

ST. MARY'S UNIVERSITY



Drug-Free Schools and Communities Act

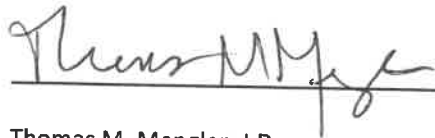
2018 Biennial Review



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November 8, 2018

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Introduction

St. Mary's University is a Catholic and Marianist liberal arts institution located west of downtown San Antonio, Texas, the second most populous city in Texas and the seventh most populous city in the United States. Founded by the Society of Mary (Marianists) in 1852, St. Mary's is the oldest Catholic university in Texas and the American Southwest. With a diverse student population of nearly 4,000, St. Mary's is home to the School of Humanities and Social Sciences; the School of Science, Engineering and Technology; the Greehey School of Business; and the School of Law.

St. Mary's offers more than 75 academic programs, in addition to pre-professional programs in medicine, nursing, dentistry, pharmacy, allied health, and law. St. Mary's graduate studies offer 19 master's programs and 2 Ph.D. programs. St. Mary's has some 200 full-time faculty members, 94 percent of whom hold doctorate or terminal degrees.

The Drug-Free Schools and Communities Act

The 1989 amendments to the Drug-Free Schools and Communities Act (DFSCA), as articulated in the Education Department General Administrative Regulations (EDGAR) Part 86 - Drug and Alcohol Abuse Prevention Regulations) - require each institution of higher education, including St. Mary's University (StMU), to certify it has adopted and implemented a program to prevent the abuse of alcohol and the use or distribution of illicit drugs, both on its premises or as a part of any affiliated activities. Each institution of higher education must annually distribute the following information to all students and employees:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- A description of the legal sanctions under local, state, and/or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of any drug or alcohol counseling, treatment, or rehabilitation and/or reentry programs that are available to employees or students;
- A clear statement that the institution will impose sanctions on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct; and
- Information on available treatment and support programs and services on and off campus.

The law further requires that each institution of higher education conducts a biennial review of its program with the following objectives:

- Determine the effectiveness of the program and if needed, implement changes to the alcohol and other drug programs; and
- Evaluate the consistency of sanctions imposed for violations of disciplinary standards and codes of student conduct related to the illegal use of alcohol and other drugs
- Produce a report of the findings of this biennial review

The purpose of the StMU biennial review is to determine the effectiveness of the university's Drug and Alcohol Prevention Program (DAAPP) and decide whether program changes should be made to our

community approach to this issue. StMU acknowledges its obligation to distribute important information about our campus Alcohol and Other Drugs (AOD) programming information to our community, and to conduct a biennial compliance review of this program as directed by the Drug-Free Schools and Communities Act.

Statement of University DAAPP Goals

The program goals of the St. Mary's University Drug and Alcohol Prevention Program (DAAPP) are:

1. Ensure that the entire St. Mary's University community is aware of each of the component parts of the campus DAAPP, to include knowledge of campus policies, accountability standards, and available counseling, treatment, referral and other support resources.
2. Provide ongoing education that encourages all community members to make responsible choices about alcohol and drug usage, which ensure the academic success of our students and promote healthy lifestyles for our community.
3. Create, update, and consistently enforce university policies that support campus efforts to create an educational and working environment free from the negative effects of substance use and abuse.
4. Conduct a regular examination of the university's DAAPP to identify and address areas for improvement in the management and delivery of the program.

DAAPP Goal 1:

Ensure that the entire St. Mary's University community is aware of each of the component parts of the campus DAAPP, to include knowledge of campus policies, accountability standards, and available counseling, treatment, referral and other support resources.

Procedures for Distributing DAAPP Information¹

¹ A full copy of the DAAAP annual notice email to students is included with this review as Appendix A.

The full text of the university's policy statement regarding the prevention of alcohol abuse & controlled substance use at St. Mary's University that was attached to the annual DAAPP email is included with this review as Appendix B.

After the twelfth day of classes for each fall and spring term, all currently-enrolled students receive an email from the Dean of Students calling attention to the StMU policies related to drugs and alcohol, as well as the Equal Opportunity, Non-discrimination, Sexual and Other Forms of Harassment Policy. This notice includes the following information:

- A link to the StMU Code of Student Conduct;
- A description of the applicable legal sanctions/disciplinary actions under federal, state, and local laws, and campus policy;
- A description of the health risks associated with alcohol and drug use; and
- A list of available treatment and support programs and services on and off campus.

All new freshmen and transfer students, before the beginning of their first semester on campus, are required to participate in *Think About It*, an online substance and sexual abuse training program. The program prepares students to confront and prevent serious campus problems, including those influenced by drug and alcohol use. The StMU Code of Student Conduct and other AOD policies are presented throughout this interactive training program. To ensure completion of the program, new students must present a *Think About It* certificate of completion to their ND 0101 Personal and Academic Development Freshman Seminar instructors to receive academic credit for the class (which students typically take during the first semester at St. Mary's).

Information on the university's AOD policies is also provided to all new freshmen and undergraduate transfer students enrolled in the ND 0101 Personal and Academic Development Freshman Seminar within their first month of class. Similar presentations on the StMU Code of Student Conduct, which also cover AOD policies, are presented by or on behalf of the Office of Student Integrity and Welfare as part of international, graduate, and law student orientation programs.

The Office of Human Resources coordinates the distribution of DAAAP information to University staff and faculty.² The Employee Annual Policy Notification process requires all employees to acknowledge receipt of the Drug-Free Workplace Policy. The mandatory notification also ensures all staff members are provided information about the Equal Opportunity, Nondiscrimination, Sexual, and Other Forms of Harassment Policy.

² A complete description of the university's DAAPP distribution procedures for all University community members is included with this review as Appendix C

DAAPP Goal 2

Provide ongoing education that encourages all community members to make responsible choices about alcohol and drug usage, which ensure the academic success of our students and promote healthy lifestyles for our community.

Campus Partners in DAAPP Education Efforts

Several campus partners play key roles in providing alcohol and drug awareness education and support efforts to the entire campus community.

The Office of Residence Life

The Office of Residence Life provides information on all StMU policies to resident students during the mandatory welcome meetings in each hall, held at the beginning of each academic year. Residents are provided a web link to a document titled, *Your Guide to Community Living On-Campus*. This document contains important information about life on-campus and health and safety, as well as StMU Residence Life policies related to the possession, use, or distribution of alcohol and other drugs in the residence halls.

