

Student Handbook

ST. MARY'S UNIVERSITY



St. Mary's University of San Antonio, Texas is an independent Catholic institution inspired by the Gospels and shaped by the rich tradition of the Society of Mary (Marianists). Founded and fostered as a community of faith for the advancement of the human family, the university gives Christian purpose and dynamism to a pursuit in which people of varied traditions and experiences unite in commitment to an educational venture, in dedication to a life of scholarship, and in the extension of service to society.

This is an excerpt from "A Statement of Mission for St. Mary's University," which has been the focus of the university's educational purpose since its founding in 1852.

THROUGHOUT THIS HANDBOOK YOU WILL FIND POLICIES AND PROCEDURES THAT ARE DESIGNED TO PROTECT YOUR RIGHTS AS A STUDENT AT ST. MARY'S UNIVERSITY. THE ENTIRE STUDENT HANDBOOK IS DESIGNED TO OUTLINE PROCEDURES, SERVICES AND POLICIES GUARANTEED TO YOU AS A STUDENT.

UNIVERSITY POLICIES AND PROCEDURES

Academic Honor Code

St. Mary's University, a Marianist institution of higher education, strives to instill in its students the Marianist concepts of faith, scholarship, leadership and education. In line with these concepts, the Honor Code requires St. Mary's University students to strive for the maximum degree of integrity, honesty and ethics in their academic lives and encourage all members of the community to act in an equivalent manner. Infractions upon the Honor Code will be dealt with justly according to the processes of the standing St. Mary's University Student Code of Conduct.

Academic and Financial Policies Applicable to Military Personnel and Reservists

If a student in active or reserve military services is required by the military to withdraw from the University due to a military crisis, he or she will be entitled to a full tuition refund. If such a withdrawal is necessary, no academic penalty will be incurred. Students receiving federally funded financial assistance will have to abide by the appropriate regulations. With the approval of the class instructor, an extension of time may be allowed for completion of courses which are interrupted.

The Ethical and Legal Use of Computing at St. Mary's University

St. Mary's University, a community of faith committed to an educational venture, dedicated to scholarship, and reaching out in service to society, encourages the use of university computing services to share information, improve communication and exchange ideas. All students, faculty and staff are provided with access to university computing systems. The policies concerning the legal and ethical uses of computing systems at St. Mary's University promote these principles within the context of the university's mission and legal and ethical obligations.

These policies are applicable to any member of the university community, whether at the university or elsewhere, and refer to all information resources on St. Mary's University equipment or connected to the university network either by direct connection or modem. Individual units within the university may define "conditions of use" for facilities under their control. A detailed listing regarding access authorization is provided by the Academic Vice President's Office and reviewed annually.

The full policy is available on the University's web pages at: www.stmarytx.edu

Equal Opportunity, Non-discrimination and Affirmative Action Policies

St. Mary's University, in principle and in practice, does not countenance unlawful discrimination on the grounds of age, gender, religion, race, color, national or ethnic origin, mental or physical disability, or status as a disabled or Vietnam Era veteran, in its educational programs, admissions policies, employment policies, financial aid or other school administered programs. This policy is enforced by Title IX of the Education Amendments of 1972, Title VI and VII of the Civil Rights Act of 1964 and section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1992. *This policy protects your right to be a member of the St. Mary's community without discrimination.*

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are: (1) the right to inspect and review the students' education record; (2) the right to request the amendment of the students' education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the students' privacy or other rights; (3) the right to consent to disclosures of personally identifiable information contained in the students' education records, except to the extent that FERPA authorizes disclosure without consent; (4) the right to file with the U.S. Department of Education a complaint concerning alleged failures by St. Mary's University to comply with the requirements of FERPA; and (5) the right to obtain a copy of St. Mary's University's student records policy. You can obtain a copy of this policy from the Registrar's Office or online at www.stmarytx.edu/registrar.

A list of information considered "directory" information is available in the University Catalog or from the Registrar's Office. *This policy protects your right to privacy and confidentiality.*

Immunization Policy

(Student Health Center, Charles Francis Hall)

www.stmarytx.edu/healthcenter

Effective June 1, 2003, **all new students** will be required to provide a signature confirming receipt of information regarding the risk of meningococcal meningitis on a college campus.

In addition, **all students living on campus and all international students** (undergraduate, graduate, law and PhD) entering the University must show proof that they have received the following immunizations:

REQUIRED VACCINATIONS:

1. **Tetanus-Diphtheria (Td)**- Must have received within the past 10 years.
2. **Measles, Mumps and Rubella (MMR)**- Documentation of 2 doses of MMR required. *All students born prior to 1957 do not have MMR requirement.*
3. **Polio series**- required of students under the age of 18.
4. **PPD skin test**- *required of all international students and students born outside of the United States*, regardless of previous BCG vaccination.
 - a. Documentation of a PPD (Mantoux) skin test for tuberculosis performed and read in the United States within 12 months of admission to STMU.
 - b. Documentation must include measurement (in mm) of reaction to the test.
 - c. If a PPD is positive, then a chest x-ray within one year is required.
 - d. Only PPD tests performed in the United States will be accepted.

RECOMMENDED VACCINATIONS:

1. **Meningitis Vaccine**-The CDC, ACIP and ACHA recommend all college students, especially freshman living in dormitories become immunized against meningococcal meningitis to reduce their risk of getting this potentially fatal disease.
2. **Hepatitis B Vaccination**
3. **Varicella Vaccine**-if no history of chicken pox in childhood
4. **Influenza Vaccine**- Annual vaccination is recommended to avoid disruption of academic activities.

Failure to provide proof of these immunizations to the Student Health Center by the 12th class day of the semester the student enters will result in an administrative hold being placed on all records and a hold placed on registration for any following semester. Additionally, disciplinary charges may be filed.

Parking

(Treadaway Hall, Ground Level; ext. 6754)

www.stmarytx.edu/police

All motor vehicles operated on campus must be registered with the University Police Department. Drivers must purchase a sticker and obtain information on the rules, regulations and specified parking lots for students, faculty and staff. A valid driver's license, Rattler Card, and proof of insurance are required to obtain a sticker. Parking rules and regulations are in effect and tickets will be issued beginning with the first class day of each semester. **Limited and restricted parking is available during some on-campus events including Fiesta Oyster Bake and events at V.J. Keefe Field or the Alumni Athletics and Convocation Center.**

Posting on Campus

(Student Life Office; ext. 3714)

All materials posted on campus must first receive approval from the Student Life Office and then must be affixed only in approved posting areas. There is a waiting period for approval of items. All items must be posted by the person or organization requesting approval and can be posted only at the locations listed on the list of approved posting locations. Items may not be posted on windows and doors. Items to be posted in selected buildings must also receive approval from the dean or director's office in that particular building. All items must be removed by the date noted on the posting. Contact the Student Life Office for more information and for a copy of the full policy.

Time, Place and Manner Restrictions and Guest Speaker Policy

(Student Life Office; ext. 3714)

Each student's and organization's freedom to speak, assemble peaceably and to petition to redress grievances may not interfere with the rights of others to the orderly effective use and enjoyment of facilities and services. The university, through the Student Life Office, retains the legal right to restrict individuals' and organizations' activities in terms of time, place and manner when it can be demonstrated that the planned activity may interfere with the above. Such free speech activities are normally permitted to occur in the Pecan Grove or in the Quad and only after class periods have ended or between classes. Such activities may not occur before 7 a.m. or after 10 p.m. STMU reserves the right to add or delete locations at its discretion at any time. All requests for public access to such facilities must be made to the Student Life Office for review and approval.

Activities may not interfere with the normal classroom environment, may not block entrances and walkways or interfere with normal university business. *This policy protects your right to freedom of speech and to voice opinions and protest peacefully in a manner that is consistent with the Catholic and Marianist mission of St. Mary's University.*

ST. MARY'S UNIVERSITY POLICY ON SEXUAL HARASSMENT

St. Mary's University reaffirms the principle that its students, faculty and staff have a right to be free from sex discrimination in the form of sexual harassment by any member of the university community.

Definition

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status.
- b. Submission or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile, or offensive working environment.

This definition will be interpreted and applied consistently with the accepted standards of mature behavior, academic freedom and freedom of expression.

