confer the right to remove or alter any method of remote or local management by CaTS.

3.2.1.4 Attachment and Use of personally-owned computing equipment on the Saint Mary's Network by Faculty, Staff and Authorized Third-Party Users

All provisions of Section 6.0 (Residential and Wireless Networks—see below) also apply to the use of personally-owned computing equipment attached to any portion of the Saint Mary's Network by Faculty and Staff members, or by authorized Third-party Users. In all cases where licensing agreements prohibit it, Saint Mary's cannot provide or install software licensed to the College on any non-Saint Mary's owned computing equipment.

3.2.2 Students

Saint Mary's recognizes that access to, and use of, Computing Resources contributes to an individual's personal and intellectual development. Therefore, student Users may use Computing Resources for both academic and personal use. However, in an effort to allocate Computing Resources fairly, Users engaged in personal activities that place an undue burden on Computing Resources may be asked to discontinue such use.

3.3 Accounts

Generally, Users are issued an Account or Accounts at the beginning of his or her relationship with Saint Mary's to gain access to appropriate Computing Resources. However, if an individual qualifies for an Account but does not have an Account, one may be obtained by contacting CaTS.

3.3.1 Passwords

Saint Mary's may, and from time to time, shall monitor any and all aspects of a system, including but not limited to, logon sessions, E-mail use, Internet use, Intranet use, and other uses of Saint Mary's Computing Resources to determine if a user is acting in violation of Saint Mary's policies or rules. The issuance of a User's password or other means of access is to assure appropriate confidentiality of College files and information and does not guarantee privacy for personal or improper use of College equipment or facilities.

3.4 Adding Computing Systems

The College seeks to provide necessary resources to meet needs. However, individuals seeking to add their own computing systems to Saint Mary's Computing Resources must meet with their supervisor (i.e., manager, department chair, or dean) for approval and then must meet with CaTS in order to determine whether Computing Resources exist to meet the need.

3.4.1 Hardware and Software

CaTS requests that Users refrain from installing/attaching unsupported hardware and/or software to Computing Resources. Upon the discovery of unauthorized hardware and/or software, including but not limited to unauthorized software, it will immediately be removed from Saint Mary's Computing Resources by CaTS. Saint Mary's is not responsible for any lost data due to such removal.

3.4.2 Servers

CaTS is responsible for the overall maintenance of Saint Mary's Computing Resources. An important part of this responsibility is to ensure the overall security of all Computing Resources. When computers and devices attached to the network run network services (i.e., web servers, file sharing, e-mail servers, etc.) these services "open" a computer to security risks. When one Computing Resource is compromised or "hacked" others on the network become easier to compromise.

Saint Mary's also recognizes the benefit that running these services may have to the educational purposes and business needs of the College. Therefore, CaTS strives to provide open and reliable access to these services for the whole College community. Under some circumstance, some non-student Users (individual student Users are not permitted to run networks or servers) may need to run their own network services on their own machines. Student Users may not operate servers on the College's network, only sanctioned student groups are permitted to do so.

Use of networked servers attached to Saint Mary's Computing Resources by faculty and staff is subject to the terms and conditions of this Policy. The administrator of the attached system is responsible for all traffic that originates from that system. However, because CaTS is primarily responsible for all Computing Resources the following policies are also in effect:

Faculty and staff run servers on Saint Mary's Computing Resources shall be for the purpose of supporting the educational needs and business purposes of the College.

All servers must pass security audits conducted by CaTS.

3.5 Archiving and Retention

Saint Mary's record management policies do not distinguish among media. As such, electronic data and information, including but not limited to E-mail records, are subject to these policies, which include archiving (backing-up) Electronic Information. Users' Electronic Information is copied in the normal course of business when Electronic Information is archived. Users of Computing Resources should be aware that despite the sender and recipient having both discarded their copies of an electronic record, there may be retrievable back-up copies. Systems may be "backed-up" on a routine or occasional basis to protect system reliability and integrity, and to prevent potential loss of data. The back-up process results in the copying of data onto storage media that may be retained for periods of time and in locations unknown to the originator or recipient of Electronic Information. The practice and frequency of back-ups and the retention of back-up copies of Electronic Information vary from system to system.

Users should be aware that, during the performance of CaTS's duties, staff and other personnel need from time to time to observe certain transactional addressing information to ensure proper functioning of Saint Mary's Computing Resources, and on these and other occasions may see the contents of Electronic Information. Therefore, the security and confidentiality of E-mail and all other Electronic Information cannot be guaranteed.