St. Mary's University Police Department

The StMU Police Department is responsible for law enforcement, security and emergency response on campus, to include property owned, leased or otherwise under the control of StMU. The Department works closely with staff in Residence Life and other university departments to respond to reports of illegal alcohol and other drugs activity on campus. The Department also plays a significant role in educating and training our community members. During the last two years, StMU Police and Residence Life worked together in training Resident Assistants to recognize marijuana scent (via a controlled burn) and educated them about effects and dangers of the drug, as well as identifying signs of marijuana impairment and displays of confiscated paraphernalia.

StMU police officers also collaborated with Residence Life and the Student Life Office of Fraternity and Sorority Life to provide alcohol and drug education programming to resident students.

During the 2017 spring semester, Police Officers illustrated the dangers of drunk driving by inviting resident students to wear "Drunk Goggles" while attempting random tasks and/or driving a video-game-controlled vehicle. After the demonstrations, Officers provided a 30-minute presentation on the rules and laws related to alcohol and the dangers associated with its use. Students were invited to ask questions following the demonstration and presentation.

In addition, the Police Department partnered with Delta Zeta Sorority to provide educational activities to the StMU Greek organizations during their annual Alcohol Awareness Week events. The activities illustrated the campus rules and State laws covering alcohol use and misuse. UPD education partner efforts with Greek

Life and included “Drunk Goggles” demonstrations and a simulated “party bust”. Following the activities, StMU Police presented rules, laws, and dangers associated with alcohol use.

Descriptive information about the health risks and legal sanctions associated with the use of illicit drugs and alcohol is also made available to the entire StMU community via on the Drug and Alcohol Awareness web page linked to the StMU Police Department website at the following address:

www.stmarytx.edu/campuslife/safety-security/police/drug-alcohol-awareness/

Student Life (SL)

The Department of Student Life is the umbrella office for student involvement at StMU and includes the functional areas of New Student Orientation, Registered Student Organizations, Fraternity and Sorority Life, the University Programming Board, and ND0101, a first-year student seminar course. Multiple programs and activities organized or sponsored by Student Life provided important AOD policy information and education to our students.

During each new student orientation, known as Zaragoza Days, session leaders and staff members from the Office of Student Psychological and Testing Services presented *Real Life Situations* program. The program is a series of real-life situations and challenges likely to be encountered by college students.

Other speakers in the last two years included David Coleman, known nationwide as “The Dating Doctor”. Coleman is a nationally known speaker on relationship matters and the role alcohol and other drugs can play in college students making poor decisions about relationships.

Student Life also sponsored a series of alcohol-free evening and weekend programs to provide alternative social opportunities on campus, in San Antonio and the surrounding area.

Student Life, as the office charged with programming for The Pub at St. Mary’s, organized approximately 100 various events and activities each year, focused on offering alternatives for students who do not drink and encouraging responsible drinking for those 21 years-of-age and older.

Fraternity and Sorority Life Alcohol and Drug Programing

Student Life also provided important information about drug and alcohol abuse to the StMU Greek organizations through the following documents, handouts and presentations:

- Teaching Outstanding Greek Attributes and Standards (T.O.G.A.S.) presentation to all new Greek chapter members *
- Registered Student Organization (RSO) Risk management training for all student organization leaders *
- Greek Organizations Recruitment Policy
- Panhellenic Recruitment Policies
- Hazing Policy
- Advertising guidelines regarding the use of alcohol brands or images on advertisements for student event

Note: * In 2017-2018 the TOGAS program was replaced by New Member 101 program. Distributed to all students through the RattlerTracks System and at New Member 101 sessions were risk management

information and the RSO Risk Management Handbook. Designated driver coupons and local taxi service information were also distributed at this event.

Each fall and spring semester the Fraternity and Sorority Life office held required informational sessions for all new members of the Greek community. In these sessions new members learned about hazing, Title IX, and alcohol use. Specifically, with regard to alcohol education, the following subjects were covered:

- “Low-Risk Drinking” – Educational presentation on standard drink size, definitions of “binge-drinking, and facilitated open conversation on realistic low-risk drinking for college students.
- “What do I Value?”- Students identified their current top three values in life, then reflected on how drinking could jeopardize these goals and how they would feel if they lost any of these values as a result of drinking
- “What does it cost?”- A presentation of both St. Mary’s University policies and Texas state laws involving alcohol violations
- “Tolerance & Impairment” - Defining the concept of Blood Alcohol Content and discussing what happens to the body as a person’s BAC increases
- “Alcohol Poisoning” - A presentation on how to recognize the signs of alcohol poisoning
- “Helping your friends” - A final discussion on ways to protect not only fellow Greek brothers and sisters, but the StMU community as a whole

In addition, annual training given to both the President and Risk Management chair of each social Greek chapter on campus as required by S.B. No. 1138 & 1525. This training covered the possession and use of alcoholic beverages and illegal drugs, including penalties that may be imposed for possession or use. Each organization officer was then instructed to deliver the same presentation at mandatory follow-up chapter meeting.

Human Resources

The Office of Human Resource is responsible for setting, distributing, and enforcing StMU AOD policies to all St. Mary’s University employees. During the 2016 - 2018 biennium, the Office provided education, outreach opportunities, such as the Wise and Well Hour, a lunch and learn workshop, co-sponsored by the Student Health Center each month during the fall and spring semesters of both academic years.

Rattler Athletics

The StMU Athletics Department required all student-athletes to complete *myPlaybook*, an in-depth, evidence-based program designed to prevent alcohol and other drug-related harm among our student-athletes. Additionally, prior to participation in any required athletic activities, incoming (new) and continuing student-athletes are required to read and sign the NCAA’s Summary of Regulations. Included in the Summary of Regulations is a Student-athlete Statement/Drug Test Consent form. This form serves a dual purpose; to affirm a student-athletes’ understanding of the NCAA’s banned substance list, in addition to, notifying the student-athlete that the NCAA has the authority to test for banned substance use, on a year-round basis. Refusal to sign the aforementioned student-athlete/drug test consent form will prohibit the student-athlete from participating in any required, athletically related activities.

Any student-athlete who tests positive for a banned substance or who refuses to submit to a required drug test, and/or who violates the terms of the safe harbor program described in the Drug and Alcohol Education and Testing Policies will be subject to sanctions up to and including immediate removal from his/her team and non-renewal of any athletically-related financial aid. A copy of the Drug and Alcohol policy is included in this review as Appendix G.