Sexual harassment in any situation is unacceptable; it is particularly damaging when it exploits the educational dependence and trust between students and faculty. When the authority and influence inherent in faculty-student relationships, whether overtly, implicitly, or through misinterpretation, is abused in this way, there is potentially great damage to individual students, to the person complained of, and to the educational climate of the university. To be defined as harassment, a particular

interaction must be unconsented to and offensive. Faculty members and other individuals in positions of authority should be sensitive to the questions about mutuality of consent that may be raised and to the conflicts of interest that are inherent in personal relationships where professional and educational relationships are involved.

I. Informal Consultation

- A. Most cases regarding sexual harassment can be informally resolved between the parties themselves or with the help of someone else. Such informal resolution might take the form of clarifying the kind of behavior that may be objectionable and reaching the understanding that the incident does not constitute sexual harassment.
- B. Careful attention should be given to the overall context of the occurrence(s).
- C. When concerns are resolved informally, all parties should be cautioned that in cases where repetition of improper conduct occurs, formal investigation and sanctions could follow.
- D. A major purpose of consultation and informal resolution is to resolve problems, heighten awareness, and achieve changes in behavior without resorting to formal investigatory or disciplinary proceedings. Nothing in this paragraph, however, should be construed as discouraging more formal procedures when the seriousness or repetitive character of the offense makes that the more appropriate course of action or when the complaining party is not satisfied with the proposed resolution. The person hearing the concern may encourage moving to a formal complaint when, in his or her judgement, the problem has a sufficient degree of seriousness, or is a repetition of previous problems, so as to indicate that informal resolution has been inadequate.

II. Guidelines for Formal Complaint

- A. It is a serious violation of university policy to fail to investigate complaints reported by a person who believes he/she is or has been the subject of alleged sexual harassment, and to fail to take timely corrective action in the event the misconduct has occurred.
- B. Filing a complaint or reporting sexual harassment will not cause any negative reflection on the individual's status as faculty, administration or staff (hereinafter non-faculty) or student, nor will it affect any future employment, compensation, work assignment or evaluation of the individual. Retaliation against a person for filing a sexual harassment complaint is grounds for a subsequent harassment complaint. Likewise, the person accused of sexual harassment is entitled to the same protection until such time as the charges may be substantiated by investigation.
- C. The preference for maintaining confidentiality and limiting information to those with a need to know will be emphasized to all parties involved.

III. Procedure for a Formal Complaint

- A. Based on the status of the complainant, the reporting process is as follows:
 - 1. Students report to the dean of students unless the complaint involves the dean of students, in which case, the complaint would be made to the vice president for Student Development.
 - 2. Non-faculty reports to the director of Human Resources unless the complaint involves the director of Human Resources, in which case, the complaint would be made to the vice president for Finance and Administration.

3. Faculty reports to the vice president for Academic Affairs unless the complaint involves the vice president for Academic Affairs, in which case, the complaint would be made to the president.
- B. Anyone who counsels a person who believes he/she is a victim of sexual harassment must refer the complainant to the above-stipulated officer because these officers are the only individuals charged with the authority to process formal complaints.
- C. Within 120 days of the complained event(s), the person alleging sexual harassment must submit a written, notarized description of the offensive behavior and the circumstances surrounding it to the person designated above to investigate the complaint. The alleged offender must be provided with a copy of the statement and the identity of the person making the statement within ten (10) university working days. The accused party shall then have ten (10) university working days to submit a written, notarized response to the appropriate office. At the time the accused party is provided with a copy of the complaint, both the accused party and the complainant must be notified, in writing, of the following:
 1. The no contact agreement, and
 2. Copy of the approved university policy on sexual harassment and the procedure.

IV. Investigation

A committee will be formed to investigate the complaint and to make findings of fact.

- A. For allegations against students, the investigation, time limits, and determination of sanctions, if any will be handled under the existing policies and procedures stated in the Student Handbook.
- B. For allegations against faculty members, the committee will be composed of three full-time faculty selected by the vice president for Academic Affairs. The faculty members selected may not be from the same school as that of the complainant or alleged offender. The assistant to the vice president for Academic Affairs or a designee appointed by the vice president for Academic Affairs will conduct the investigation and hearing in an ex-officio capacity.
- C. For allegations against non-faculty, the committee will be composed of three full-time non-faculty selected by the vice president with administrative responsibility for the accused. The committee selected may not be from the same vice-presidential division as that of the complainant or alleged offender. The director of Human Resources or a designee appointed by the director of Human Resources will conduct the investigation and hearing in an ex-officio capacity.
- D. For allegations against members of the Academic or Executive Council (excluding the president), the committee will be composed of three members of the Executive or Academic Councils selected by the president of the university. The president will conduct the investigation and hearing in an ex-officio capacity.
- E. For allegations against the president of the university, the committee will be composed of three members of the Board of Trustees selected by the chancellor of the university. The chancellor of the university will conduct the investigation and hearing in an ex-officio capacity.
- F. The parties to the dispute must be invited to appear before the committee and all parties may bring advisers. The adviser may be an attorney, at the parties' expense. It should be noted that attorneys have no legal presence in any meeting and are present strictly in an advisory capacity to their

client. The accuser and/or the accused are responsible for presenting his or her own information and, therefore, advisers are not permitted to speak or to participate in any meeting.

- G. The committee shall conduct a formal inquiry and call witnesses with direct knowledge of the alleged event(s) to determine the merits of the complaint. Once such a determination has been reached, the committee must report in writing its decision and its reason for that decision. The committee will send a copy of the report to the official who took the formal complaint, the official who formed the committee, the complainant and the alleged offender.
- H. If the committee finds that sexual harassment has occurred the appropriate university official may impose sanctions as stated in St. Mary's University handbooks and manuals.
- I. Should the investigating committee conclude the allegation of sexual harassment was made in bad faith, then the accused, in turn, has the option to pursue an appropriate grievance procedure.

ST. MARY'S UNIVERSITY STUDENT GRIEVANCE POLICY

Purpose

St. Mary's University is committed to a policy of treating all members of the University Community fairly in regard to their personal and professional concerns.

The primary objective of a student grievance procedure is to insure that concerns are promptly dealt with and resolutions reached in a fair and just manner. It is essential that each student be given adequate opportunity to bring complaints and problems to the attention of university administration with the assurance that each will be given fair treatment. As such, any student at St. Mary's University may file a grievance through this student grievance procedure.

Definitions

A grievance is defined as dissatisfaction occurring when a student believes that any decision, act, or condition affecting him or her is illegal, unjust, or creates unnecessary hardship. Such grievances may concern, but are not limited to, the following: academic problems; mistreatment by any university employee; wrongful assessment of fees; records and registration errors; student employment; and discrimination because of race, national origin, sex, marital status, religion, age, or disability. **Complaints covered by policies already in place (i.e. sexual harassment, grade issues, financial aid, etc.) are excluded from this policy.**

The term "student" includes all persons taking courses at St. Mary's University, both full-time and part-time, pursuing undergraduate, graduate, law or professional studies and those who attend post-secondary institutions other than St. Mary's University and/or who reside in St. Mary's University residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with St. Mary's University are considered students.

Grievance Procedure

Prior to invoking the procedures described below, the student is strongly encouraged to discuss his or her grievance with the person(s) alleged to have caused the grievance. The discussion should be held as soon as the student first becomes aware of the act or condition that is the basis of the grievance. Additionally, or in the alternative, the student may wish to present his or her grievance in writing to the person(s) alleged to have caused the grievance. In either case, the person alleged to have caused the grievance must respond to the student either orally or in writing. However, any St. Mary's University student who believes that he/she has not been treated fairly may make use of the student grievance procedure within ten (10) working days of the incident. Student grievances which are filed after more than ten (10) working days from the initial incident will not be accepted and are deemed to be waived.

Level One: Initial Review

If a student decides not to present his or her grievance to the person(s) alleged to have caused the grievance, or if the student is not satisfied with the response, he or she may present the grievance in writing to the next level supervisor within ten (10) working days of the incident.

The grievant must file a written request for a hearing, along with a complete written statement of the alleged grievance. The statement should include the name of the University official to whom the grievance is directed, and the remedy sought. If a student needs assistance regarding the initiation or presentation of a grievance, they may contact the following St. Mary's University officers for assistance:

Elsa Indridson	Human Resources Office	STLH	x3725
Dean of Students	Student Life Office	UC	x3714

The next level supervisor will conduct an informal investigation as warranted to resolve any factual disputes. The supervisor may appoint a fact-finding panel of no more than three persons from the University Community to conduct a formal investigation. The supervisor must state the terms and conditions of the investigation in a memorandum appointing the fact-finding panel. A fact-finding panel appointed hereunder shall have no authority to make recommendations or impose final action. The panel shall be limited to determining and presenting facts to the supervisor.