3.5.1 Back-up of College documents and data

In order for the College to properly back up College business documents and data, employees of the College who use Windows-based computing equipment must store any such business documents and data files in the "My Documents" directory on their local computer. This is the only directory that is synchronized with network backup systems, and must be used for the proper and secure retention of electronic business documents and data.

3.6 Maintenance

Any Electronic Information, which contains incorrect or out-dated information may be removed until corrected. CaTS will attempt

to provide reasonable notice of the removal of Electronic Information, but reserves the right to act without notice if the situation warrants.

4.0 WEB PAGES

4.1 Introduction and Universal Policy: Applicable to all Web Pages

Saint Mary's College recognizes the educational value of the exchange of Electronic Information. Saint Mary's web pages provide the College with the opportunity to share itself, its mission, and its culture over the Internet. Therefore, it supports students, faculty, staff, and other employees in the electronic publication of information and collaborations.

Information posted or made available on Users' web pages must be the original work of Users and must not be the intellectual property or copyrighted work of other persons or entities, unless appropriate permission has been obtained by the User.

Web pages that represent official information about the College are clearly different from those pages that are solely intended for the educational and personal use of Users. The College is sensitive to the desire of Users to express their ideas on User Web pages. Therefore, the College has set forth the following guidelines.

4.2 Saint Mary's Official Web Pages

4.2.1 Purpose

The Official College pages communicate with internal as well as broad external audiences, including prospective students, alumni, constituents and the general public. Therefore, the appropriate supervisor (e.g., manager, department chair, or dean), in collaboration with the Webmaster, shall review and approve the content of all official web pages. (Note: the appropriate supervisor for registered student clubs and organizations is the Assistant Dead of Student Involvement and Leadership.) As well as adhering to this Policy, these pages must conform to aesthetic standards (e.g. - font, symbols, and other user interface elements) as well as style guidelines.

4.2.2 Official Content

The official Saint Mary's web pages are official publications of the College. Official pages include content related to academic programs, administrative and student support offices, programs and services, official College programs and intercollegiate athletic teams and activities.

Original text, photographs and graphics appearing on the official pages of Saint Mary's web site are copyrighted by Saint Mary's and may not be reproduced or altered without written permission from Saint Mary's.

4.2.3 Responsibility

The Webmaster provides for the overall management of the web pages, operational practices and policies and for the presentation of a consistent image within the College's publication standards. CaTS is responsible for maintenance of web servers.

4.3 Departmental and Student Organization Web Pages

Official Departmental and Student Organization web pages provide individual groups within the College an opportunity to share specialized interests and information over Saint Mary's

Computing Resources generally (e.g., SMCnet), as well as over the Internet. Departments and Student Organization pages bear official ties to the College and therefore must conform to the requirements found in the section (above) pertaining to official web pages. Included in Departmental pages are any pages developed by faculty and staff to support the mission and business of the College.

Each Department or Student Organization with web pages has the responsibility to maintain its own pages by at least an annual review. Each department and Student Organization is responsible for the editorial content of these pages. CaTS, via the Webmaster, provides support to Departments and Student Organizations in the maintenance of their web pages.

4.4 Personal Home Pages

Personal home pages provide an individual with an opportunity to share personal interests and information to friends, family, and the world at large via the Internet. Personal pages concentrate primarily on personal information and non-professional interests of a User. Users are afforded extended creative license in structuring these pages. However, Saint Mary's expects Users to maintain basic standards of decency, courtesy, civility, and maturity when creating personal pages using Saint Mary's Computing Resources or when posting personal web pages on Saint Mary's servers. Any User not wishing to comply with this guideline has the option of finding an independent Internet service provider to host that User's personal home pages, at the User's own expense.

For system administration and general disclosure purposes, each personal web page shall contain contact information for the person responsible for maintenance of the web page. Each page should also contain the date on which it was last updated. This information may be provided as text in the document or as a link. This encourages the page manager to keep it current thus protecting the viewer from unknowingly reading outdated information.

Saint Mary's accepts no responsibility for the content of those personal home pages. Saint Mary's College does not pre-approve, monitor, or exert editorial control over personal pages. Nonetheless, personal web sites must conform to all terms and conditions of this Policy.