Beginning with the 2018- 2020 biennium, the Athletics department plans to dedicate additional resources toward re-educating student-athletes, staff and coaches on substance-abuse prevention and recovery. In addition to updating department policy, the University Athletics drug test coordinator will lead the charge of offering a variety of educational resources, related to drug and alcohol use. After an independent review of current alcohol and other drugs policies, the following changes are recommended for adoption:

- Require student-athletes to sign a student-athlete handbook, including department and general University drug and alcohol policy
- Create a drug and alcohol committee (chaired by the institutional drug test coordinator)
 - This committee will exclusively handle drug and alcohol related matters within Athletics
- Require attendance by all student-athletes to one (1) in-person meeting lead by a drug and alcohol professional/expert
- Update current sanctions for a positive drug test and/or alcohol use
 - Create separate sanctions for student-athletes that violate the drug policy and those that violate the alcohol policy
 - Increase the amount of time student-athletes are withheld from all team activities (including competition) if in violation of the drug and/or alcohol policy
 - Require student-athletes to attend drug and alcohol counseling during withholding
 - Clarify current language that addresses “Reasonable Suspicion” and testing frequency
 - Develop a new process for notification of a positive test result

Student Health Center

The Student Health Center is an on-campus outpatient primary health clinic. The Center provides confidential medical assistance and counseling referrals for students who evidence or self-report drug or alcohol dependency or addiction issues. The Center also sponsored programs and activities promoting campus discussions about a variety of community health concerns.

A free online health and wellness publication, *Student Health 101*, sponsored by the Health Center, regularly included wellness articles written by StMU student reporters on how to maximize their college experience by making informed choices on the issues of alcohol and drug consumption.

StMU School of Law

The School of Law provided several opportunities for law students to learn more about the personal risks of drug and alcohol abuse. Presentations by representatives from the Texas Lawyers Assistance Program (TLAP) regarding drug and alcohol abuse during the fall 2016 fall 2017 semesters invited law students to learn more about alcohol and prescription medication abuse, the two main risk factors associated with law students’ mental health. A tabling event during ABA Mental Health Awareness Day provided law students with information on several topics from substance abuse to mental illness.

Held every March, Mental Health Awareness Week featured a week of different activities to bring awareness to the connections between maintaining a healthy balance (mind, body as soul) and being successful in law school. In the 2017-2018 academic year, the School of Law created two additional educational partnerships to provide health lifestyle information to our students. The San Antonio Food Bank provided a cooking demonstration on healthy eating on a budget for our community. Members of the Physicians Fellowship program at the San Antonio Military Medical Center (SAAMC) presented to law students about the importance of sleep as a key component of a healthy lifestyle.

Student Counseling Services

The Student Counseling and Testing Office provides counseling, mental health services and psycho-educational assessment and testing services to the StMU community. In addition to providing confidential counseling and referral services for students who abuse and/or are dependent on alcohol or drugs, the Office developed and presented risk assessment and harm–reduction presentations during Zaragoza Orientations, ND 0101 class sections, and Fraternity and Sorority Life student training events.

Wellness Team

The STMU Wellness Team is a group of staff from several campus departments who work together to create activities and events promoting wellness in our community. During the 2016-17 and 2017-18 academic years, a reorganized Wellness Team focused on the task of providing leadership and direction to wellness programming efforts for our resident students. Wellness events and activities during these last two years included:

- Suicide Prevention Week: Know the Signs, Save a Life
- Domestic Violence Awareness Month Event: No More Silence, End the Violence
- Bystander Awareness: See Something, Do Something
- Healthy Relationships
- Spring Break Safety
- Sexual Assault Awareness Month: Take Back the Night
- Lunch and Talk on Violence in the media

Relevant Information on AOD-related issues was integrated into these presentations whenever possible. While these programs were targeted to resident students, all community members were welcome at these events.

Alcohol and Other Drugs Support Programs For Students, Faculty, and Staff

The StMU Safe Harbor Policy found in the Code of Student Conduct allows any student to seek assistance for their drug or alcohol use, addiction, or dependency from StMU officials outside the threat of drug tests or conduct sanctions and without concern about a conduct complaint being pursued. The student, who is expected to sign releases allowing for effective monitoring of compliance, may use a written action plan to track cooperation with the Safe Harbor Program.

Student Integrity and Welfare or Student Counseling Services may also refer students who are suspected to have a significant or serious substance abuse problem to the San Antonio Recovery Center (SARC). While at SARC, students may complete assessments and receive outpatient/inpatient care for their dependency or addiction.

Faculty and staff who ask for assistance with AOD-related issues can access the year-round Employee Assistance Program for treatment, counseling, and resources. In 2017, the university switched from Deer Oaks to Aetna Resources for Living™ as the Employee Assistance Program provider. Information on the university's EAP is available through University's Gateway web portal and is included in all welcome packets provided to new staff hires.

DAAPP GOAL THREE:

Create, update, and consistently enforce university policies that support campus efforts to create an educational and working environment free from the negative effects of alcohol and other drugs use and abuse.

DAAPP Policy, Enforcement and Compliance Inventory

The StMU Code of Student Conduct ³

The StMU Code of Student Conduct contains a statement about disciplinary sanctions StMU will impose on students found responsible for violating University policy, as well as a description of each sanction. In compliance with the Drug-Free Schools and Communities regulations, the Code includes the following information:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students on StMU property, or as part of any StMU-sponsored activity;
- A description of the legal sanctions for the unlawful use, possession or sale of illicit drugs and alcohol available under local, state and federal law; and

³ The St. Mary's Code of Student Conduct is included with this review as Appendix D

- A clear statement of the disciplinary sanctions imposed on students for violating the policy and a description for each sanction.

The Code of Student Conduct also provides amnesty to complaining parties, for those parties who offer or provide assistance (bystander intervention), and for those parties who want to report serious violations but may be hesitant to report incidents to University officials because they fear that they themselves may be accused of AOD-related policy violations at the time of the incident. This document can be found online at www.stmarytx.edu/policies. A copy of the StMU Code of Student Conduct is included as Appendix D of this review.

