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This *Code of Student Conduct* does not establish a contractual relationship between St. Mary's University and its students. This *Code of Student Conduct* only serves to highlight St. Mary's general policies, practices, and procedures for your personal benefit and cannot be construed as a legal document of any kind. Any procedure contained within the *Code of Student Conduct* is strictly intended to provide all students with a general framework for addressing and/or resolving various situations that may arise from time to time.

This *Code of Student Conduct* has been authorized for use effective June 1, 2015 and replaces any prior statements regarding standards of student conduct at St. Mary's University. It may be subject to change as deemed appropriate by the University in order to fulfill its role and mission. Notice of changes to this *Code of Student Conduct* will be provided to students through the University e-mail system, or by another method reasonably intended to reach all students. The University will strive to provide this notice of changes within a reasonable period of time after the changes have been made. The official version of the *Code of Student Conduct* is located in Gateway, the University's online portal. All students of St. Mary's University are responsible for knowing, understanding, and abiding by the terms of this *Code of Student Conduct*.

The St. Mary's University *Code of Student Conduct* is based upon the NCHERM Developmental Code of Student Conduct and is used here in adapted form with permission. Use by any other college or University is permitted only with express permission from NCHERM.

## Core Values of Student Conduct

- *Integrity*: St. Mary's University students exemplify honesty, honor and a respect for the truth in all of their dealings.
- *Community*: St. Mary's University students build and enhance their community.
- *Social Justice*: St. Mary's University students are just and equitable in their treatment of all members of the community and act to discourage or intervene to prevent unjust and inequitable behaviors.
- *Respect*: St. Mary's University students show positive regard for each other, for property and for the community.
- *Responsibility*: St. Mary's University students are given and accept a high level of responsibility to self, to others, and to the community.

## **St. Mary's University Code of Student Conduct**

### **Section 1: Mission, Vision and Philosophy**

**St. Mary's University, as a Catholic Marianist University, fosters the formation of people in faith and educates leaders for the common good through community, integrated liberal arts and professional education, and academic excellence.**

The St. Mary's University mission statement is a reflection of the Characteristics of Marianist Universities. There are five elements that characterize the Marianist approach to education: educate for formation in faith; provide an integral quality education; educate in the family spirit; educate for service, justice and peace; and educate for adaptation and change. The three Marianist universities have a publication titled *Characteristics of Marianist Universities* to fully describe the Marianist approach to education at the University level.

#### **Philosophy Statement**

St. Mary's University, as a Catholic and Marianist institution, emphasizes the importance of personal growth, community, Catholic values, and prepares students to lead purposeful lives. The University is a community whose members are respected and provided with the rights and responsibilities that accompany community life. Furthermore, St. Mary's University is committed to fostering a campus environment that is conducive to academic inquiry, thoughtful study and discourse, a productive and vibrant campus life, a deepening of one's faith, and the development of the whole student. The student conduct program managed by the Vice Provost for Student Development/Dean of Students is committed to an educational and developmental process that balances the needs of individual students with the needs of the University community.

A community exists on the basis of shared values and principles. At St. Mary's University, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the *Code of Student Conduct*. These standards are embodied within a set of core values that reflect St. Mary's University's Catholic, Marianist heritage and include integrity, social justice, respect, community, and responsibility.

Each member of the St. Mary's University community bears responsibility for his/her conduct and assumes reasonable responsibility for the behavior of others. When members of the community fail to exemplify these five values by engaging in violation of the rules below, campus conduct proceedings are used to assert and uphold the *Code of Student Conduct*.

The student conduct process at St. Mary's University exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies; it is not intended to punish students. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform his/her behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the conduct process is quite different from criminal and civil court proceedings. Procedures and rights in the student conduct process are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process as

defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of University policy without information showing that it is more likely than not that a policy violation occurred; any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

## **Section 2: Jurisdiction**

Students at St. Mary's University are provided a copy of the *Code of Student Conduct* annually in the form of a link on the University's website and via Gateway, the University's online portal. Hard copies are available upon request from the Student Life Office and the Vice Provost for Student Development/Dean of Students. Students are responsible for reading and abiding by the provisions of the *Code of Student Conduct*.

The *Code of Student Conduct* and the conduct process apply to individual St. Mary's University students including undergraduate, graduate and law and other students participating in academic programs of the University (e.g.: Intensive English Program participants). This code also applies to University-affiliated registered student organizations. For the purposes of student conduct, the University may consider an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll or obtain official transcripts. All sanctions must be satisfied prior to re-enrollment eligibility or the degree may be revoked.

The *Code of Student Conduct* applies to behaviors that take place on the campus, at University-sponsored events, and may also apply off-campus when the Vice Provost for Student Development/Dean of Students (or designee) determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- a) Any situation where it appears that the student may present a danger or threat to the health or safety of himself/herself or others; or
- b) Any situation that significantly impinges upon the rights, property or achievements of self or others, significantly breaches the peace, or causes social disorder; or
- c) Any situation that is detrimental to the educational mission or interests of the University.

The *Code of Student Conduct* may be applied to behavior conducted online, such as harassment via email. Students must also be aware that blogs, web page entries on sites such as Google+, Facebook, Instagram and Twitter and other similar online postings are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations are posted online. St. Mary's University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials. However, most online speech by students will be protected as free expression and not subject to this Code, with two notable exceptions:

- A true threat defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals”; or
- Disparaging speech posted online about the University or its community members that causes, or intends to cause, a significant on-campus disruption to University operations or mission.