Personal pages should not carry any Saint Mary's logo, the name, or any abbreviation of, Saint Mary's College of California in such a manner as to suggest that the page is affiliated with Saint Mary's in any way. This does not include a factual statement regarding Saint Mary's being the User's web service provider, place of employ or place of study.

THE PERSONAL HOME PAGES OF SAINT MARY'S COLLEGE STUDENTS, STAFF AND FACULTY DO NOT IN ANY WAY CONSTITUTE OFFICIAL COLLEGE WEB CONTENT. THE VIEWS AND OPINIONS EXPRESSED IN THE PERSONAL PAGES ARE STRICTLY THOSE OF THE PAGE AUTHORS, AND COMMENTS ON THE CONTENTS OF THOSE PAGES SHOULD BE DIRECTED TO THE PAGE AUTHORS.

If activities or content is discovered that may constitute a violation of this Policy or is suspected of violating any law, Saint Mary's shall investigate the situation according to the applicable procedure.

CaTS provides for the overall management of the personal web servers. The Webmaster processes requests for personal web space.

5.0 ELECTRONIC MAIL (EMAIL)

5.1 General Information: Security and Privacy

The nature of E-mail makes it less private than Users may anticipate. For example, E-mail intended for one person sometimes may be widely distributed because of the ease with which recipients can forward it to others. A reply to an electronic mail message posted on an electronic bulletin board or "listserver" intended only for the originator of the message may be distributed to all subscribers to the listserver. Furthermore, even after a user deletes an E-mail record from a computer or an Account, it may persist on backup facilities. Saint Mary's cannot protect Users against such eventualities.

Saint Mary's is not the arbiter of the contents of E-mail. Saint Mary's is not technologically capable of protecting Users from receiving E-mail that the Users may find offensive. Members of the Saint Mary's community are strongly encouraged to use the same personal and professional courtesies and considerations in E-mail as they would in other forms of communication, in addition to abiding by the terms of this Policy.

There is no guarantee that E-mail sent through Computing Resources are in fact sent by the purported sender, since it is relatively straightforward, although a violation of this Policy, for senders to disguise their identity. Furthermore, E-mail that is forwarded could be modified by persons other than the original sender.

College E-mail addresses are owned by Saint Mary's. Electronic mail, whether or not created or stored on Saint Mary's Computing Resources, may constitute a College record subject to disclosure under certain laws.

Electronic Information, including E-mail, is backed up to assure system integrity and reliability, not to provide for future retrieval, although backing up may at times serve the latter purpose incidentally. Under some circumstances, Saint Mary's could be required to disclose to outside parties certain electronic records, including but not limited to E-mail, web pages, or other electronic data archived by Saint Mary's. Saint Mary's may itself access or disclose User Electronic Information to law-enforcement agencies or other entities, consistent with this Policy and all applicable laws requiring such disclosure.

5.2 Representations

E-mail Users shall not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of Saint Mary's or any unit of Saint Mary's unless appropriately explicitly authorized (explicitly or implicitly) to do so. Where appropriate, an explicit disclaimer shall be included unless it is clear from the context that the author is not speaking on behalf of Saint Mary's. An appropriate disclaimer is: "These statements are my own, not those of Saint Mary's College of California, its board of Trustees, or its Regents."

5.3 Lists and Aliases

Saint Mary's maintains e-mail lists and aliases to enhance the facilitation of communication among the Saint Mary's community, as well as with parties outside of the College community. Certain lists are for critical communication and are accessible only by

president and vice presidents. Other lists may be created, as necessary, by Users working with their appropriate academic or administrative supervisor and CaTS. Users who participate in e-mail lists are encouraged to exercise good judgement when posting to lists. Users posting to a list are also encouraged to be aware of the intended and expressed purpose of the list, as well as the other members of the list.

6.0 RESIDENTIAL AND WIRELESS NETWORKS

The Residential and Wireless Networks are shared, finite resources installed by the College to promote scholarship and learning for all students. Accidental or intentional disruption of the residential or wireless networks will deprive others of access to this Computing Resource. Persons attaching computers to the College's residence hall or wireless networks must comply with all other portions of this Policy. Additionally, the administrators of the residential and wireless networks have the following specific policies:

6.1 Responsibility

Users are responsible for all traffic originating from their machine, regardless of whether they generated it or realize that they have violated any specific policies. In most cases, unintentional violations will result in a temporary loss of network access pending the resolution of the problem.