Office of Student Integrity and Welfare⁴

The Office of Student Integrity and Welfare reviews all non-academic allegations of student misconduct, including allegations of alcohol or other drug use that violates Texas state law, the StMU Code of Student Conduct, or Residence Life Community Living Standards. Once a finding of violation has been determined, the individual is subject to sanctions commensurate with the offenses and in accord with any aggravating or mitigating circumstances. Consistency in AOD sanctioning decisions is ensured by adherence to the procedures outlined in the Code of Student Conduct, regular staff development training of the Director of Student Integrity and Welfare, and informal process and outcome checks on selected cases conducted by the Dean of Students and Vice Provost for Student Development.

Alcohol-Related Misconduct

Alcohol related misconduct subject to review under the Code of Student Conduct or the Residence Life Community Living Standards (CLS) by the office includes the following offenses:

- *Alcohol* - Use, possession or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and university policy.
- *Alcohol* - Minor in Consumption
- *Alcohol* - Sold or Given to Minors
- *Collusion* - Action or inaction with others to violate the St. Mary's University Code of Student Conduct
- *Damage and Destruction* - Intentional and unauthorized damage to or destruction of university property, or property of another.
- *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.
- *Falsification* - Knowingly furnishing or possessing false, falsified or forged materials such as falsification or misuse of documents, accounts, records, identification or financial instruments.

⁴ Clery Annual Campus Crime Statistics for the years 2015 through 2017 and AOD Summary Conduct Statistics for the 2016-2017 and 2017-2018 academic years are included in this report as Appendix E

- *Harm to Persons* – Intentionally or recklessly causing physical harm or endangering the health or safety of another person
- *Violations of Law* - Public Intoxication
- *Community Living Standard CLS) 1: Alcohol*
 1. Alcohol consumed by persons under the age of 21
 2. Alcohol consumed in public places that are not pre-approved special events or designated areas on campus for alcohol consumption, regardless of age.
 3. Alcohol sold or given to minors.
 4. Printed materials, flyers, or posters advertising alcohol when displayed outside a residence hall room. (Note: this includes doors to rooms)
 5. Possession of kegs, wine boxes, or other common source containers of alcohol, whether empty or full. Kegs or beer pong tables may not be used as decorations or furniture
 6. The manufacturing of alcoholic beverages in the residence halls.
 7. Violation of alcohol policies by guests of residents.
 8. Attendance at parties or gatherings where alcohol is being served if you are under the age of 21.

During the 2016- 2018 biennium, a student found responsible for a first-time violation of the university's alcohol policies commonly received a warning, and if s/he was a resident student, up to one year of Residence Life probation and a restriction against registering as a guest of Residence Life for the next Fiesta OysterBake campus event. A student found to be responsible for providing alcohol to minors most commonly received conduct probation for up to one year, as well as four to eight hours of community service. In addition, if the sanctioned student who provided alcohol also represented the university as a campus activities leader or as an athletic team member, the student was commonly required to have a meeting with the organization's staff sponsor or head coach to discuss his/her actions and their impact on their ability to serve as a leader in that organization. On-campus residents who provided alcohol to underage students additionally received up to one year of residence life probation, visitation restrictions to certain residence halls, and complete loss of visitation and hosting privileges for the next Fiesta OysterBake campus event.

Students who committed multiple violations of University Student Rules or Residence Life Community Living Standards related to alcohol commonly receive lengthened terms of University or residence Life probation, increased community service hours requirements, fines of up to \$400, and deferred or actual/immediate loss of their on-campus housing privilege.

Sanctions and corrective actions for staff who violate university policy related to use of alcohol include, but are not limited to, verbal and written warnings, required counseling, demotion, suspension with pay, suspension without pay, and dismissal, in accordance with the terms of Section 5.0 Separation from Employment in the University's Personnel Manual.

Drug-Related Misconduct

Drug-related misconduct subject to review under the Code of Student Conduct or the Residence Life Community Living Standards (CLS) by the office includes the following offenses:

- *Drugs* -Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and University policy
- *CLS 8 – Drugs and Paraphernalia*
 1. Use, possession, manufacture or sale of illegal drugs.
 2. Possession of drug related paraphernalia.
 3. Reasonable suspicion regarding use, possession, or sale of illegal drugs.

Violations of any state or federal law for controlled substances, which occur off campus and are not associated with a University activity, may result in disciplinary charges if the continued presence of the individual on campus is likely to interfere with the educational process or the orderly operations of the university.

A student found responsible for a first-time drug violation usually received an academic year of conduct probation, 4 to 12 hours of community service, residence life hall visitation restrictions, and up to two years of residence life probation. In addition, if the sanctioned student represented the university as a campus activities leader or as an athletic teams member, the student was commonly required to have a meeting with the organization’s staff sponsor or head coach to discuss his/her actions and their impact on their ability to serve as a leader in that organization.

Subsequent drug-related violations by students may result in consequences up to and including suspension, dismissal, or expulsion from school. Cases involving employees will result in disciplinary sanctions up to and including termination. The severity of sanctions depends on the nature and seriousness of the case. Students found responsible for selling drugs or other controlled substances on campus are typically dismissed from StMU for four years.

No students were found responsible for selling drugs within our community and consequently dismissed from school during the 2016-2017 or 2017-2018 academic years

No student fatalities occurred related to alcohol or other illegal drugs or the use or abuse of controlled substances at StMU, or as part of any of StMU activities during the 2016-2017 and 2017-2018 academic school years.

Sanctions and corrective actions for staff who violate university policy related to use drugs also include, but are not limited to, verbal and written warnings, required counseling, demotion, suspension with pay, suspension without pay, and dismissal, in accordance with the terms of Section 5.0 Separation from Employment in the University’s Personnel Manual.

AOD Policy, Enforcement and Compliance Inventory For Faculty, Staff, And Guests ^{5 6}

Information on aspects of the StMU’s DAAPP is provided to new employees as part of their onboarding process. Related information on the StMU Drug-Free Workplace Policy is also included in the StMU

⁵ The text of Drug-Free Workplace Policy is included with this review as Appendix F

⁶ The text of the university’s Alcohol Service and Sales Policy is included with this review as Appendix G

Personnel Manual. This document is available on the StMU website at www.stmarytx.edu/policies/policy/drug-free-workplace/ and is included in this review appendix.

Each academic year, employees must also acknowledge they have read and understood the Drug-Free Workplace Policy as part of the required WeComply Employee Annual Policy Notification for all StMU employees. New hires (full-time and part-time faculty and staff) who start working after the annual notification is sent out receive a WeComply training link to complete within 60 days of employment.