The *Code of Student Conduct* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The *Code of Student Conduct* may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of the University may seek resolution of violations of the *Code of Student Conduct* committed against them by members of the University community.

There is no time limit on reporting violations of the *Code of Student Conduct*; however, the longer someone waits to report an offense, the harder it becomes for University officials to obtain information and witness statements, and/or to make determinations regarding alleged violations. Though anonymous complaints are permitted, doing so may limit the University’s ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to University officials including the Vice Provost for Student Development/Dean of Students, the Office of Judicial Affairs and Community Education, and University Police.

St. Mary’s University email is the University’s primary means of communication with students. Students are responsible for all communication delivered to their University email address.

### **Section 3: Violations of the Law**

Alleged violations of federal, state and local laws may be investigated and addressed under the *Code of Student Conduct*. When an offense occurs over which the University has jurisdiction, the University conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

St. Mary’s University reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation or complaint. When criminal charges are pending, the University may be delayed or prevented from conducting its own investigation and moving forward with a campus hearing. When this happens, the University will delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information from law enforcement upon which to proceed. In cases governed by Title IX, this delay will be no longer than 10 business days from notice of the incident.

Students accused of a crime(s) may request to withdraw from St. Mary’s University until the criminal charges are resolved. In such situations, the University Tuition and Refund Schedule applies and the University procedure for voluntary withdrawals is subject to the following conditions:

- a) The accused student must comply with all campus investigative efforts that will not prejudice his/her defense in the criminal trial; and
- b) The accused student must comply with all interim actions or restrictions imposed during the leave of absence; and

- c) The accused student must agree that, in order to be reinstated to active student status, he/she must first be subject to, and fully cooperate with, the campus conduct process, and must comply with all sanctions that are imposed.

#### **Section 4: Core Values and Behavioral Expectations**

St. Mary's University considers the behavior described in the following sections as inappropriate for the University community, in opposition to the University Mission Statement and core values set forth in this document. These expectations and rules apply to all students, whether undergraduate, graduate, doctoral, or law and other students participating in academic programs of the University (such as Intensive English Program participants). This code also applies to University-affiliated registered student organizations. Furthermore, St. Mary's University encourages community members to report to University officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 7: Conduct Procedures.

*Integrity:* St. Mary's University students exemplify honesty, honor and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:

1. **Falsification.** Knowingly furnishing or possessing false, falsified or forged materials such as falsification or misuse of documents, accounts, records, identification or financial instruments;
2. **Academic Dishonesty.** Acts of academic dishonesty as outlined in the [University Academic Misconduct Policy](#);
3. **Unauthorized Access.** Unauthorized possession, duplication or use of means of access to any University building (i.e. keys, cards, passwords, etc.) or failing to timely report a lost University identification card, key or other means of access;
4. **Collusion.** Action or inaction with another or others to violate the *St. Mary's University Code of Student Conduct*;
5. **Election Tampering.** Tampering with the election of any St. Mary's University registered student organization;
6. **Taking of Property.** Intentional and unauthorized taking of University property or the personal property of another;
7. **Stolen Property.** Knowingly taking or maintaining possession of stolen property;

*Community:* St. Mary's University students build and enhance their community. Behavior that violates this value includes, but is not limited to:

8. **Disruptive Behavior.** Disruption of University operations including obstruction of teaching, research, administration, other University activities, or other authorized non-University activities which occur on campus;
9. **Riots.** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or destruction of property;

10. **Unauthorized Entry.** Misuse of access privileges to University premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a University building;
11. **Trademark.** Unauthorized use (including misuse) of University or organizational names and images;
12. **Damage and Destruction.** Intentional and unauthorized damage to or destruction of University property or the personal property of another;
13. **Information Technology Usage.** Violating the University's [Acceptable Use Policy](#).
  - a. Unauthorized use of electronic or other devices to make an audio, picture 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, restroom, etc.
  - b. Unauthorized posting of audio, picture or video records or information of any person on websites (e.g. Facebook, Instagram, etc.) without his/her effective consent when such posting may cause injury or distress.
14. **Gambling.** Gambling as prohibited by the laws of the State of Texas. (Gambling may include raffles, lotteries, sports pools and online betting activities.);
15. **Weapons.** Possession, use, or distribution of explosives (including fireworks and ammunition), firearms (including air guns, BB, paintball, facsimile weapons and pellet guns) except as permitted by Texas law, or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives.
16. **Tobacco.** Smoking or tobacco use, to include electronic cigarettes and similar devices, in any area of campus where smoking or tobacco use are prohibited;
17. **Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:
  - a. Intentionally or recklessly causing a fire which damages University or personal property or which causes injury.
  - b. Failure to evacuate a University-controlled building during a fire alarm;
  - c. Improper use of University fire safety equipment; or
  - d. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a local fine in addition to University sanctions;
18. **Ineligible Pledging or Affiliation.** Students must be in good academic standing to be eligible to pledge or join a Registered Student Organization (RSO). Additionally, students are not permitted to pledge or join a social Greek organization without permission of St. Mary's University and prior to completion of 12 credit hours taken on a full time basis (dual credit, AP credit and CLEP credit do not count toward this requirement). Last semester grades are based on full time status. Some registered student organizations have additional GPA requirements.