The supervisor's disposition of the grievance shall be based on a hearing. The supervisor will act as the chair of the grievance hearing, unless the grievant objects on the basis that the supervisor is not an impartial decision-maker. In such case, the Vice President for the respective division will appoint another chair for the hearing. The following procedures will be observed in the hearing:

The hearing will be conducted in private. Indications of irresponsible discussion of the grievance outside of the formal hearing may become the basis for allegations that due process has been violated. All parties to the hearing are cautioned against irresponsible discussion. The parties will make no public statements about the case during the course of the hearing.

During the proceedings, all parties will be permitted to have an advisor present. All parties to the grievance will have the right to obtain witnesses and present evidence. The University will cooperate with all parties in securing witnesses and making available documentary and other evidence requested to the extent permitted by law. All parties have the right to question witnesses, **however, the accused and the accuser may not question each other.** When a witness has made a written statement and cannot or will not appear, but the chair determines that the interests of justice require admission of that statement, the Chair will identify the witness, disclose the statement, and if possible, provide for interrogatories. The Chair will also grant appropriate continuances to enable either party to investigate evidence, or for any other appropriate reason.

In all cases, the burden of proof shall be on the grievant. However, the Chair will not be bound by strict rules of legal evidence. The decision will take the form of findings of fact, conclusions, and recommended disposition of the grievance. The findings of fact, conclusions, and recommended disposition must be based solely on the hearing's record, pertinent University procedures set forth in this statement, and the laws of the State of Texas and the United States of America.

The supervisor's disposition of the grievance shall be reported to the student in writing and shall inform the student of the right to seek review by the appropriate Vice President upon written appeal by the student. The supervisor's response should be transmitted to the student within ten (10) working days from the date the written grievance was received. If the disposition extends beyond the ten (10) working days the supervisor should inform the student of the delay and the expected response date.

Regardless of the disposition of the grievance, no member of the University community may harass or retaliate against a student who has filed a grievance under the University grievance procedure. Such actions of harassment or retaliation are explicitly proscribed by the University.

Level Two: Grievance Appeal Procedure

The Vice President's action will be limited to a review of the basis for the supervisor's disposition and will not involve a de novo factual investigation. Notwithstanding the above, the Vice President may, but is not required to, direct that further facts be gathered or that additional remedial action be taken. The Vice President's action shall constitute final agency action. The Vice President's decision should be transmitted to the student within ten (10) working days from the date the written appeal was received. If the disposition extends beyond the ten (10) working days the Vice President should inform the student of the delay and the expected response date.

In the event that a grievance is filed against a Vice President, the supervisor is the President of the University, and the appeal review will be conducted by the Chancellor, whose decision shall constitute final agency action. In the event that a grievance is filed against the President, the supervisor is the Chancellor, whose decision shall constitute final agency action.

Student Health Insurance

(Charles Francis; ext. 3507)

Health Insurance is required for all students living on campus and for all F-1 international students. The University will automatically bill any resident or F-1 international student for health insurance unless a waiver is approved by the Health Center before the semester begins. ***Waivers must be completed by the 12th class day.*** Health insurance is strongly recommended for commuter students as well. Information on the St. Mary's health insurance policy is available in the Student Health Center or at www.stmarytx.edu/healthcenter.

Student Right to Know/Campus Security Act

All information required by federal law under the Student Right to Know/Campus Security Act is available in Appendix A of this handbook and on the St. Mary's University web page at www.stmarytx.edu.

Victims Assistance

(Student Life Office; ext. 3714)

The university provides support and assistance to students who feel they have been victimized in any way on the campus. The Student Life Office provides these services. Victims have the right to:

- choose counseling, medical treatment, prosecution and reporting of their cases through the St. Mary's University judicial system and/or off-campus justice system, as well as, the right to refuse all of the above without reproach from any St. Mary's University personnel
- be treated with dignity and seriousness by St. Mary's University personnel
- be protected from intimidation and harm
- be made aware of existing counseling and other support services
- be entitled to the support services available through the judicial system
- be notified of any decisions made through the judicial system
- change rooms, residence halls or move off campus without penalty

CODE OF STUDENT CONDUCT

St. Mary's University, an independent Catholic Marianist institution, is unique in that it emphasizes the importance of growth, community and Christian values. St. Mary's is strongly committed to the development of the whole student and the promotion of truth, honesty, personal integrity and self-responsibility. The university is a community whose members are respected and provided with the rights and responsibilities that accompany community life. This Code of Student Conduct is intended to provide guidelines and to outline community expectations and is our means of enforcing our commitment to those goals and values outlined in the University Mission Statement.

Definitions of judicial terms as they apply to student conduct:

1. The term "*university*" means St. Mary's University (STMU).
2. The term "*student*" includes all persons taking courses at STMU, both full-time and part-time, pursuing undergraduate, graduate, law or professional studies

- and those who attend post-secondary educational institutions other than STMU and/or who reside in STMU residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with STMU are considered students.
3. The term "*faculty member*" means any person hired by STMU to conduct classroom activities.
 4. The term "*STMU official*" includes any person employed by STMU, performing assigned administrative or professional responsibilities.
 5. The term "*member of the STMU community*" includes any person who is a student, faculty member, administrator or any other person employed by STMU. The dean of students or the appropriate academic dean shall determine a person's status in a particular situation.
 6. The term "*STMU premises*" includes all land, buildings, facilities and other property in the possession of, or owned, used or controlled by STMU (including adjacent streets and sidewalks).
 7. The term "*organization*" means any number or group of persons who have complied with the formal requirements for obtaining and maintaining STMU's recognition. See the listing of currently recognized organizations at www.stmarytx.edu/studorgs/.
 8. The term "*judicial body*" means any person or persons authorized by the dean of students to determine whether a student has violated the Code of Student Conduct and to recommend imposition of sanctions.
 9. The *dean of students* is the person currently designated by the STMU president and vice president for Student Development to be responsible for administration of the non-academic components of the Code of Student Conduct. The *dean of the appropriate school* (i.e. the dean of the School of Law) is currently the person(s) designated by the president and academic vice president to administer the academic code.
 10. The term "*judicial adviser*" (JA) means the dean of students.
 11. The term "*judicial officer*" (JO) means a STMU official authorized on a case-by-case basis by the dean of students to impose sanctions upon students found to have violated the Code of Student Conduct. The dean of students may authorize a judicial officer to serve simultaneously as a judicial officer and the sole member or one of the members of a student judicial body. Nothing shall prevent the dean of students from authorizing the same judicial officer to impose sanctions in all cases.
 12. The term "*appeals board*" means any person or persons authorized by the appropriate vice president or dean to consider a review of a judicial body's determination that a student has violated the Code of Student Conduct or from the sanctions imposed by the judicial adviser.
 13. The term "*shall*" is used in the mandatory sense.
 14. The term "*may*" is used in the permissive sense.
 15. The term "*regulation*" is defined as the regulations concerning student conduct including, but not limited to, the following publications of STMU and may be amended and revised from time to time: the Code of Student Conduct, Student Handbook, Residence Life Handbook, Student Organization Handbook, Undergraduate/Graduate and Law Catalogs, and Law School Code of Student Conduct.
 16. The term "*cheating*" means an act or attempted act of deception by which a student seeks to misrepresent information. Examples include, but are not limited to:
 - a. Copying from another student's test paper.
 - b. Allowing another student to copy from your test paper.
 - c. Using textbooks, notes and other unauthorized materials during a test.