The university's Policy on Alcohol Service and Sales states all members of the StMU community and guests are expected to comply with Texas State law and exercise responsible behavior when consuming alcoholic beverages on campus, whether provided at an event or purchased at in The Pub (on campus). This Policy contains guidelines for hosting sponsored events where alcohol is served and includes the following statement about the penalties the university may enforce for failure to comply.

Failure to comply with these or any other StMU regulations or policies may result in event cancellation or termination. Additionally, StMU disciplinary action may be initiated in accordance with the procedures outlined in the StMU Code of Student Conduct (students), StMU Personnel Manual (staff), or StMU Faculty Handbook (faculty). Disciplinary action imposed by StMU may precede and be in addition to penalties imposed by law enforcement authorities off campus.

This policy is available on the university website at the following link and is also include in this review appendix: <https://www.stmarytx.edu/policies/policy/alcohol-service-and-sales/>

Tobacco-free campus - The University has dedicated tobacco-allowed areas on campus are marked with "Designated Tobacco (Smoking) Area" signage. Appropriate receptacles are available at each designated tobacco (smoking) area for the disposal of tobacco products. Persons not disposing of tobacco products appropriately will be subject to disciplinary action in accordance with employee (faculty and staff) and student conduct policies. Refusal to appropriately dispose of tobacco products in the designated area by visitors, guests and contractors is grounds for removal from campus.

All St. Mary's employees, students, visitors, guests and contractors are required to comply with this policy, which shall remain in effect at all times. Refusal to comply with this policy is cause for disciplinary action in accordance with employee (faculty and staff) and student conduct policies. Refusal to comply with the policy by visitors, guests and contractors is grounds for removal from campus.

DAAP GOAL 4

Conduct a regular examination of the university's DAAPP to identify and address areas for improvement in the management and delivery of the program.

Assessment of the StMU DAAPP Effectiveness

Information on drug and alcohol programming by Student Life, Residence Life, Fraternity and Sorority Life, and Student Integrity and Welfare and the Wellness Team is available in annual departmental summaries from each area. Beginning with the 2018-2019 academic year, reference information about current and planned drug and alcohol programming activities may be found in each area's strategic planning documents contained in WEAVE, the university's web-based assessment management system to support and document strategic planning implementation.

The University's DAAPP education and prevention programming efforts are based on sound administrative policies addressing the presence of alcohol and other drugs within our student community. These policies are reviewed and updated annually to ensure the information contained therein represents a 'best practices' approach.

Multiple offices across StMU collaborate to provide alcohol and drug education programming through a wide variety of events, presentations, and other educational experiences for our community. This collaborative programming approach highlights the level of importance about this topic within the STMU community while also demonstrating a team-centered approach to sustaining a comprehensive, campus-wide AOD programming model.

St. Mary's University ensures the consistency of enforcement of alcohol and other drugs sanctions through a number of methods. The Code of Student Conduct is reviewed annually and undergoes a comprehensive review every three years to incorporate any changes in Federal or state laws and to reflect any emerging best practices to the process of adjudicating student misconduct.

The Director of Student Integrity and Welfare is the campus employee primarily responsible for adjudicating the alcohol and drug policies found in the Code of Student Conduct. This position has campus leadership responsibility for ensuring that freshman and transfer students complete the *Think About It* program, which presents important alcohol and other drugs policy and educational information to new students.

All related student conduct correspondence is conducted using the Maxient conduct database software for managing student conduct records. The Maxient software enables standardization in the process for reporting alleged student violations of the Student Code of Conduct related to the unlawful possession, consumption or distribution of alcohol and other drugs by the StMU student population. The Maxient software provides an additional opportunity to ensure consistency in the adjudication of these cases by compiling detailed data on the number of alcohol and drugs cases adjudicated in any period, who adjudicated these cases, and the number and type of sanctions assigned to students who violated the university's Alcohol and Drug Policy. Data collected during the reporting of campus incidents also provides for better insights into violation trends and correlations with the time of year or time of the semester.

Feedback on the effectiveness of mandatory drug treatment referrals for staff and faculty is collected and evaluated on an individual/anecdotal or voluntary basis. Improving the collection of programmatic and effectiveness data for all campus alcohol and other drugs education efforts is a noted area for improvement during the 2018-2020 biennium period.

Campus AOD Program Strength and Challenges

Strengths

- The University annually reviews and revises all AOD-related policies and guidelines for the community and makes these policies available online at <https://www.stmarytx.edu/policies/>
- An Employee Assistance Program (EAP) is available for all faculty and staff
- Collaborative AOD wellness and education programming efforts across campus highlights the University's shared commitment to achieving DAAPP goals

Areas for Improvement

- StMU does not have a strategic plan of action to coordinate, implement, and assess the effectiveness of our current AOD education and prevention efforts.
- Limited faculty and staff awareness of campus DAAPP components
- No climate survey data available for upper class, graduate, and law students about their attitudes and behavior towards alcohol and other drugs use at StMU.
- Attendance at AOD events is not yet at an optimum level for all programs.
- Documenting and affirming the annual employee notification process for off-cycle new hires.
- Campus resource constraints limit the ability of the institution to provide additional funding and staff in support of AOD prevention and education efforts.

Conclusion

St Mary's University strives to be in full compliance with the Drug-Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA). Eliminating or closing the identified program gaps and improving our efforts to evaluate the effectiveness of our drug and alcohol education efforts will be the primary focus for St. Mary's University and its review team during the next biennial evaluation cycle.

As a campus, we are committed to consistently delivering and assessing our DAAPP and implementing any necessary changes to improve the effective and consistency of our program. This sustained approach to DAAPP programming and assessment should achieve two related goals: reducing harm caused to the community by the high-risk consumption of alcohol and other drugs and empower students to be effective bystanders in their own community when confronted with the issue of illegal alcohol and drug use. Moreover, this approach should further encourage all community members to make responsible choices about alcohol and drug usage to ensure academic success and promote healthy lifestyles for our entire StMU community.