19. **Animals.** Animals, with the exception of service animals and those listed in the Residence Life Handbook, are not permitted on campus.
20. **Wheeled Devices.** The use of skateboards, roller blades, roller skates, bicycles and similar wheeled devices inside University buildings, residence halls or on tennis courts is not permitted. 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. Motorized scooters or motorized personal transportation devices, including hoverboards, are prohibited from being stored and/or charged inside any University building. Individuals may be liable for damage to University property caused by these activities. The use of wheelchairs, walkers, medically necessary scooters, or other medical devices on University property is permitted.

*Social Justice:* St. Mary's University students are just and equitable in their treatment of all members of the community and act to discourage or intervene to prevent unjust and inequitable behaviors. Conduct that violates this value includes, but is not limited to:

21. **Discrimination.** Any act or failure to act that is based upon actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, sexual orientation, pregnancy status, religion, or other protected status) that is sufficiently severe that it limits or denies the student(s) the ability to participate in or benefit from the University's educational program or activities.
22. **Harassment.** Any unwelcome conduct based on actual or perceived status including: sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community.
  - a. **Hostile Environment.** Sanctions can and will be imposed for the creation of a hostile environment only when harassment is sufficiently severe, persistent, and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the University's educational or employment program or activities.
23. **Retaliatory Discrimination or Harassment.** Any intentional, adverse action taken by an accused student or allied third party, absent of legitimate nondiscriminatory purposes, as reprisal against a participant in any proceeding under this Code.
24. **Bystander Intervention – Failure to Intervene.**
  - a. Complicity with or failure of any student to appropriately address known or obvious violations of the *Code of Student Conduct* or law;
  - b. Complicity with or failure of any organized group to appropriately address known or obvious violations of the *Code of Student Conduct* or law by its members.

25. **Abuse of Conduct Process.** Abuse, interference, or failure to comply with University processes, including academic conduct hearings including, but not limited to:
- a. Falsifying, distorting or misrepresenting information;
  - b. Destroying, concealing, or failing to provide information during an investigation of an alleged policy violation;
  - c. Attempting to discourage an individual's proper participation in, or use of, the student conduct process;
  - d. Harassing (verbally or physically) or intimidating a member of a campus conduct investigative or hearing committee prior to, during, or following a student conduct proceeding;
  - e. Failing to comply with the sanction(s) imposed by the student conduct process; or
  - f. Influencing, or attempting to influence, another person to commit an abuse of the student conduct process.

*Respect:* St. Mary's University students show positive regard for each other, for property and for the community. Behavior that violates this value includes, but is not limited to:

26. **Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person.
27. **Threatening Behaviors:**
- a. **Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
  - b. **Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another person.
28. **Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.
29. **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. Please see [\*St. Mary's University Hazing Policy\*](#) for additional information.
30. **Domestic Violence.** Acts of violence by a current or former spouse of the victim; by a person with whom the victim shared a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse; by a person similarly situated to a spouse of the victim; or by any other person against an adult or youth victim who is protected from that person's acts under law.
31. **Dating/Intimate Partner Violence.** Intimate Partner Violence is defined as the use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards a partner who is or has been in a dating relationship of a romantic or intimate nature.

32. **Stalking.** Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress;
33. **Sexual Misconduct.** Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, or sexual exploitation (See Equal Opportunity, Nondiscrimination, Sexual and Other forms of Harassment Policy for further information);
34. **Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation and public sex acts.

*Responsibility:* St. Mary's University students are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:

35. **Alcohol.** Use, possession or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and University policy;
36. **Drugs.** Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and University policy;
37. **Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
38. **Failure to Comply.** Failure to comply with the directives of University officials or law enforcement officers during the performance of their duties or failure to identify oneself to these persons when requested to do so;
39. **Financial Responsibilities.** 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 a member of the institution acting in an official capacity;
40. **Arrest.** Failure of any student to report his/her arrest (including non-custodial or field arrests) by any law enforcement agency within seventy-two (72) hours of release regarding the allegations and charges to the Vice Provost for Student Development/Dean of Students;
41. **Other Policies.** Violating other published University policies or rules, including all Residence Life Community Living Standards and policies;
42. **Health and Safety.** Creation of health or safety hazards (e.g., hanging out of or climbing out of windows, balconies, roofs, etc.), to include failure to comply with University medical record requests or immunization policies;
43. **Audio and Video Recordings.** 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.

44. **Violations of Law.** Evidence of violation of local, state or federal laws, when substantiated through the University's student conduct process.

## **Section 5: Student Conduct Authority**

### **A. 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 these policies may be delegated to any University official the President designates. The Vice Provost for Student Development/Dean of Students is the principal officer for all non-academic discipline and may assign persons designated to implement these procedures (St. Mary's University Faculty Handbook, 2.17.2).

### **B. The Director of Judicial Affairs and Community Engagement**

At St. Mary's University, the Vice Provost for Student Development/Dean of Students has assigned management of the student conduct process to the Director of Judicial Affairs and Community Education who oversees and manages day-to-day operations of the student conduct process. The Director of Judicial Affairs and Community Education, in consultation with the Vice Provost for Student Development/Dean of Students, may appoint Student Judicial Panel members and Appeals Panel members as deemed necessary to efficiently and effectively supervise and implement the student conduct process.