- d. Collaborating with others during a test or on a project where collaboration is not permitted.
 - e. Taking a test for someone else or permitting someone else to take a test for you.
17. The term "*plagiarism*" means the inclusion of someone else's words, ideas or data as one's own work. Examples of plagiarism include but are not limited to:
- a. Quoting another person's word, complete sentences or paragraphs, or whole works without acknowledgements of the source.
 - b. Using another person's ideas, opinions or theories without acknowledgement of the source.
 - c. Borrowing facts, statistics or other illustrating material without acknowledgement of the source.
 - d. Copying another person's essay test answer.
 - e. Copying or allowing another person to copy computer files that contain another student's assignments and submitting it either in part or in full as one's own work.
 - f. Working together on an assignment or sharing computer files and submitting that assignment as one's own individual work.
18. The term "*fabrication*" means the intentional use of invented information or the falsification of research or other findings. Examples of fabrication include but are not limited to:
- a. Citation of information not taken from the source listed.
 - b. Listing sources in the bibliography that was not directly used in the exercise.
 - c. Submission of a paper, lab reports or research activity that is falsified, invented or fictitious data or evidence.
 - d. Submitting work prepared totally or in part by another as your own.

19. The term "*academic misconduct*" means the intentional violation of university policies, tampering with grades, or taking part in obtaining and/or distributing any part of an unadministered test. Examples of academic misconduct include but are not limited to:
- a. Stealing, buying or obtaining all or part of an unadministered test (including answers).
 - b. Selling or giving away all or part of an unadministered test (including answers).
 - c. Bribing another person to obtain an unadministered test (including answers).
 - d. Entering a building or office for the purpose of changing a grade.
 - e. Changing, altering or supporting another student in the changing or altering of grades or other academic records.
 - f. Forging signatures or changing information on class authorization forms.
 - g. Continuing to work on a test or project after the time allowed has elapsed.

Explanation of Judicial Authority

The authority to enact and enforce regulations of the university is vested in the president of the university by the board of trustees. The responsibility for enforcing those policies may be delegated to any university official the president designates. The academic vice president is the principal officer designated for the administration of academic discipline and the vice president for Student Development is the principal officer for all non-academic discipline. The vice presidents of these two areas may assign persons designated to implement these procedures.

Generally, STMU discipline is utilized as a means of regulating conduct that occurs on STMU premises or any action or behavior that brings serious disrepute to STMU, its community and/or the pursuit of its objective.

The dean of students shall act as the primary judicial adviser for non-academic violations and shall determine the composition of judicial body and review boards with the vice president for Student Development and shall determine which judicial body, judicial adviser and review board shall be authorized to hear each case. The judicial adviser shall develop policies for the administration of the judicial program and procedural rules for the conduct of meetings that are consistent with the provisions of the Code of Student Conduct. Decisions made by the judicial body and/or judicial adviser shall be final, unless a timely request for review is filed in accordance with this code. A judicial body may be designated as arbiter of disputes within the student community in cases that do not involve a violation of the Code of Student Conduct. All parties must agree to arbitration and to be bound by the decision with no right to review.

STMU reserves the right to notify parents of dependent students regarding any conduct situation and the parents of all students regarding alcohol and other drug violations as necessary. STMU also reserves the right to designate which university officials have a need to know about individual conduct cases pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA).

In addition to the judicial bodies described in this code, the STMU Behavioral Consultation Team will review information related to students who are experiencing significant physical or psychological crisis. This team is composed of the dean of students, the director of Counseling and Testing, the director of Residence Life and is chaired by the vice president for Student Development and is authorized to take appropriate interim action.

Behavioral Withdrawal Policy: STMU reserves the right to require a counseled withdrawal of any student whose behavior, physical or psychological disorder is incompatible with minimal standards of academic performance and/or social adjustment. Students may be withdrawn for the following reasons: (1)

Students who are deemed to be a danger to themselves or others; (2) Students whose behavior is severely disruptive to others; (3) Students who refuse or are unable to cooperate with a recommended assessment and/or treatment or whose behavior or physical condition suggests a disorder which is likely to deteriorate to the point of permanent disability, disfigurement, impairment, or dysfunction without such assessment and/or treatment; (4) Students whose physical or psychological disorder requires highly specialized services beyond those available on campus and whose condition will deteriorate without additional resources.

Violation of Law and STMU Discipline:

STMU disciplinary proceedings may be instituted against a student charged with violation of a law that is also a violation of this Code, depending on the situation, without regard to the pendency of civil litigation or criminal investigation and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

When a student is charged by federal, state or local authorities with a violation of law, STMU will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a judicial body under the Code of Student Conduct, however, STMU may advise off-campus authorities of the existence of the Code and of how such matters will be handled internally within the STMU community. STMU will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students, faculty members and staff members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

ARTICLE I: ACADEMIC CONDUCT AND POLICIES

Any student found to have committed acts of dishonesty is subject to disciplinary sanctions. The dean of the appropriate school (e.g. the dean of the School of Law) is currently the person(s) designated by the president and academic vice president to administer the academic code. Acts of dishonesty include but are not limited to:

- A. Cheating, plagiarism, fabrication or any other forms of academic misconduct.
- B. Furnishing false information to any STMU official, faculty member, administrator or other STMU employee.
- C. Forgery, alteration or misuse of any STMU document, record or ID.
- D. Violation of Federal Copyright Law, i.e. photocopying without authorization, etc.
- E. Misuse of academic computing time and equipment.
- F. Definition as delineated in the undergraduate and graduate catalogs under the Heading of "Academic Honesty".

Academic Charges and Hearings

Based upon its philosophy of education, St. Mary's University is strongly committed to academic excellence, truth, honesty and personal integrity. The university expects all students to maintain a high standard of ethics in their academic activities. Hence, any form of academic dishonesty is considered a serious matter. Faculty members will inform, in writing, their department chair, with a copy to their dean, concerning any sanctions imposed upon students for academic dishonesty.

Processes to be followed in incidents of a student's alleged academic dishonesty when referred to a dean for action are outlined below.

A. Formal Inquiry by the Dean or His/Her Designated Representative

- 1. Secure from the faculty/staff member alleging the student dishonesty a written statement describing the nature and circumstances of the alleged offense.
- 2. Interview the respective faculty/staff member to clarify and to elaborate upon his/her written statement.
- 3. Secure from the accused student a written statement describing the incident.
- 4. Interview the accused student to clarify and to elaborate upon the student's written statement.
- 5. Interview any witness(es) or other person(s) identified as having or claiming firsthand knowledge of the incident.
- 6. Secure, examine and retain any physical evidence related to the incident.

B. Determination of Validity of the Alleged Academic Dishonesty

In the light of written statements, interview and available physical evidence, the dean decides the validity of the alleged violation(s) of academic dishonesty.

C. Informing the Student and the Accusing Party

No later than twenty-one (21) days after receiving a statement concerning alleged academic dishonesty, the dean completes the processes listed above and informs, in writing, the accusing faculty/staff member and the student of the alleged academic violation(s) and of the sanction(s) to be imposed.

D. Student's Right to Review

If the student wishes to review the dean's decision to the Academic Council, the student exercises this right to request a review by writing to the Academic vice president within fourteen (14) days of the dean's letter that informs the student of the dean's decision and stating the reason the student feels the decision should be changed.

E. A Review Before the Academic Council

The Academic Council is free to accept or to reject the student's request for a personal hearing before the Academic Council. Within fourteen (14) days of receipt of the student's written request for a review, the Academic Council will inform the student in writing, whether the review will be heard. Only those matters raised in the official review will be considered.

F. Final Decision and Judgment

Whether the student receives a personal hearing before the Academic Council or not, the decision of the Academic Council is final.

Student Procedures for Resolving Student Complaints About Academic Activities

In the event that an undergraduate or graduate student received a final course grade that is believed to be inaccurately and/or unfairly awarded, the following process for appeal shall be followed: *This policy protects your rights to perform academic research despite political, theological or ideological differences you may have with faculty.*

1. The student must meet with instructor within three weeks after receiving the final course grade in dispute to present substantial proof, where possible, to justify the appeal. If the instructor does not agree to the student's request, the student may forward the appeal, as presented to the instructor, to the chair of the department or graduate program director (for graduate students) through which the course is offered. The student shall inform the instructor of the appeal to the chair or the graduate program director and of the basis of which it has been taken. The instructor may inform the student and the chair or the graduate program director of the instructor's position.
2. The department chair or graduate program director shall convene a review committee consisting of at least, two tenured department faculty members other than the instructor to whom the original appeal was directed. In the event that the department chair or graduate program director is the object of the original appeal, the chair or graduate program director will ask a tenured department colleague, where possible, to convene the committee. In cases where there are an insufficient number of department faculty members eligible to review the appeal, faculty members from associated disciplines within the same school may be appointed to the committee. The faculty committee should complete its review of the appeal within thirty (30) days of the original request to the course instructor.