6.2 Identification

All machines connected to the residential or wireless network must be authorized by CaTS before use. This is done by accessing the authorization web page upon opening a web browser and entering the User's Internet Account username and password. Network access is not allowed without following this procedure each time the machine is used on the residential network.

6.3 Network Addresses

Network addresses on the residential or wireless networks are assigned by the residential network DHCP server. All machines connected to the residential or wireless networks must be configured to use DHCP to obtain their IP network address. Static addresses are not allowed. Any machine found with an address not assigned by the residential or wireless networks' DHCP server will be disconnected.

ResNet subscribers may not register a domain name or alias with an outside provider that points to a machine on the Residential Network.

6.4 Routers and Servers

No routers, servers or wireless access points are permitted to be attached to the SMC residential or wireless networks. Any devices that provide such services will be immediately disconnected from the campus network. Ethernet hubs, which allow multiple devices to be connected to a single network jack, are not routers and are allowed.

Most computer operating systems do not provide routing functionality and are by default safe to attach to the network. Some operating systems such as Windows NT, Windows 2000, as well as most Unix and Linux implementations have the ability to provide routing functionality. If a User uses one of these operating systems, the User must make sure that all routing functionality is disabled. These operating systems also frequently provide server

functionality by default. Users must make sure that all server services are disabled before attaching such a machine to the residential or wireless networks. Routing and some network services, such as DHCP servers can disrupt the ability of others to use the residential or wireless networks. If routers or servers are found to be operating, they will be immediately disconnected. All types of servers are prohibited, including but not limited to, web servers, FTP servers, IRC/chat servers, streaming audio/video servers, web cameras, DHCP servers, mail servers, anonymous remailers, and file servers. This includes Windows and MacOS personal file sharing services.

6.5 Network Traffic

Use of any type of "packet sniffing" or other similar program or device by Users is strictly prohibited. Users may run a packet sniffer in non-promiscuous mode (you may sniff your own machine's packets only).

It may not be feasible to provide unlimited connectivity for systems that are not strictly serving the College's missions. Because of this possibility, CaTS may limit network usage of residential systems. This may be implemented through bandwidth caps, restriction or blocking of services, or other means.

6.6 Security

Users are responsible for the security and integrity of their own systems. If a system has been "hacked" or otherwise compromised, CaTS shall disconnect it from the network to prevent it from interfering with the proper operation of the network. Reconnection shall only occur after a thorough test of the system has been done by CaTS to verify that the any problem has been corrected.

6.6.1 Virus Protection

The residential and wireless networks are shared community resources, which means that a computer "virus," "worm" or similar software can compromise the functioning of the entire network and can infect other computers on the network. Consequently, all computers attached to the residential or wireless networks are required to have an approved "virus protection" program installed and running, and currently updated to include the most recent virus protection offered. Additionally, Users' computers connected to the residential or wireless networks must have installed all the operating system "patches" provided by the operating system's software company to fix potential security risks in the operating system.

6.7 Abuse

Systems found to be running programs that disrupt network services or attack (including Denial of Service attacks) machines on or outside the campus network will be disconnected immediately. Depending upon the situation, disciplinary action may be taken by the College.

6.8 Common Problems: Music files and Software Piracy (warez)

The distribution of copyright protected materials is illegal and is in direct violation of this Policy. Distribution of copyright protected software is similarly prohibited unless the copyright specifically allows redistribution, such as software covered under a "freeware" type license, such as the GNU general public license, or by express permission of the copyright holder.

7.0 Computer Laboratories

The Computer Laboratories maintained by Saint Mary's, including those at Extended Education campuses and inside residence halls, are resources installed by the College to promote scholarship and learning for all students. Accidental or intentional disruption of Computer Laboratories will deprive others of access to these important Computing Resources. Any Person using Computer Laboratories must comply with all other portions of the College's this Policy.

Additionally, the following specific policies apply:

7.1 Keys

Keys to computer labs are issued for use only by the person to whom they are issued. Keys to computer labs are not to be loaned to anyone. The physical security of computer labs is not to be compromised in any way, including, but not limited to, leaving labs unlocked when not in use, or propping doors open.