### **C. The University Student Judicial Panel**

A University Student Judicial Panel is selected from among the Equity Dispute Resolution Panel (EDRP), a representative group of faculty and staff who have been trained to review certain serious or continued incidents of reported student misconduct on behalf of the University (EDRP policy [hyperlink](#)). Should the Director of Judicial Affairs and Community Education determine the need for a Panel Hearing, or at the request of a primary party to the complaint, the Director will assemble the panel from among the University's EDRP membership.

### **D. Appeals Panels Membership**

Appeals Panels typically consist of three members selected from among the EDRP, with the only requirement being that they did not serve on the specific Panel Hearing for the initial hearing. Appeals Panels review appeals requested by any party to a complaint.

### **E. Interpretation and Revision of the Code of Student Conduct**

The Director of Judicial Affairs and Community Education will develop procedural rules for the administration of hearings that are consistent with provisions of the *Code of Student Conduct*. Material deviation from these rules generally will only be made as necessary and will include advance notice to the parties involved. The Director may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this *Code*. The Director may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the *Code of Student Conduct* will be referred to the Vice Provost for Student Development/Dean of Students.

The *Code of Student Conduct* will be updated annually under the direction of the Vice Provost for Student Development/Dean of Students and will undergo a comprehensive revision process every 3-5 years.

## Section 6: Conduct Procedures

### A. University as Convener

St. Mary's University is the convener of every action under this code. Within that action, there are several roles. The accused student is the person who is reported to have violated the Code. The accusing party, who may be a student, employee, visitor or guest, may choose to be present and participate in the process as fully as the accused student. There are witnesses, who may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the information that the University has obtained regarding the allegations.

### B. Group Violations

A student group or organization, and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s):

- take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit; or
- have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- were known, or should have been known, to the membership or its officers.

Investigations and reviews of reported student group or organization misconduct follow the same general student conduct procedures. In any such action, individual determinations of responsibility will be made and sanctions may be assigned collectively and individually. These sanctions will be proportionate to the involvement of each individual and the organization.

### C. Amnesty:

#### 1) For Complaining Parties

The University provides amnesty to complaining parties who may be hesitant to report to University officials because they fear that they themselves may be accused of policy violations, such as underage drinking, at the time of the incident.

#### 2) For Those Who Offer Assistance (Bystander Intervention)

A bystander is a witness or participant to an act of potential harm or misconduct who acts to stop, intervene or protect in the situation. Members of the St. Mary's University community are encouraged to find ways to successfully intervene to support and help each other. To encourage students to offer help and assistance to others, St. Mary's University pursues a policy of amnesty for minor violations when students offer help to others in need.

Appropriate ways for bystanders to address situations may include:

- Intervening or confronting the violation in an effort to stop it; or
- Contacting the appropriate staff members to address the violation; or
- Leaving the area where the violation was occurring [where a risk of serious harm exists, merely leaving will not be appropriate].

At the discretion of the Director of Judicial Affairs and Community Education, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings will result.

#### 3) For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University may be offered amnesty for their minor violations. Educational options will be explored, but if offered amnesty, no conduct proceedings will result.

Abuse of amnesty requests can result in a decision by the Director of Judicial Affairs and Community Education not to extend amnesty to the same person repeatedly.

#### **4) Safe Harbor**

St. Mary's University believes that students who have a drug or addiction problem should receive help. If any University student brings their own use, addiction or dependency to the attention of University officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued.

A written action plan may be used to track cooperation with the Safe Harbor program by the student, and the student will be expected to sign releases that allow for effective monitoring of compliance. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

#### **D. Reporting of Alleged Violation**

Any member of the St. Mary's University community, visitor, or guest may report a policy violation(s) by any student for misconduct under this *Code of Student Conduct* to the Vice Provost for Student Development/Dean of Students, Director of Judicial Affairs and Community Education, University Police, Residence Life, or the University's Title IX Coordinator.

St. Mary's University employees must promptly report an alleged student violation of the University's *Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment* policy to the Vice Provost for Student Development/Dean of Students who serves as the Title IX Coordinator for complaints against students. (St. Mary's University mental health care providers and clergy acting in their professional capacities are exempt from this requirement.) Additionally, to meet the University's obligation under federal law, if the violation of policy includes crimes that must be reported under the Clery Act reportable crimes, the employee and Title IX Coordinator must immediately notify the University Police to determine whether a timely warning is necessary or required.

The University, through the Vice Provost for Student Development/Dean of Students or the Director of Judicial Affairs and Community Education, may act on reports of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a victim or a third party, and should be submitted as soon as possible after the event occurs. The University has the right to pursue an allegation or report of misconduct on its own behalf and to serve as convener of the subsequent conduct process.

The Director of Judicial Affairs and Community Education (or designee) will assume responsibility for the investigation of the alleged violation as described below.

#### **E. Gatekeeping & Investigations**

No complaint will be forwarded for a hearing unless the Director of Judicial Affairs and Community Education (or designee) finds that there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a victim's statement. A

complaint wholly unsupported by any information will not be further investigated or forwarded for a hearing.