The task of the appeal review committee is to consider the basis of the appeal, whether it pertains to: (a) the intellectual content and requirements of the course, (b) procedural aspects of the course as described in the course syllabus, other general instructions provided by the instructor to all students in the course, and their conformity to university policy, or (c) evidence of bias

against the appellant. If the committee finds that the student's appeal is without substantial merit, the chair will inform the appellant in writing. No further action will be taken on the appeal.

The review committee may not overrule the decision of the instructor to whom the original appeal was directed. After appropriate consultation with both instructor and appellant, it may suggest reconsideration of the instructor's decision on the appeal. If the instructor is unwilling to change a decision that is in substantial conflict with the committee's findings, the committee may:

- a. Refer the appeal to the dean of the school with a recommendation to change the grade in accordance with its findings, or
 - b. Refer the appeal to the dean of the school as an unresolved matter with no recommendation.
3. The dean may not ordinarily change a grade decision that is based on the intellectual content of the course, unless the departmental committee has first recommended a change on that basis. The dean may grant relief in cases involving a procedural error in the conduct of the course, flagrant violation of the student appeal process, or evidence of bias against the student.

The dean's decision is final, and should be rendered within thirty (30) working days of the date of the original notice of appeal to the course instructor. The dean shall inform the student in writing of the decision.

In the School of Law, a separate code governing academic appeals has been enacted, and is applicable to law students.

ARTICLE II: PERSONAL CONDUCT

Any student found to have committed the following misconduct is subject to disciplinary sanctions:

- A. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other STMU activities, including public-service functions on or off campus, or other authorized non-STMU activities, when the activities occur on STMU premises.
- B. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, assault (including sexual), stalking, hate speech and/or any other conduct that threatens or endangers the health or safety of any person or is based on race, creed, color, sex, national origin, religion, disability or illness.
- C. Attempted or actual theft of and/or damage to STMU property or property of a member of the STMU community.
- D. Forgery of signatures or information or fabrication of university related documents. Falsification or deletion of information required on applications for admission.
- E. Hazing, defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Any act that is in conflict with the Texas State Statute, SCHOOLS-HAZING OFFENSE CHAPTER 1041 S.B. NO. 24. This statute is outlined later in the handbook.
- F. Failure to comply with directions of STMU officials or law enforcement officers acting in performance of their duties and/or failure to properly identify oneself to these persons when requested to do so and/or furnishing false information.
- G. Unauthorized possession, duplication or use of keys to any STMU premises or unauthorized entry to or use of STMU premises.
- H. Failure to follow all parking and/or traffic regulations on the STMU premises.
- I. Unauthorized possession, duplication or use of STMU ID card or failure to present ID when requested by STMU official acting in performance of their duties. Possession of an altered or "fake" ID on the STMU premises.

- J. Violation of published or posted STMU policies, rules or regulations.
- K. Violation of federal, state or local law on STMU premises or at any function sponsored by or participated in by STMU.
- L. Use, possession or distribution of narcotic or other controlled substances or paraphernalia except as expressly permitted by law.
- M. Use, possession or distribution of alcoholic beverages except as expressly permitted by law and STMU regulations, including public intoxication and driving while intoxicated. The STMU alcohol policy is as follows: STMU does not permit the purchase, possession, consumption or distribution of alcohol to or by persons under 21 years of age. The use of alcohol in the individual rooms and designated areas of the residence halls and at certain student-sponsored events is allowed when done in a responsible, moderate and legal manner. Kegs, party balls and wine boxes are not permitted in the residence halls at any time for any purpose. Copies of the regulations on serving alcoholic beverages at student sponsored events are available in the Student Life Office.
- N. Possession of firearms, including handguns and concealed weapons allowed by permit, explosives, fireworks, other weapons, dangerous chemicals or substances as determined by a STMU official on the STMU premises.
- O. Participation in a campus demonstration that disrupts the normal operations of STMU and/or infringes on the rights of other members of the STMU community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction that interferes with freedom of movement, either pedestrian or vehicular, on campus.
- P. Obstruction of the free flow of pedestrian or vehicular traffic on STMU premises or at STMU sponsored or supervised functions.
- Q. Conduct that is disorderly.
- R. Conduct which is lewd or indecent.
- S. Conduct which is inconsistent with the Christian goals and values that are an integral part of the STMU community.
- T. Breach of peace or aiding, abetting or procuring another person to breach the peace on STMU premises or at any function sponsored by or participated in by STMU.
- U. Disproportionate bandwidth usage and copyright infringement are violations of university policy. Copyright violation is illegal and the user is not protected because data is received and/or distributed by certain applications at no cost. Other activities which are against university policy include, but are not limited to:
 - 1. Accessing or attempting to access another individual's data or information without proper authorization.
 - 2. Obtaining, using or attempting to use someone else's password regardless of how the password was obtained.
 - 3. Tapping phone or network transmissions, including wireless transmissions.
 - 4. Making more copies of licensed software than the license allows.
 - 5. Releasing a virus, worm or other program that damages or otherwise harms a system or network.
 - 6. Preventing others from accessing services.
 - 7. Unauthorized use of University resources.
 - 8. Sending forged messages under someone else's user ID.
 - 9. Using University resources for unauthorized purposes.
 - 10. Unauthorized access to data or files even if they are not securely protected.
 - 11. Using network resources to harass, threaten or otherwise cause harm to an individual or group.
 - 12. Impede, interfere with or otherwise cause harm to the activities of others.

13. Download or post to university computers, or transport across university networks material that is illegal, proprietary, in violation of university contractual agreements or otherwise is damaging to the institution.
 14. Purchasing and installing broadband services other than St. Mary's service on campus.
 15. Harass or threaten classes of individuals.
 16. Sharing user ID's or passwords.
 17. Sending chain e-mail and virus hoaxes.
 18. Altering electronic communications to hide your identity or to impersonate another person.
 19. Sending spam email.
 20. Commercial use of University resources.
 21. Knowingly uploading or downloading child pornography.
 22. Distributing pornography to minors.
 23. Distributing scam or pyramid schemes using university resources.
 24. Copyright infringement.
 25. Software piracy.
 26. Sound and/or video recording piracy.
 27. Federal computer security violations.
 28. Bomb threats or hoaxes.
- V. Abuse of the Judicial System, including but not limited to:
1. Failure to obey the summons of a judicial body or STMU official.
 2. Falsification, distortion or misrepresentation of information before a judicial body.
 3. Disruption or interference of the orderly conduct of a judicial proceeding.
 4. Initiation of a judicial proceeding knowingly without cause.
 5. Attempting to discourage an individual's proper participation in or use of the judicial system.
 6. Attempting to influence the impartiality of a member of a judicial body or a witness prior to, and/or during the course of, the judicial proceeding.
 7. Harassment (verbal or physical) and/or intimidation of a member of a judicial body or a witness prior to, during and/or after a judicial proceeding.
 8. Failure to comply with the sanction(s) imposed under the Code of Student Conduct.
 9. Influencing or attempting to influence another person to commit an abuse of the judicial system.
 10. Discussing a judicial proceeding following the proceeding without the expressed written consent of the accused, accuser and the judicial adviser.
- W. Knowingly acting as an accessory to any of the charges listed in this code by: being present while an offense is committed and/or advising, encouraging or instigating the act; failing to attempt to discourage or prevent the offense; or facilitating the offense in any way.
- X. Pledging or associating a student organization without permission of STMU and/or prior to completion of 12 hours University classroom work taken on a full time basis (dual credit, APP credit and CLEP credit do not count toward this requirement) and at least a 2.0 last semester and cumulative grade point average. Last semester grades are based on full time status. Some organization may require a higher GPA.
- Y. Animals, with the exception of animals that provide assistance (e.g. seeing-eye dogs) and pets as outlined in the Residence Life Handbook, are not permitted on campus.
- Z. Unauthorized presence and/or use of any STMU building or designated area that is officially closed according to hours posted or which is restricted for designated purposes or to designated individuals.
- AA. Acting as an agent of STMU unless authorized to do so.