2018 Goals and Recommendations for Next Biennium

Re-structure DAAAP Review Team to improve program guidance and assessment efforts

1. Team members will create a strategic plan of action to coordinate, implement, and assess the effectiveness of our current DAAPP
2. Team members will continue to build on prior guidance from the National Institute on Alcohol Abuse and Alcoholism (NIAAA) on effective prevention and planning of effective alcohol prevention initiatives. Members will
 - Systemically evaluate the effectiveness of StMU's current approach to AOD education and prevention.
 - Review the available research on effective Alcohol and Other Drug prevention and education programs at other institutions of higher education (IHE)s.
 - Supplement or replace campus AOD offerings with these exemplary programs that create effective tiered individual, group-level, institutional, and community-level education and intervention strategies.
 - Improve methodology and consistency of assessment of the entire DAAPP for effectiveness and 'fit' with the StMU community.
3. Team members will meet regularly to review elements of this approach and propose annual changes to respond to specific campus concerns or incorporate emerging best practices in DAAPP policy, prevention and education efforts.

Increase involvement of proposed BIT Team in AOD prevention and support

As described by the National Behavioral Intervention Team Association (NABITA), a Behavioral Intervention Team (BIT) is a multi-disciplinary group whose purpose is to meet regularly to receive reports of individual or group "red flag" behaviors, perform a threat assessment and/or a trend analysis, and then determine the best campus mechanism for support, intervention, warning/notification, and response.

Once established, the proposed St. Mary's University BIT team should serve as a comprehensive and collaborative resource for the entire community. The BIT Team will serve in both a prevention and intervention capacity by coordinating on-campus support for community members and providing appropriate outside referrals to community agencies, resources and treatment options.

Support strategic campus partnerships with Residence Life and University Police Department

In fall 2018 the Director of Student Integrity and Welfare and the Office of Residence Life will pilot a new student conduct co-adjudication model, in which Hall Directors are directly involved in conduct meetings, sanctioning decisions, and educational follow-ups with their resident students who were found responsible for lower-level violations of university policies, including alcohol policy violations. Beginning in fall 2018, the University Police Department Police will begin issuing City of San Antonio citations to all student found to be in possession of alcohol while underage or in possession of drugs or drug-related paraphernalia.

Establish bystander program partnerships with the Department of Justice Grant

A student bystander intervention program will be implemented on campus as part of the Department of Justice Office on Violence Against Women (OVA) Grant to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus. Planned training for student bystander volunteers will include Information on how to help identifying problematic situations involving drugs and alcohol and how to safely intervene and respond during these incidents.

Enhance Planned Collaborations between Student Counseling Services, the Office of Student Integrity and Welfare, and University Athletics

This collaboration will better coordinate the assessment and treatment of substance abuse issues here on campus while also providing more prevention programming for our student-athletes.

Updated Recommendations Being Continued from 2016 Review

- Add Biennial Review Team representatives from the School of Law and Graduate Studies to assure the effective implementation and evaluation of AOD programming for these student groups.
- Continue to assess distribution practices for scheduled DAAPP notifications to ensure all new students and employees receive this important policy information at the time of their entry into the StMU community.
- Continue to explore methods to involve parents in the DAAPP education and engagement opportunities we provide for new students to our community.
- Continue to explore the use of current campus structures such as the Faculty Senate and the Human Resources Advisory Council (HRAC) to help promote DAAPP awareness and provide information on counseling support and supervisory resources for all University employees.

2016 Review Recommendations Not Being Advanced for 2018 implementation

- Explore establishing a dedicated position for wellness programming, who is responsible for coordinating, presenting, and assessing AOD education and prevention efforts.
- Launch a campus-wide dialogue about the presence of alcohol at StMU events and the message conveyed to our students, faculty, and staff regarding issues of AOD abuse.

APPENDIX A

Dear Students,

I hope that your semester is off to a smooth start thus far and I wish you success in all your curricular and co-curricular endeavors this semester!

Today, I am writing to you in accordance with the federal notification requirements found in the Drug-Free Schools and Campuses Act of 1989 (20 U.S.C. § 10111j; 34 C.F.R. § 86.1*et seq.*; 55 Fed. Reg. 33.580). The Drug-Free Schools and Campuses Act helps assure that all members of the St. Mary's University community are provided with a copy of the University's policy on recognizing and responding to the significant issue of alcohol and other drug use within our community.

St. Mary's University is committed to the health and well being of our students, faculty, and staff and I encourage you to take a few moments to familiarize yourself with the information in the document attached to this email.

Included in this annual notice are the following:

- A link to the [Code of Student Conduct](#);
- A link to the University's [Alcohol and Other Drugs Policy](#), which includes a description of the applicable legal sanctions/disciplinary actions under federal, state, or local law and campus policy; a description of the health risks associated with alcohol and drug use; and a list of available treatment and support programs and services on and off campus

I also want to remind you of St. Mary's University's **Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment policy**. St. Mary's University affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise in full compliance with the requirements of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Civil Rights Act of 1991, the Pregnancy Discrimination Act of 1978, the Age Discrimination in Employment Act, the Older Workers Benefit Protection Act, the Americans with Disabilities Act, the Equal Pay Act, the Uniformed Services Employment and Reemployment Rights Act, the Genetic Information Nondiscrimination Act, the Immigration Reform and Control Act of 1986, and other federal, state, and local laws.

All alleged violations of St. Mary's University's **Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment policy** will be handled in accordance with the University's [Equity Discrimination Resolution Process](#). The Equity Discrimination Resolution Process applies regardless of the status of the parties involved, who may be students or employees (staff, faculty, or administrators). The University reserves the right to act on conduct that may constitute a violation of this policy occurring on campus or off campus, when the off-campus conduct could have an on-campus impact or impact on the mission of the University.

The Director of Human Resources serves as the [Title IX Coordinator](#) and oversees implementation of this policy and alleged violations of this policy must be reported to the Title IX Coordinator (or a Deputy Coordinator) immediately. Title IX Coordinator and Deputies include the following individuals:

- Elsa Ybanez, Director, Human Resources (210) 436-3725 or email at titleix@stmarytx.edu
- Tim Bessler, Ed.D., Vice Provost for Student Development & Dean of Students (210) 431-4396
- Leona Pallansch, Ph.D., Associate Provost, (210) 436-3204

As a reminder, please report crimes to the University Police Department at (210) 436-3330 for non-emergencies and (210) 431-1911 for emergencies.

Please contact me if I can be of assistance to you in any way or if you have any questions or concerns regarding the contents of this notification or the support services available to St. Mary's students. I can be reached as follows:

Tim Bessler, Ed.D.