For all except Title IX reported allegations, the Director of Judicial Affairs and Community Education (or designee) will investigate reported Code of Conduct violations. All reported violations that fall under Title IX (e.g., sexual misconduct) or involve any other form of discrimination will be addressed following the procedures outlined in the Equity Dispute Resolution Process (EDRP). The Director of Judicial Affairs and Community Education will take the following steps, if not already completed, to address and resolve any reported Code violations:

- Initiate any necessary remedial actions on behalf of the victim (if any);
- Determine the identity and contact information of the accusing party, whether that person is the initiator of the complaint, the alleged victim, or a University proxy or representative;
- Conduct an immediate preliminary investigation within seven business days to identify a complete list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint.
  - If the victim is reluctant to pursue the complaint, determine whether the complaint should still be pursued, and whether sufficient independent information could support the complaint without the participation of the victim;
  - Notify the victim of whether the University intends to pursue the complaint regardless of his/her involvement, inform the victim of his/her rights in the process, and the option to become involved if s/he so choose;
- Determine if there is reasonable cause to charge the accused student, and determine what specific policy violations should serve as the basis for charges; If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action;
- If there is reasonable cause for further review, commence a thorough, reliable and impartial investigation of the reported Code violation(s).
  - Prepare the formal notice of charges on the basis of the reasonable cause determination, which may be delivered prior to, during or after the accused student is interviewed, at the discretion of the investigator
  - Provide the accused student the opportunity to accept preliminary investigation finding(s);
  - Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not to have occurred);
- Present the investigation report and findings to the accused student, who may:
  - accept the findings,
  - accept the findings in part and reject them in part,
  - or may reject all findings;
- Share the findings and update the accusing party on the status of the investigation and the outcome.

#### **F. Conflict Resolution Options.**

The Director of Judicial Affairs and Community Education has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to mediation and to be bound by the decision with no review/appeal. Any unsuccessful mediation can be forwarded for formal processing and hearing; however, at no time will complaints of physical

sexual misconduct or violence be mediated as the sole institutional response. The Director of Judicial Affairs and Community Education may also suggest that complaints that do not involve a violation of the *Code of Student Conduct* be referred for mediation or other appropriate conflict resolution.

#### **G. Notice**

Once a determination is made by the Director of Judicial Affairs and Community Education that reasonable cause exists for a conduct meeting, notice will be given to the accused student. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Director of Judicial Affairs and Community Education (or designee); mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student's University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumed delivered. The letter of notice will:

- a) Include the alleged violation and notification of where to locate the *Code of Student Conduct* and University procedures for resolution of the complaint; and
- b) Direct the accused student to contact the Director of Judicial Affairs and Community Education (or designee) within a specified period of time to respond to the complaint. This time period will generally be no less than two business days from the date of delivery of the summons letter.

A meeting with the Director of Judicial Affairs and Community Education (or designee) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the accused student may indicate, either verbally or in writing, to the Director of Judicial Affairs and Community Education (or designee), whether she or he admits or denies the allegations of the complaint.

#### **H. Interim Suspension**

Under the *Code of Student Conduct*, the Vice Provost for Student Development/Dean of Students or designee may impose restrictions, including separating a student from the community, pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct* when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve University property or to prevent disruption of, or interference with, the normal operations of the University. A student who receives an interim suspension may request a meeting with the Vice Provost for Student Development/Dean of Students (or designee) to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of a campus hearing.

During an interim suspension, a student may be denied access to University housing, the University campus, facilities, or events. As determined appropriate by the Vice Provost for Student Development/Dean of Students, this restriction may include classes or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Vice Provost for Student Development/Dean of Students and with the approval of, and in collaboration with, the appropriate academic Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.

#### **I. Findings**

Where the accused student is found not responsible for the alleged violation(s), the accusing party may request that the Vice Provost for Student Development/Dean of Students to make

an extraordinary determination to re-open the investigation. The decision to re-open an investigation rests with the Vice Provost for Student Development/Dean of Students and the decision of the Vice Provost for Student Development/Dean of Students is final.

**a) Student Accused Accepts the Investigation Findings**

Where the accused student accepts the finding that s/he violated University policy, the Director of Judicial Affairs and Community Education will recommend appropriate sanctions for the violation. In cases involving discrimination, recommended sanctions will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the University community. If the accused student accepts these sanctions/responsive actions the process ends. The sanctions/responsive actions are implemented by the Director of Judicial Affairs and Community Education.

If the accused student rejects the recommended sanctions/responsive actions, there will be an administrative hearing on the sanction/responsive actions only. This will usually occur within 1-2 weeks from the end of the investigation. Administrative hearing procedures are detailed below. Any party to the complaint may appeal the decision or sanction(s) within 3 business days as outlined in Section O.

**b) Accused Student Rejects the Findings**

Where the accused student rejects the finding that s/he violated University policy, there will be a hearing on the allegations within 1-2 weeks. At the hearing, the Director of Judicial Affairs and Community Education will present her/his findings to the Panel, and the Panel will hear from the parties and any called witnesses. The investigation findings will be considered by, but are not binding on, the Panel, which renders an independent and objective finding within 2-3 business days of the hearing. Panel procedures are detailed below.