- BB. Skateboards, roller blades, roller skates and bicycles are not permitted inside STMU buildings, residence halls or on tennis courts. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures which may be damaged by these activities, and individuals may be liable for damage to University property caused by these activities.
- CC. Unauthorized use of long distance caller ID codes.
- DD. Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to member of the institution acting in an official capacity.
- EE. Any unauthorized use of electronic or other devices to make an audio or video record of any person while on University property without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room or restroom.

ARTICLE III: GENERAL CONDUCT

Advertising and Posting

All postings must be stamped for approval by staff in the Student Life Office. Prior to approval all posting materials are checked for appropriateness of message (consistency with the mission of the University). Unless otherwise arranged, the person or department requesting approval will be responsible for placing materials around campus. Postings are checked regularly and any posting not approved by the Student Life Office will be removed. All of the following guidelines must be adhered to:

1. Posters & Fliers
 - a. Maximum size 3'x9'
 - b. Only one copy of flier or poster may be hung in each designated area (i.e. bulletin board).
 - c. The name of the sponsoring organization or department must appear on the advertisement.
 - d. Postings advertising alcohol:
 - (1) Must contain moderation message (i.e. "Think before you drink").
 - (2) Promote an activity other than drinking.
 - (3) Drink specials may not be displayed.
 - e. Maximum posting time is 14 days.
2. Locations for Posting On Campus:
 - a. Any bulletin board in the Atrium of the University Center
 - b. The brick wall in the Diamondback Café.
 - c. Concrete wall outside University Center
 - d. Open bulletin boards in the Alumni Athletics and Convocation Center.
 - e. Academic Library-on the bulletin boards in and around the library.
 - f. School of Business-check out posting locations in the dean's office.
 - g. Residence Halls-drop off copies in the Student Life Office based on the chart attached. We will post for you.
 - h. Only materials related to academics may be posted in classrooms.
 - i. Improper posting: The following areas may not be used for posting at any time: painted surfaces, brick walls; building doors, windows or walls; campus locator signs; lamp posts; telephone booths; beams outside Java City on the Quad; trash receptacles; trees; vehicles or windshields; and walkways, stairways or entrances.
3. Removal of postings: Organizations and departments are responsible for the removal of postings after the event or at the expiration date. Failure to remove a posting could result in loss of posting privileges.
4. High priority or emergency situations: In the event of a high priority or emergency situation, to be defined by University Administration, posting may be permitted on doors, windows, or walls in any building.

B. Sales and Solicitation

STMU requires solicitors, sales personnel and distributors to obtain permission from the dean of student or her/his designee for advertising, solicitation, selling or distributing on campus. Such permission will include all time, place and manner restrictions that affect such solicitation and distribution. All such activity will be conducted in a passive nature. Students and employees of STMU are cautioned that such written permission does not constitute an endorsement by STMU. Door-to-door solicitation is not permitted on the STMU premises. Approved advertising in student publications must also adhere to these guidelines.

C. Student Publication Policy

Student publications currently include "The Rattler" newspaper and "The Diamondback" yearbook. The editors will bear full responsibility for the content of the student publication and will have the editorial freedom to maintain their integrity of purpose as a vehicle for free inquiry and free expression in the academic community. In exercising this freedom and fulfilling the responsibilities delegated, the editors are governed by the canons of responsible journalism, which include the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity and the techniques of harassment and innuendo. The Student Publications Board will have overseeing responsibilities of this publication.

D. Time, Place and Manner Restrictions and Guest Speaker Policy

Each student's and organization's freedom to speak, assemble peaceably and to petition to redress grievances may not interfere with the rights of others to the orderly effective use and enjoyment of facilities and services. The university, through the Student Life Office, retains the legal right to restrict individuals' and organizations' activities in terms of time, place and manner when it can be demonstrated that the planned activity may interfere with the above. Such free speech activities are normally permitted to occur in the Pecan Grove or in the Quad and only after class periods have ended or between classes. Such activities may not occur before 7 a.m. or after 10 p.m. STMU reserves the right to add or delete locations at its discretion at any time. All requests for public access to such facilities must be made to the Student Life Office for review and approval.

Activities may not interfere with the normal classroom environment, may not block entrances and walkways or interfere with normal university business.

ARTICLE IV: ORGANIZATION CONDUCT

In addition to the conduct prohibited in articles II and III, any organization or student member found to have committed the following misconduct is subject to disciplinary sanctions:

A. Damage to Property

Damage to or destruction of property owned or operated by STMU, its student organizations, the faculty, staff, students or community is prohibited.

B. Disorderly Assembly

1. Organizations may not interfere with the free movement of other students around the campus or interfere with the use of STMU facilities or prevent the normal operation of STMU.
2. Organizations may not act in a manner that disturbs the academic pursuits or infringes on the privacy rights, health or safety of the STMU community, or in any manner that is inconsistent with the Christian goals and values that are an integral part of the STMU community.
3. Organizations may not intentionally harass others. Harassment includes, but is not limited to, threatening, intimidating, verbally abusing, impeding, telephoning, following or annoying. Harassing is not limited to acts based on sex, race, creed, national origin, religion or disability.
4. Physical assault, including sexual assault, is prohibited.
5. Obscene or indecent conduct is prohibited.
6. Organizations must comply with all administrative policies enacted by STMU. Additional information regarding these policies can be obtained in the Student Life Office.
7. Organizations and their members must comply with the directions of STMU officials acting in the performance of their duties.
8. Tampering with elections is prohibited.

C. Theft, Disregard for Property

Organizations may not take, attempt to take or keep in their possession property belonging to other individuals or organizations.

D. Nationally Affiliated Organizations

Fraternities and sororities and other organizations affiliated with national organizations will be required to adhere to all policies enforced by their national office representing that organization. Regular contact will be maintained with the national office regarding the conduct of these organizations.

E. Unauthorized Entry

Unauthorized entry, attempted entry or remaining in restricted areas is prohibited.

F. Gambling

Conducting, organizing or participating in any activity involving gambling is prohibited.

G. Fire Safety

1. Organizations may not tamper with or damage fire safety equipment.
2. Causing, condoning or encouraging any situations involving fire that may result in danger to others is prohibited.
3. Possession of fireworks, incendiary devices or explosives is prohibited.

H. Advertising

All advertising must be approved through the Student Life Office. Circulation of material that has not been approved or violates or is contrary to STMU Christian goals and values or policies is prohibited. Use of copyrighted University logos is prohibited without proper authorization.

I. Social Events

1. Crowd size may not exceed the official limits of the space reserved.
2. Adequate security personnel or other security measures must be provided to ensure the safety of those attending events.
3. Events that interfere with the normal progress of academic events on campus are prohibited.
4. Events must end by midnight p.m. Sunday through Thursday and by 1:00 a.m. on Friday and Saturday. Alcohol may not be served before 4:00 p.m. Monday through Friday or before 12:00 noon on Saturday or Sunday. Alcohol distribution must end by 11:30 p.m. Sunday through Thursday and by 12:30 a.m. on Friday and Saturday.
5. Student organizations are not authorized to organize public off-campus social events. Conducting such events may result in serious disciplinary action.

J. Music in the Quad

Music is permitted in the Quad only during times that class is not in session. All requests to provide music must be approved by the express written permission of the dean of student or her/his designee. No music will be allowed before 4 p.m. or during library hours. Only one source of music will be permitted at any time.

K. Membership

All members of student organizations recognized by St. Mary's University must be members of the St. Mary's University community. Students with less than a 2.25 last semester and cumulative GPA shall not hold an office in any student organization. Last semester grades are based on full time status. Students intending to pledge, join or associate with a social greek organization must have completed at least 12 classroom hours in order to be considered for membership.

L. Cars in the Quad

No cars are permitted in any area where parking is not permitted (including the Quad) without the express written permission of the Director of University Police.

M. Educationally Related Trips

Any recognized student organization sponsoring a trip related to the educational mission of the University must have a University official in attendance. All students participating in these trips must complete the University Release and Indemnification form provided by and kept on file in the Student Life Office. Students traveling outside the United States must purchase health insurance through the Office of International Education.

A SUMMARY OF THE STATE OF TEXAS ANTI-HAZING STATUTE

The Texas anti-hazing statute took effect on September 1, 1987. The act covers offenses related to hazing at, or in connection with, educational institutions.

Individuals and organizations are both covered by the law. Individuals include active members, pledges, associate/new members, affiliates, alumni and advisors. Organizations are defined as and fraternity, sorority, association, corporation, order, society, corps, club, cooperative, or service, social or similar group whose members are mostly students at an educational institution. Thus, this statute covers all student organizations at STMU.