Vice Provost for Student Development

Dean of Students

Deputy Title IX Coordinator

Office of Student Life

University Center, 2nd Floor

One Camino Santa Maria

San Antonio, TX 78228

Email: deanofstudents@stmarytx.edu

Phone: (210) 436-3331

Fax: (210) 436-3416

APPENDIX B

Text of StMU Policy Update email attachment linked to in the email provided in Appendix A

Prevention of Alcohol Abuse & Controlled Substance Use at St. Mary's University

St. Mary's University is committed to preventing alcohol abuse and controlled substance use within our University community. Alcohol abuse and controlled substance drug use disrupts the special environment of personal growth that St. Mary's seeks to foster. As such, every member of the St. Mary's University community must help prevent alcohol abuse and controlled substance drug use from negatively affecting our learning environment.

This summary provides information on health risks, University policy, and legal repercussions associated with alcohol and other drug abuse. Additionally, information is provided on intervention, assessments, counseling, and referrals through StMU programs that can help all of community members reinforce and positively contribute to the educational mission of St. Mary's University.

The Student Handbook outlines St. Mary's University policies regarding drugs and alcohol including the process by which violations of these policies are addressed and relevant sanctions.

Health Risks

Alcohol abuse is a prime contributor to suicide, homicide, motor vehicle deaths, and other unintended deaths. Excessive alcohol consumption leads to more than 100,000 deaths annually in the United States. Alcohol abuse can lead to alcohol dependence, premature death through overdose, alcohol-related stroke, and complications involving the brain, heart, liver, and many other body organs. Alcohol abuse also causes liver disease, gastritis, and anemia, as well as cancers of the esophagus and larynx.

Alcohol used in any amount by a pregnant woman can cause birth defects and permanent brain damage to the child. Mothers who regularly drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. Drug use by a pregnant woman may also cause addiction or health complications in her unborn child.

Alcohol abuse interferes with psychological functions, causes interpersonal difficulties, and is involved in most cases of child abuse and sexual assault. Substance abuse disrupts work, reduces motivation, causes legal and financial problems, and social and family problems. Other problems associated with alcohol and other drug use includes the following psychological dysfunctions: dependency, memory loss, hallucinations, paranoia, and psychosis.

The use of controlled substance drugs can result in a wide range of health problems. In general, controlled substance drug use can result in drug addiction, death by overdose, and death from withdrawals, seizure, heart problems, infections (i.e. HIV/AIDS, hepatitis), liver disease, and chronic brain dysfunction.

For information about health risks associated with alcohol and drug use call the *Student Health Center* at (210) 436-3506 or the *Student Counseling* center at (210) 436- 3135.

Campus Resources

To help individuals who may have alcohol or other drug use problems, the following resources are available to students, faculty, and staff.

St. Mary's University *Student Counseling* supports the intellectual, emotional, social, and cultural development of students by offering a wide range of confidential services, including personal and group counseling, consultation, and educational services. To Make an appointment, students should call (210) 436-3135 or view their website.

The *Employee Assistance Program (E.A.P.)* administered by the Human Resources Office provides support for all University employees on the issues of alcohol and drug misuse, abuse, or dependence, among other areas. More information on the services provided through the Employee Assistance Programs can be obtained by calling the Human Resources office at (210) 436-3725.

St. Mary's Policy on Alcohol and Other Drugs

The abuse of alcohol and other drugs by members of the University community is incompatible with the goals of an academic institution. In accordance with Texas State Law, St. Mary's University does not permit the purchase, possession or consumption of alcohol by persons less than 21 years of age. Alcohol must be served by ARAMARK, the University's contracted food service provider, or a third party vendor, which must be licensed and pre-approved by the Dean of Students. The University's Alumni Association and ARAMARK each hold beer and wine licenses for the campus, but neither organization's license permits the sale or distribution of any other kind of alcoholic beverage.

Respect is the foundation upon which the University bases its Alcohol Policy as outlined in the following areas:

- a. Respect for Oneself - Those who are of legal age and choose to drink must never do so in a manner that puts them at personal risk.
- b. Respect for Others - Intoxication is inappropriate behavior and does not excuse an individual from personal responsibility. Anyone choosing to drink must not drink to a level or in a situation where the rights and well-being of others might be endangered.
- c. Respect for Property - Research indicates that most campus vandalism and destruction is directly related to alcohol consumption. Each individual will be held responsible for any damage done while under the influence.

Alcohol

Alcohol consumption causes a number of marked changes in behavior. Low to moderate doses of alcohol significantly affects the judgment and coordination required to drive a car safely, and also increases the incidence of a variety of aggressive acts. Moderate to high doses of alcohol cause marked impairments in higher mental function, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects described.

Other Drugs

State law, as well as University policies, prohibits the medically unsupervised use, possession, sale, manufacture or distribution of any narcotics or controlled substances. Additionally, abuse and misuse of prescription drugs and medications is prohibited.

Tobacco (Nicotine)

Some 30% of cancer deaths (130,000 per year) are linked to smoking. Chronic obstructive lung diseases such as emphysema are 10 times more likely to occur among smokers than non-smokers. Smoking during pregnancy also poses serious risks such as spontaneous abortion, pre-term birth, low birth weights, and fetal and infant deaths.

Designer Drugs

To circumvent legal restrictions, underground chemists modify the molecular structure of certain illegal drugs to produce designer drugs. Many of the so-called designer drugs are related to amphetamines (MDMA, X). These substances can produce a severe neurochemical change to the brain. Narcotic type drugs (china white) can cause Parkinson's disease-like symptoms (uncontrollable tremors, drooling, impaired speech, paralysis and irreversible brain damage). Amphetamine and methamphetamine type substances cause nausea, blurred vision, chills or sweating and faintness. Psychological effects include anxiety, depression and paranoia. Designer phencyclidine causes illusions, hallucinations and impaired perception.

Narcotics

Narcotics initially produce feelings of euphoria followed by drowsiness, nausea and vomiting. Users may experience constricted pupils, watery eyes and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Addiction in pregnant women can lead to premature, stillborn or addicted infants who experience severe withdrawal symptoms.

Cocaine

The use of cocaine can cause death by cardiac arrest or respiratory failure. Immediate effects include dilated pupils, elevated blood pressure, heart rate, respiratory rate and body temperature. Occasional use can cause stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose. Cocaine can produce psychological dependency; a feeling that the user cannot function without the drug. Crack or freebase rock is extremely addictive, and physical effects include dilated pupils, increase pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizures.