If the accused student is found not responsible for a violation, the Director of Judicial Affairs and Community Education will timely inform the parties of this determination and the rationale for the decision in writing. Any party to the complaint may appeal the decision(s) or sanction(s) within 3 business days as outlined in Section O.

**c) Student Accepts the Findings in Part and Rejects in Part**

When the accused student accepts in part and rejects in part the finding that she or he violated University policy, there will be a panel hearing on the disputed allegations within 1-2 weeks. If the Panel finds the accused responsible for violating University policy, the Panel will recommend a sanction(s) or responsive action(s). The Director of Judicial Affairs and Community Education will render a decision on the recommended sanction(s) or responsive action(s) and notify the accused student of the same. If the accused student accepts this sanction or responsive action, the process ends with respect to any accepted violations.

The Director of Judicial Affairs and Community Education will timely inform the parties of the outcome, any sanctions or responsive actions and the rationale for the decision once the rejected findings are resolved. The Director of Judicial Affairs and Community Education, in consultation with the Vice Provost for Student Development/Dean of Students, may act to implement any available appropriate remedies on behalf of the parties and the community. If the accused student rejects

the recommended sanctions or responsive actions, the Panel will conduct a hearing on the sanction as well as on the remaining contested aspects of the complaint. Any party to the complaint may appeal the decision(s) or sanction(s) within 3 business days as outlined in Section O.

#### **J. Hearing Options & Preparation**

The following sections describe the University's conduct hearing processes. Except in a complaint involving failure to comply with the summons of the Director of Judicial Affairs and Community Education (or designee), no student may be found to have violated the *Code of Student Conduct* solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by the Director of Judicial Affairs and Community Education, or the Panel presiding over the hearing.

Where the accused student admits to violating the *Code of Student Conduct*, the Director of Judicial Affairs and Community Education (or designee) may invoke administrative hearing procedures to determine and administer appropriate sanctions without a formal hearing.

Where the accused student denies violating the *Code of Student Conduct*, (or designee), a request by one or more of the parties to the complaint for an administrative hearing may be considered at the discretion of the Director of Judicial Affairs and Community Education.

In administrative hearings, complaints will be heard and determinations will be made by the Director of Judicial Affairs and Community Education.

When an accused student denies violating the *Code of Student Conduct* and does not request an administrative hearing, a formal hearing will be scheduled. Students who deny a violation for which a hearing will be held will be given a minimum of five (5) business days to prepare for a formal hearing unless all parties wish to proceed more quickly or slowly. Preparation for a formal hearing is summarized in the following guidelines:

- a) Notice of the time, date and location of the hearing will be in writing and may be delivered by one or more of the following methods: in person by the Director of Judicial Affairs and Community Education (or designee); mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student's University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumed delivered.
- b) If there is an alleged victim of the conduct in question, the alleged victim may serve as the accusing party or may elect to have the University administration serve as accusing party. Where there is no alleged victim, the University administration will serve as accusing party.
- c) If an accused student fails to respond to notice from the Director of Judicial Affairs and Community Education (or designee), the Director of Judicial Affairs and Community Education (or designee) may initiate a complaint against the student for failure to comply with the directives of a University official and give notice of this offense. Unless the student responds to this notice within two University business days by answering the original notice the following may occur:
  - a. an administrative hearing may be scheduled and held on the student's behalf;
  - b. the student may be administratively withdrawn from attending classes; or

- c. a disciplinary hold may be placed on their University account, deeming them ineligible to register for courses or University housing until such time as the student responds to the initial complaint.
- d) At least three (3) business days before any scheduled formal hearing, the following will occur:
  - 1. If requested, the accused student will deliver to the Director of Judicial Affairs and Community Education (or designee) a written response to the complaint;
  - 2. The accused student will deliver to the Director of Judicial Affairs and Community Education (or designee) a written list of all witnesses s/he wishes the University to call at the hearing;
  - 3. The accused student will deliver to the Director of Judicial Affairs and Community Education (or designee) all physical evidence s/he intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known;
  - 4. The accusing party will deliver to the Director of Judicial Affairs and Community Education (or designee) a written list of all witnesses s/he wishes the University to call at the hearing;
  - 5. The accusing party will deliver to the Director of Judicial Affairs and Community Education (or designee) all items of physical evidence s/he intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known; and
  - 6. The accusing party and the accused student will notify the Director of Judicial Affairs and Community Education (or designee) of the names of any advisors/advocates who may be accompanying the parties at the hearing.
- e) The Director of Judicial Affairs and Community Education (or designee) will ensure that the hearing information and any other available written documentation is shared with the accusing party and the accused student at least two (2) business days before any scheduled hearing. In addition, the parties will be given a list of the names of all the panelists in advance. Should either party object to any panelist, s/he must raise all objections, in writing, to the Director of Judicial Affairs and Community Education (or designee) immediately. Hearing officers will only be unseated if the Director of Judicial Affairs and Community Education concludes that their bias precludes an impartial hearing of the complaint. Additionally, any panel or Administrative Hearing Officer who feels s/he cannot make an objective determination must recuse himself or herself from the proceedings.

#### **K. Hearing Procedures**

The Director of Judicial Affairs and Community Education will appoint one panelist as the Chair for the hearing. The accusing party and the accused student have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student's responsibility to notify the Director of Judicial Affairs and

Community Education no less than three (3) days prior to the scheduled hearing to arrange for another date, time and location.