The statute covers hazing incidents both on and off STMU property. One's consent to be hazed is not a defense to prosecution of any offense under the statute. Individuals who have firsthand knowledge of hazing, including those who are hazed, are required by law to report that knowledge to appropriate University officials. In addition, all incidents of hazing adjudicated by the University must also be referred directly to the Bexar County District Attorney.

Definition of Hazing: Hazing under the statute means any intentional, knowing or reckless act occurring on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are, or include, students at STMU. The term "hazing" under the statute includes, but is not limited to, offenses that subject the student to an unreasonable risk or harm or that adversely affects the mental or physical health or safety of the student. Specific examples include:

1. Physical brutality is defined, but not limited to: whipping, beating, striking, paddling, branding, shocking, placing a harmful substance on the body or other similar activities;
2. Physical activities that put students at risk or in discomfort including, but not limited to: sleep or food deprivation, exposure to the elements, confinement to a small space and calisthenics;
3. Forced consumption of substances such as food, alcoholic beverages, drugs or other substances that may affect mental or physical health;
4. Activities that intimidate or threaten a student with ostracism;

5. Activities that subject the student to extreme mental stress, shame or humiliation;
6. Activities that affect the mental health or dignity of the student;
7. Activities that induce cause or require a student to perform an act in violation of the criminal code.

Personal Offenses: A person commits an offense under the statute if they:

1. Engage in hazing;
2. Solicit, encourage, direct, aid or attempt to aid another person engaged in hazing;
3. Intentionally, knowingly or recklessly permit hazing to occur;
4. Have firsthand knowledge of the planning of a specific hazing event or have firsthand knowledge that a specific event has occurred and fail to report that knowledge, in writing, to the appropriate STMU official.

Penalties for Personal Offenses: In addition to any University sanctions imposed, the court may impose both a fine and confinement for any offense. In all cases, except when an offense has caused the death of a student, the court may require a person to perform community service under the same provisions as the criminal code allows. Specific penalties include:

1. Failure to report hazing is a misdemeanor offense punishable by a fine not to exceed \$1000, confinement in the county jail for not more than 180 days.
2. Offenses not causing bodily injury is a misdemeanor punishable by a fine not less than \$500, nor more that \$1000; confinement in the county jail for not less that 90 days, nor more that 180 days.
3. Offenses causing serious bodily injury are misdemeanors punishable by a fine not less that \$1000, nor more that \$5000; confinement in the county jail for not less that 180 days.
4. Offenses causing death are misdemeanors punishable by a fine not less than \$5000, nor more than \$10,000; confinement in the county jail for not less than one year, nor more than two years, or both such fine and confinement.

Organizational Offenses: An organization commits an offense if the organization condones or encourages hazing, or if an officer or any combination of members, pledges or alumni of the organization commits or assists in the commission of hazing.

Penalties for Organizational Offenses: An organizational offense is considered a misdemeanor punishable by a fine of not less than \$5000, or more that \$10,000 for the organization. If the court finds the offense caused personal injury, property damage or other loss, the court may sentence the organization to pay a fine of not less that \$5000 nor more than double the amount of the loss or expenses incurred because of such damage, injury or loss.

Provision for Immunity: The law provides for immunity from prosecution under the statute to a person who is subpoenaed to testify for the prosecution and who does testify. Any person reporting a specific hazing incident, in writing, to the appropriate STMU official is immune from civil or criminal liability. Immunity extends to participation in any judicial proceedings resulting from the report, except that a person reporting hazing in bad faith or with malice is not granted immunity. This statute does not affect or repeal any other penal law in the State of Texas.

Medical treatment of a student who may have been subjected to hazing activities may be reported to police or other law enforcement officials, and the doctor or medical practitioner so reporting shall be immune from civil suit or other liability that might otherwise be imposed or incurred as a result of the report unless the report was made in bad faith or with malice.

Responsibilities of Institutions: Under the statute, STMU must publish a summary of the statute and distribute or publish a list of organizations that have been disciplined for hazing or convicted of hazing on or off campus during the previous three years.

Organizations and individuals at STMU are also reminded that the University has defined incidents and activities that may be interpreted as hazing by STMU. These activities include, but are not limited to the following:

1. Calisthenics or any other forms of physical exercise or abuse;
2. Total or partial nudity at any time;
3. Eating or ingesting any unwanted substance;
4. Wearing or carrying any obscene or burdensome article;
5. Paddle swats, including trading swats;
6. Allowing for less than eight successive hours per day away from chapter activities;
7. Throwing oil, syrup, flour and any other substance on a person;
8. Forced consumption of alcoholic beverages either by threat or peer pressure;
9. Lineups intended to demean or humiliate;
10. Transportation and abandonment, including road trips, kidnaps, walks, rides, or drops;
11. Confining individuals in an area which is uncomfortable or dangerous (high temperatures, too small, no light, repetitive noise, etc);
12. Any type of personal servitude which is demeaning or is of personal benefit only to individual members;
13. Wearing of embarrassing, uncomfortable or abnormal clothing;
14. Assigning of pranks such as stealing composites, painting objects, harassing other groups or scavenger hunts;
15. Intentionally messing up areas for pledges to clean up;
16. Demeaning names;
17. Yelling or screaming at persons for the purpose of humiliation or embarrassment;
18. Sexist or sexually related duties, tasks or punishments;
19. Tying or binding or otherwise restricting the free movements of an individual;
20. Disruption of normal or proper hygiene or diet schedules;
21. Blindfolding, psychological shocks or tests which may inspire fear; and
22. Any activity which requires the violation of federal, state, or local law or the Code of Student Conduct.

Questions regarding the legitimacy or liability of any event or activity or to report a possible incident should be directed to the dean of students.

Current recognized student organizations that have been charged with and sanctioned for hazing in the last three years include: Sigma Beta Chi

ARTICLE V: JUDICIAL CHARGES AND HEARINGS

These policies protect your right to be instructed of your options and University policies and procedures regarding any non-academic action that might be taken against a student. Academic protections are listed under the Academic Code of Conduct.

A. Personal and/or Organizational Charges and Hearings (Non-academic)

1. Any member of the STMU community may file a report regarding any student for misconduct. Based on this written report charges may be prepared in writing and directed to the judicial adviser or appropriate judicial officer after an investigation of the report. Any report should be submitted as soon as possible after the event takes place, preferably within the same semester. However, there is no limitation on the time that charges can be brought. No anonymous reports will be accepted.
2. The judicial adviser may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by

mutual consent of the parties involved in a basis acceptable to the judicial adviser. Such disposition shall be final, and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the judicial adviser may later serve in the same matter as the judicial body or as a member, thereof.

3. All charges shall be presented to the accused student in written form. A time shall be set for a hearing, not less than five, nor more than 15 calendar days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the judicial adviser during examination periods, holidays, student breaks and for other extenuating circumstances.

4. The judicial adviser, a judicial officer or a judicial body according to the following guidelines shall conduct hearings:

- a. Hearings normally shall be conducted in private. At the request of the accused student, and subject to the discretion of the judicial adviser in consultation with the accuser, third parties may be admitted, but shall not have the privileges or participating in the hearing.
- b. Admission of any person or evidence to the hearing shall be at the discretion of the student judicial body and/or its judicial adviser.
- c. In hearings involving more than one accused student, the judicial adviser, at his or her own discretion, may, but is not required to, permit the hearings concerning each student to be conducted separately.
- d. The complainant and the accused have the right to be assisted by any adviser they choose. The complainant and/or the accused are responsible for presenting his or her own case, and therefore, advisers are not permitted to speak or to participate directly in any meeting before a judicial body. The adviser may be an attorney, at the student's expense. *It should be noted that attorneys have no legal standing in any meeting and may not represent students during this process.*
- e. The complainant and the accused shall have the privilege of presenting witnesses, subject to questioning by the judicial body. The judicial body shall have the right to call additional witnesses as necessary and the right to exclude witnesses if the testimony is not considered pertinent to the proceedings.
- f. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a judicial body at the discretion of the judicial adviser.
- g. All procedural questions are subject to the final decision of the judicial adviser.
- h. After the hearing, the judicial body shall determine whether the student has violated each section of the Code of Conduct that the student is charged with violating.
- i. The judicial body's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Code of Conduct.