7.2 Lab Supervision

Computer laboratories shall not be accessible unless an CaTS authorized lab supervisor (i.e., Student Lab Monitor or Instructor with lab access) is on duty in the laboratory. Users of the computer labs shall obey the instructions of lab supervisors and other College employees. Behavior that is disruptive to other users of the facility is prohibited. Such behavior might include, but is not limited to, eating, drinking, making excessive noise, using aggressive or abusive language, or playing games.

7.3 Software and Systems

Users are responsible for leaving computers and workspace in laboratories clean and ready for the next User. This requires that User closes all open applications, logs out of any attached servers, and removes personal items (including diskettes and printouts) from the computer and workspace. Use of laboratory computers that are logged in under an Account other than one's own is prohibited.

8.0 PROHIBITED ACTIVITIES

Users are subject to all laws and Saint Mary's rules and policies applicable to User conduct, including not only those laws and regulations that are specific to computers and networks but also those that may apply generally to personal conduct. Misuse of computing, networking, or information resources will result in disciplinary action, loss of computing privileges, and/or legal action.

8.1 Abuse of Resources

Users who knowingly and without prior authorization disclose confidential matters will be subject to appropriate discipline by the College, as will those who intercept or enter other College or User Accounts, communications, whether or not these relate to confidential matters, will also be subject to discipline, unless 1) the disclosure has also been specifically authorized as provided below, 2) the information was intended to reach the individual receiving the correspondence, 3) the disclosure is necessary to correct improper message routing or to forward miss-routed communications to their intended recipients, 4) the disclosure is to the recipient's supervisor, or other appropriate authority, and the correspondence reached the recipient because of machine or sender routing error, or 5) the disclosure is to the recipients supervisor, and the correspondence seems to contain evidence

of improper use of Computing Resources, of conduct violating College rule or Policy, or of illegal activity.

8.2 Examples

Examples of misuse and prohibited conduct include, but are not limited to, the activities in the following list. It is against Saint Mary's Policy to engage in any of these actions:

- Reproducing, distributing or displaying copyrighted materials without prior permission of the copyright owner. This includes text, images, photographs, music files, sound effects, and other legally protected works.
- Using an Account, IP address, computer name or port that you are not authorized/assigned to use.
- Sharing a password for your Account.
- Deliberately or inadvertently wasting Computing Resources.
- Using Computing Resources to harass others, or to create, store, or transmit libelous or obscene materials.
- Sending chain and junk mail, disseminating mass mail without permission, and creating/distributing mail "bombs."
- Using Saint Mary's Computing Resources to gain unauthorized access to any computer systems. This includes the use of programs such as WinNuke, any sniffer or network monitoring software, Crack or any other software that is used to assist in the compromising of a computer system or User Account.
- Knowingly performing an act that will interfere with the normal operation of third party computers, terminals, peripherals, networks, or any Saint Mary's Computing Resources.
- Knowingly running or installing on any computer system or network, or giving to another person, a program intended to damage or to place files on another Users' Account or system without their knowledge.
- Using applications that inhibit or interfere with the use of the network by others.
- Attempting to circumvent data protection schemes or uncover security loopholes.
- Violating terms of applicable software licensing agreements or copyright laws.
- Masking the identity of an Account or machine, or using a false identity.
- Posting on electronic bulletin boards materials that violate existing laws, Saint Mary's codes of conduct, or any other Saint Mary's Policy applicable to the User.
- Attempting to monitor or tamper with another person's electronic communications, or reading, copying, changing, or deleting another person's files or software without the explicit permission of the owner.
- Using Computing Resources for personal or political gain, including running a business for profit or non-profit purposes, promoting and selling products and services, commercial advertising, commercial businesses not authorized by Saint Mary's, etc.
- Using Computing Resources for political campaigning.
- Student Users may not provide services or Accounts from student User computers to anyone. (e.g. - web servers, FTP servers, software such as Napster (running in file sharing mode) that functionally turns a personal computer into a server, etc.)

- Registering a Saint Mary's IP address with any other domain name (i.e., www.username.com).
- Capturing passwords or data on the network or Internet not meant for you.
- Providing a pass-through site to other campus hosts.
- Modifying or extending Saint Mary's network services and wiring beyond the area of its intended use. This applies to all network wiring, hardware and in-room jacks.
- To minimize destructive hacking, do not provide information about the networks to News-feeds, Anonymous FTP site, BBSs, etc.
- Posting private personal information without permission, including but not limited to grades, medical records, or any other information that is protected by law or by Saint Mary's policies.
- Web pages may not be established on Saint Mary's servers on behalf of non-Saint Mary's organizations, firms, or individuals.