- a) Except in cases of grave or unforeseen circumstances, if the accused student fails to give the required minimum three (3) day notice, or if the accused student fails to appear, the hearing will proceed as scheduled. If the accusing party fails to appear, the complaint may be dropped unless the University chooses to pursue the allegation on its own behalf, as determined by the Director of Judicial Affairs and Community Education.

The designated Chair of the Panel will conduct Panel Hearings according to the following guidelines:

- a) Hearings will be closed to the public;
- b) Admission to the hearing of persons other than the parties involved will be at the discretion of the Panel Chair;
- c) In hearings involving more than one accused student, the standard procedure will be to hear the complaints jointly; however, the Director of Judicial Affairs and Community Education may permit the hearing pertinent to each accused student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each accused student.
- d) The accusing party and accused student have the right to an advisor of his/her own choosing, including attorneys. Typically, advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor. The advisor may not make a presentation or represent the party bringing the complaint or responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair, and suggest questions to their advisee.
- e) The accusing party, the accused student, the Panel and the Panel Chair will have the privilege of questioning all present witnesses and questioning all present parties. Unduly repetitive witnesses can be limited at the discretion of the Panel Chair or the Director of Judicial Affairs and Community Education (or designee).
- f) Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Panel. Formal rules of evidence are not observed. The Chair may limit the number of character witnesses presented or may accept written affidavits of character instead.
- g) All procedural questions are subject to the final decision of the Director of Judicial Affairs and Community Education.
- h) After a Panel Hearing, the Panel will deliberate and determine, by majority vote, whether it is more likely than not that the accused student has violated the *Code of Student Conduct*. The Director of Judicial Affairs and Community Education (or designee) will be present and available as a resource during all deliberations. Once a finding is determined and the finding is that of a policy violation, the Panel will determine an appropriate sanction(s). The Director of Judicial Affairs and

Community Education (or designee) is responsible for informing the Panel of applicable precedent and any previous conduct violations or other relevant pattern information about the accused student. The Panel Chair will prepare a written deliberation report and deliver it to the Director of Judicial Affairs and Community Education, detailing the recommended finding, how each member voted, the information cited by the Panel in support of its recommendation, and any information the Panel excluded from its consideration and why. This report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Director of Judicial Affairs and Community Education within two (2) days of the end of deliberations.

- i) The Director of Judicial Affairs and Community Education will consider the recommendations of the Panel, may make appropriate modifications to its report and will then render a decision and inform the accused student and accusing party, if applicable by law or University policy, of the final determination within seven (7) business days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person by the Director of Judicial Affairs and Community Education (or designee); mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student's University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumed delivered.
- j) There will be a single verbatim record, such as an audio recording, for all panel hearings. Deliberations will not be recorded. The official record will be the property of the University and maintained according to the University's record retention policy for student conduct records.

#### **L. Conduct Sanctions**

One or more of following sanctions may be imposed upon any student for any single violation of the *Code of Student Conduct*. On inquiry, the Vice Provost for Student Development/Dean of Students may, as permitted by law or with consent of the student, release information regarding conduct records and sanctions to employers, licensing agencies, certifying boards, graduate programs, government background inspectors and transferor institutions.

- a) *Warning*: A written notice will be sent to the student(s) who violated University policies or rules. The notice will specify that inappropriate and unacceptable actions have occurred and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the University.
- b) *Restitution*: Compensation for damage caused to the University or any person's property may be determined. This is not a fine but, rather, a repayment for property destroyed, damaged, consumed, or stolen.
- c) *Fines*: Reasonable fines may be imposed. Fines are specified to include: Alcohol related activities – fines 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.
- d) *Community/University Service Requirements*: Requirements may be issued for a student or organization to complete a specific supervised University service.

- e) *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.
- f) *Confiscation of Prohibited Property*: Items whose presence is in violation of University policy will be confiscated and will become the property of the University. Prohibited items may be returned to the owner at the discretion of the Director of Judicial Affairs and Community Education (or University Police when applicable).
- g) *Behavioral Requirement*: Required activities may include, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
- h) *Educational Program*: A sanction may include a requirement to attend, present or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus that will aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. The audience may be restricted.
- i) *Restriction of Visitation Privileges*: Restrictions may be levied on a residential or non-resident student. The parameters of the restriction will be specified.
- j) *University Housing Probation*: The student is put on official notice that, should further violations of Residence Life or University policies occur during a specified probationary period, the student may immediately be removed from University housing. Regular probationary meetings may also be imposed.
- k) *University Housing Reassignment*: The student is reassigned to another University housing facility. Residence Life personnel will decide on the reassignment details.
- l) *University Housing Suspension*: The student is removed from University housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to University housing may be specified. Under this sanction, a student is required to vacate University housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for University housing, the student must gain permission from the Director of Residence Life (or designee).
- m) *University Housing Expulsion*: The student's privilege to live in, or visit, any University housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
- n) *University Probation*: The student is put on official notice that, should further violations of University policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
- o) *Eligibility Restriction*: The student is deemed "not in disciplinary good standing" with the University for a specified period of time. Specific limitations or exceptions may be granted by the Director of Judicial Affairs and Community Education and terms of this conduct sanction may include, but are not limited to, the following:

1. Ineligibility to hold any office in any registered student organization or hold an elected, appointed, or paid office at the University; or
  2. Ineligibility to represent the University to anyone outside the University community in any way including: participating in the study abroad program, attending conferences, or representing the University at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
- p) *University Suspension*: The student is separated from the University for a specified minimum period of time; upon the satisfaction of specific conditions the student is eligible to return. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Judicial Affairs and Community Education. This sanction may be enforced with a trespass action as necessary.
- q) *University Expulsion*: The student is permanently separated from the University. The student is barred from being on campus and the student's presence at any University-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. *[This sanction will be noted as a Conduct Expulsion on the student's official academic transcript.]*
- r) *Other Sanctions*: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Director of Judicial Affairs and Community Education (or designee).