5. There shall be a single verbatim record, normally an audiotape, of all formal hearings before a judicial body. The record shall be the property of STMU. Copies of this taped record can be made for the accused and the accuser upon written requests at their expense.

6. Except in the case of a student charged with failing to obey the summons of a judicial body or STMU official, no student may be found to have violated the Code of Conduct solely because the student failed to appear before a judicial body. In all cases, the evidence in support of the violation shall be considered.

ARTICLE VI: SANCTIONS

A. Academic Sanctions

The following sanctions may be imposed upon any student found to have violated academic conduct:

1. A faculty member may require a student to redo a class/laboratory assignment.
2. A faculty member may record an F (failure) for a particular test, examination or class/laboratory assignment that involves dishonesty.
3. A faculty member may record an F (failure) for a final course grade.
4. Academic suspension.
5. Expulsion.

B. Personal and General Conduct Sanctions

The following sanctions may be imposed upon any student found to have violated the Code of Conduct (non-academic):

1. Warning-A notice in writing to the student that the student is violating or has violated the STMU Code. The notice may specify that more severe disciplinary action will occur should the student be involved in further violations during the period the warning is in effect.
2. Probation-A notice in writing to the student that the student is violating or has violated STMU Code and is placed on probation for a designated period of time. This notice may specify that more severe disciplinary action will occur should the student be involved in further violations during the period of the probation.
3. Loss of Privileges-Denial of specified privileges for a designated period of time.
4. Fines are specified below:
 - Alcohol related activities - fine in increments of \$50 to \$300;
 - Damages - actual repair costs, including labor and materials;
 - Non-compliance with discretionary sanctions - \$10 per hour for service not performed;
 - Unauthorized residence hall room change - \$35;
 - Failure to return a reserved space to proper condition - labor costs and expenses.
5. Restitution-Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
6. Behavioral-This includes, but is not limited to, participating in required activities such as academic and/or personal counseling, conducting specific projects with administrative offices and writing letters of apology.
7. Discretionary Sanctions-This includes, but is not limited to, work assignments, community service, STMU service or related assignments.
8. Residence Hall Probation-Places the student on notice that if further violations of STMU Code occur during the probationary period, the student may immediately be removed from the residence hall.
9. Residence Hall Reassignment-If, in the opinion of the Judicial Officer, a student or the community would benefit from the reassignment of a student who has violated a policy to another residence hall, the Judicial Adviser may impose this sanction, in coordination with the Director of Residence Life.
10. Residence Hall Suspension-Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
11. Residence Hall Expulsion-Permanent separation from the residence halls.

12. Administrative Suspension-Restriction of the student's rights to conduct official business with STMU because of the student's outstanding obligations. This suspension will be lifted when obligations are met.
13. Co-curricular Suspension-Exclusion from all university facilities and functions except the attendance of classes. Use of any other facilities, including residence halls, must be approved by the Judicial Adviser.
14. Suspension-Separation from STMU for a definite period of time, after which the student is eligible to petition for return. During the period of suspension the student is banned from the premises of STMU.
15. Dismissal-Separation from STMU for a period of at least two years. The student is not eligible to enroll for classes for a minimum of two years, but may petition for reconsideration or readmission at the conclusion of the dismissal period. During the period of dismissal the student is banned from the premises of STMU.
16. Expulsion-Permanent separation STMU. The student is permanently banned from the premises of STMU.

C. Organization Sanctions

The following sanctions may be imposed upon groups or organizations that have violated organization conduct:

1. Those sanctions listed above in Section B 1-7.
2. Deactivation- Loss of all privileges, including STMU recognition, permanently or for a specified period of time. If the organization is affiliated with a national organization, the national office will be contacted.

ARTICLE VII: SANCTIONING PROCEDURES

A. Determining and Imposing Sanctions

1. More than one of the sanctions listed above may be imposed for any single violation.
2. Other than expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential record. Upon graduation, the student's confidential record may be expunged of disciplinary actions other than residence hall expulsion, dismissal, suspension or expulsion, upon application to the judicial adviser. The judicial adviser may consider whether the student has complied with the sanctions imposed.
3. In each case in which a judicial body determines that a student has violated STMU Code of Conduct, the sanction(s) shall be determined and imposed by the judicial adviser. The judicial adviser shall consider the recommendation of all members of the judicial body when determining the imposition of sanctions. The judicial adviser is not limited to sanctions recommended by members of the judicial body. Following the hearing, the judicial body and the judicial adviser shall advise the accused in writing of its determination and of the sanction(s) imposed, if any. At the discretion of the judicial advisor and the consideration of laws and statutes, the accuser may be notified of the determination.

B. Interim Suspension

In certain circumstances, the vice president for Student Development and /or the dean of students, in consultation with appropriate professionals, may impose STMU or residence hall suspension prior to the hearing before a judicial body.

1. Interim suspension may be imposed only:
 - a. To ensure the safety and well being of members of the STMU community or preservation of STMU;
 - b. To ensure the student's own physical or emotional safety and well-being; or

- c. If the student poses a definite threat of disruption or interference with the normal operations of STMU.
 - 2. During the interim suspension, students shall be denied access to the residence halls and/or to the campus (including classes).
- C. **No-Contact Agreement**

Upon request of a student, and after investigation by the dean of students or his or her designee, a no contact agreement may be enforced between two students. These agreements are for no less than six weeks and may be reviewed at the end of that period for extension. Further information regarding this process is available in the Student Life Office.
- D. **Appeals (non-academic)**
 - 1. The accused students may request an appeal of the decision(s) reached by the judicial body or of the sanctions imposed by the judicial adviser within five (5) business days of the receipt of the decision. Such request for an appeal shall be in writing and shall be delivered to the judicial adviser or designee.
 - 2. A request for an appeal shall be limited to those matters raised in writing and shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:
 - a. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the STMU Code of Student Conduct was violated, and giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
 - b. To determine whether the decision reached regarding the accused student was based on the evidence, that is, whether the facts in the case were sufficient to establish that it was more likely than not that the accused student violated the STMU Code of Student Conduct.
 - c. To determine whether sanction(s) imposed were appropriate for the violation of the STMU Code of Student Conduct that the student was found to have committed.
 - d. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing because such evidence and/or facts were not known to the person requesting the appeal at the time of the original hearing.
 - 3. The Appeals Board may:
 - a. Remand the matter to the original judicial body and the judicial adviser for reopening of the hearing to allow reconsideration of the original determination and/or sanction
 - b. Refuse to hear the appeal (e.g. lack of specified grounds for appeal)
 - c. Overturn the determination and/or sanction of the original judicial body
 - d. Affirm the determination and/or sanction of the original judicial body
 - e. Reduce the sanction of the original judicial body

The decision of the Appeal Board is final except in the case of suspension, dismissal or expulsion (**Note: residence hall suspension, residence hall expulsion, and co-curricular suspension are permitted only one (1) appeal to the Appeal's Board**). In the case of suspension, dismissal or expulsion, a student may request an appeal by the (1) vice president of Student Development; and (2) the president; in that order, following the Appeals Board hearing if the conditions for an appeal outlined in Article VII, Section D, exist. There are no further appeals beyond this level. Should the sanction change from suspension, dismissal or expulsion during any part of the appeal's process, the appeal body making the change is the final appeal.

ARTICLE VIII: HEARING PROCEDURES

Procedures for administration of the judicial program and procedural rules for the conduct of hearings regarding non-academic violations are available in the Student Life Office.

ARTICLE IX: INTERPRETATION AND REVISION

Any questions of interpretation regarding the STMU Code of Student Conduct shall be referred to the vice president of Student Development in consultation with the dean of students for final determination.

The STMU Code of Student Conduct shall be reviewed every year under the direction of the dean of students.

The STMU Code of Student Conduct may be modified, upon request, by the dean of students or the vice president for Student Development from time to time during the academic year. All modifications must be approved by the Executive Council with notification to the Board of Trustees. All modifications are subject to review by the Board of Trustees at the next meeting following notification. Any modifications of the STMU Code of Student Conduct during the academic year shall be made in writing, shall be available in the Student Life Office and shall become effective upon publication of the modification.

Modifications to the Code of Student Conduct will be made during the academic year to comply with federal, state, and local law. *This policy protects your right to a timely and effective notification of any new or amended policy.*