9.0 ENFORCEMENT

9.1 Revocation of Privilege and Disciplinary Action

Saint Mary's reserves the right to limit or deny access to its Computing Resources when any Saint Mary's policies or any applicable federal, state, or local laws are violated or when Saint Mary's receives notice or believes that there is a violation by a User. Saint Mary's College will investigate violations of this Policy in the same manner as it investigates violations of other Saint Mary's policies or other disciplinary matters. The particular investigative and disciplinary processes that shall be used will depend upon the status of the User (e.g., student, faculty, staff, or other). A reference to the full description of the applicable process can be found in the appropriate handbook, employment manual, or employment information packet. Third Party Users and other individuals who are subject to this Policy but might not be subject to any other Saint Mary's policy or disciplinary process (e.g., library patrons), may lose the privilege to use Saint Mary's Computing Resources for violating this Policy.

9.1.1 Minor Violations

In the case of minor violations, CaTS will attempt to contact the User by E-mail, telephone, or in person to explain the violation and to attempt a simple resolution of the issue. Should CaTS be unable to resolve cooperatively such issues, CaTS may take further action as may be necessary to mitigate any potential impairment of other User's ability to use Saint Mary's Computing Resources, including the temporary removal of User's electronic information from Saint Mary's Computing Resources.

9.1.2 Major Violations

In the case of major violations, including but not limited to possible violations of law, in addition to invoking any applicable disciplinary process, CaTS will immediately attempt to mitigate any actual or potential impairment of other User's ability to use Saint Mary's Computing Resources, and to mitigate any actual or potential damages that may occur as a result of the violation of federal, state, or local law. Mitigation efforts may include, but are not limited to, suspension of a User's access to Saint Mary's Computing Resources and the removal of a User's web page(s) or other electronic information or data stored on Saint Mary's Computing Resources. Prior notice of the suspension or take down is not necessary. CaTS will notify the User of the violation and of the mitigation action as soon as is practicable under the circumstances.

9.2 Discovery of Policy Violations Through Routine Maintenance

CaTS staff occasionally, and randomly, examine the routing information of communications and monitor transactions and traffic across Computing Resources, to evaluate, among other issues, volume of traffic and the general use of system resources. Saint Mary's periodically may view the content of material transported across its networks or posted on Computing Resources as part of its effort to maintain quality service and reliable delivery of electronic information. CaTS has the authority to immediately exclude a User from any Computing Resource where CaTS has a reason to believe that a User presently poses or may pose harm to the system or its information and/or data, or where CaTS discovers, inadvertently through its routine maintenance activities, possible violations of law or policy.

9.3 Reporting

If a User suspects that a particular behavior is in violation of this Policy, he or she should contact CaTS. Saint Mary's does not expressly monitor the content of User web pages and other electronic information, including but not limited to E-mail, for the purpose of enforcement of this Policy. However, Saint Mary's will take appropriate action should it become aware of any suspected policy violations (See section 9.2 above).

Since it is impossible for Saint Mary's to anticipate and thus give examples of every possible violation of this Policy, other applicable policies, or law, it is incumbent upon each User to consider the consequences of his/her own actions. To the extent that a violation of this Policy is also a violation of any federal, state, or local law, Saint Mary's shall assist and encourage full enforcement of such laws by the appropriate public entity.

9.4 Violations of Law

In addition to Saint Mary's disciplinary procedures, a User may face other serious consequences imposed by public authorities. Violations of law, if brought to Saint Mary's attention, may result in the temporary or permanent termination of User's access to Computing Resources. Blatant or repeated violations of law and/or this Policy, will result in CaTS immediately removing a User's web page or other information from Saint Mary's Computing Resources and the User shall be referred to the appropriate party for disciplinary action.

In the case of copyright infringement, Saint Mary's is bound by certain legal procedures designed to mitigate any damage that may be perpetuated by continuing acts of copyright infringement. Saint Mary's has taken reasonable steps to comply with the Digital Millennium Copyright Act (the "DMCA"). In accordance with the DMCA, at 17 U.S.C. § 512 (a), et seq., upon receipt of proper notification by a copyright owner of an alleged copyright infringement, Saint Mary's will expeditiously take all appropriate and necessary actions, including but not limited to, the removal or disabling of access to the allegedly infringing material.

Policy last revised 09-07-06

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.