The following sanctions may be imposed upon groups or organizations found to have violated the *Code of Student Conduct*:

- a) One or more of the sanctions listed above, specifically *a)* through *h)*, and *o)* through *r)* ; and/or
- b) Deactivation, de-recognition, or loss of all privileges (including University registration), for a specified period of time.

#### **M. Parental Notification**

The University reserves the right to notify the parents or guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The University may also notify parents or guardians of non-dependent students who are under the age of 21 of alcohol or other drug violations. The University will attempt to contact the parents or guardians of any student to inform them of situations in which there is a health or safety risk. The University also reserves the right to designate which University employees have a legitimate educational interest in individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share information accordingly.

#### **N. Notification of Outcomes**

The outcome of a formal hearing is part of the education record of the accused student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except

under certain conditions. In accordance with FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or forcible or non-forcible sex offense, the University will inform the alleged victim or accusing party (or, if applicable, the next of kin) in writing of the final results of a hearing regardless of whether the University concludes that a violation was committed. Such release of information may only include the alleged student’s or accused student’s name, the violation committed and the sanctions assigned (if applicable).

In cases where the University concludes that a student violated a policy that would constitute a “crime of violence” or non-forcible sex offense, the University may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:

- a) Arson
- b) Assault offenses
- c) Burglary
- d) Criminal Homicide—manslaughter by negligence
- e) Criminal Homicide—murder and non-negligent manslaughter
- f) Destruction/damage/vandalism of property
- g) Kidnapping/abduction
- h) Robbery
- i) Forcible sex acts

#### **O. Appeal and Final Review**

Accused students or accusing parties may petition the Vice Provost for Student Development/Dean of Students for a review of a decision or sanction(s) within three (3) business days of issuance of the Director’s or Panel’s written decision to include recommended sanctions. All requests for review must be in writing and delivered to the Vice Provost for Student Development/Dean of Students. Any student who misses his or her hearing may not request a review of the decision.

Reviews will only be considered for one or more of the following purposes:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- To consider new information, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
- The sanctions fall outside the range of sanctions that the University has designated for this offense, if any. If no range of sanctions is specified, sanctions may be appealed on the basis that they are disproportionate to the severity of the violation(s).

The original finding and sanction or corrective actions will stand if the appeal is not timely or is not based on the grounds listed above, and such decisions are final. When any party requests an appeal, the other party (parties) will be notified and joined in the appeal. The party requesting the appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately.

Additional principles governing the hearing of appeals include the following:

- The Director of Judicial Affairs and Community Education (or designee) is responsible for informing the Appeals Panel of applicable precedent and, if appropriate, any previous conduct violations or other relevant pattern information about the accused student.
- Appeals decisions are to be deferential to the original decision, making changes to the finding only where there is clear error, and to the sanction or corrective action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the Director of Judicial Affairs and Community Education or the original Panel for reconsideration. Other appeals will be heard by the three-member appeals panel.
- Sanctions imposed are implemented immediately unless the Vice Provost for Student Development/Dean of Students or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The Appeals Panel Chair will prepare a written statement and deliver it to the Vice Provost for Student Development/Dean of Students, detailing the determination of the Panel, how each member voted, the information cited by the Appeals Panel in support of its recommendation, and any information the Panel excluded from its consideration and why. This report should not exceed two pages in length and must be submitted to the Vice Provost for Student Development/Dean of Students within five (5) business days of the end of deliberations.
- The Vice Provost for Student Development/Dean of Students will normally render a written decision, based on the recommendation of the Appeals Panel, to all parties within ten (10) business days from receipt of the Appeals Panel's recommendations.
- All parties will be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
- Once an appeal is decided, the outcome is final; further appeals are not permitted.

#### **P. Failure to Complete Conduct Sanctions**

All students, as members of the University community, are expected to comply with conduct sanctions within the time frame specified by the Director of Judicial Affairs and Community Education. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions, up to and including suspension from the University. In such situations, resident students will be required to vacate University housing within 24 hours of notification by the Director of Judicial Affairs and Community Education, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life or the Director of Judicial Affairs and Community Education. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. The Director of Judicial Affairs and Community Education will make this determination in consultation with the Vice Provost for Student Development/Dean of Students.

#### **Q. Disciplinary Records**

All conduct records are maintained by the University for seven (7) years from the time of their creation except those that fall under Title IX, which are maintained indefinitely. Other than expulsion and certain types of suspension, conduct sanctions will not be made a part of the student's permanent academic record, but will become a part of the student's private conduct record.