Other Stimulants

Stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils and decreased appetite. Users may experience sweating, headaches, blurred vision, dizziness, sleeplessness and anxiety. Extremely high doses can cause rapid or irregular heartbeat, tremors, loss of coordination and even physical collapse. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions and paranoia.

Marijuana (Cannabis)

Use of cannabis may impair or reduce short-term memory and comprehension, alter one's sense of time and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Motivation and cognition may be altered, making the acquisition of new information difficult. Marijuana can also produce paranoia and psychosis and is damaging to the lungs and pulmonary system. Marijuana smoke contains more cancer causing agents than tobacco smoke.

Anabolic Steroids

Steroid users subject themselves to more than 70 possible side effects ranging in severity from liver cancer to acne, and include psychological, as well as physical reactions. The liver, cardiovascular and reproductive systems are most seriously affected by steroid use. In males, use can cause sterility and impotence. In females, irreversible masculine traits can develop along with sterility. Psychological effects include very aggressive behavior and depression.

Hallucinogens

LSD, mescaline and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors. Sensations and feelings may change rapidly. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects, or flashbacks, can occur even after use has ceased. Users of PCP report persistent memory problems and speech difficulties, depression, anxiety and violent behavior patterns.

Depressants

The effects of depressants are in many ways similar to the effects of alcohol. Small amounts can produce calmness, relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait and altered perception. Large doses can cause respiratory depression, coma and death. The combination of depressants can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence.

Alcohol and Drug Abuse Awareness and Education

St. Mary's University is a drug free school. The Drug Free Schools and Campuses Act of 1989 requires institutions of higher education to adopt and implement programs to prevent the unlawful possession, use or distribution of controlled substance drugs and alcohol. The University Wellness Team partners with the Office of Residence Life, Student Activities and Transition Programs, University Police Department, and other campus departments to provide alcohol and drug abuse education and awareness programs each semester. Special programming emphasis is given to peak times when there may be a potential for alcohol and drug abuse, such as holidays, winter and spring breaks, social and leisure activities, and seasonal city events.

Alcohol and Drug Abuse Resources

The following are alcohol and drug abuse resources that are available both on and off campus:

On Campus:

Wellness Programs - Campus Recreation 431-2097

Coordinates many programs for the St. Mary's community to enhance the quality of life on campus for all students, faculty, and staff.

University Student Wellness Team 436-3714

Presents student programs on alcohol and drug related issues as part of a comprehensive series of events and activities to promote the concept of total student wellness to the StMU student community.

Student Health Center 436-3506

Medical assistance is available to students and is provided by a Board Certified Family Practice physician and a Physician Assistant.

Student Counseling Center 436-3135

Counseling services are available by counselors, therapists, and staff psychologists, as well as psychological assessment and testing, and individual and group counseling. Psychiatric support is also available.

Campus Ministry 436-3213

Offers pastoral and spiritual counseling and guidance.

Off Campus:

Information concerning off campus psychological and psychiatric resources can be obtained from the Student Psychological and Testing Services Center. Information concerning off campus medical resources can be obtained through the Student Health Center.

PENALTIES FOR ALCOHOL VIOLATIONS

St. MARY'S UNIVERSITY

The following list of sanctions is meant to illustrate the possible St. Mary's University actions for students responsible for violating a drug or alcohol policy. However, final decisions about sanctions will depend on the nature of each individual incident.

Possession/consumption by a minor or consumption in a non-designated area or serving/selling to a minor or public intoxication:

Range of sanctions for initial incident: fines, reflection activity, substance abuse assessment(s) and counseling, parental contact, follow-up meeting(s) with university staff

Subsequent incident(s): Fine: increments of \$50 per offense, up to \$300; possible loss of on-campus housing privilege and disciplinary suspension from university

Driving under the influence:

Range of Sanctions for initial incident: fines, reflection activity, substance abuse assessment(s) and counseling, parental contact, follow-up meeting(s) with university staff

Subsequent incident(s): Referral to civil authorities and possible suspension at the discretion of the Dean of Students.

TEXAS LAW

Purchase, possession or consumption of alcohol by a minor - Texas Penal Code §106.04

Penalty: Class C Misdemeanor: A fine not to exceed \$500

Possession of alcohol in a motor vehicle (Open container) - Texas Penal Code §49.031

Penalty: Class C Misdemeanor: A fine not to exceed \$500

Sale of alcohol to a minor - Texas Penal Code §106.03

Penalty: Class A Misdemeanor: A fine not to exceed \$4,000, confinement of up to a year in jail, or both.

Public Intoxication – Texas Penal Code §49.02

Penalty: Class C Misdemeanor: A fine not to exceed \$500

Driving while intoxicated (includes intoxication from both alcohol and/or drugs) – Texas Penal Code §49.04

Penalty: Class B Misdemeanor: A fine not to exceed \$2,000, confinement of up to 180 days in jail, or both.

PENALTIES FOR DRUG VIOLATIONS

St. MARY’S UNIVERSITY

Possession, use, procurement or sale of illegal drugs, drug paraphernalia or controlled substances.

Range of sanctions for initial incident: fines, reflection activity, substance abuse assessment(s) and counseling, parental contact, follow-up meeting(s) with university staff

Subsequent incident(s): possible loss of on-campus housing privilege and disciplinary suspension from University

TEXAS LAW

Manufacture or delivery of controlled substance (drugs) - Texas Penal Code §481.113

Minimum: Confinement in jail for a term of not more than 10 years or less than two years, or confinement in a community correctional facility for not more than one year, and a fine not to exceed \$10,000

Maximum: Confinement in jail for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$500,000

Delivery of Marijuana - Texas Penal Code §481.120

Minimum: Confinement in jail for a term not more than 180 days and a fine not to exceed \$1,000

Maximum: Confinement in jail for life or for a term of not more than 99 years or less than 15 years and a fine not to exceed \$250,000

Possession of Marijuana - Texas Penal Code §481.121

Minimum: Confinement in jail for a term not to exceed 180 days and a fine not to exceed \$1,000

Maximum: Confinement in jail for life or for a term of not more than 99 years or less than 15 years and a fine not to exceed \$250,000

FEDERAL LAW

Manufacture, distribution, dispensing drugs (includes Marijuana).

Minimum: A jail term of not more than a year and a fine of \$1,000

Maximum: A jail term of life without release (no eligibility for parole) and a fine not to exceed \$8,000,000 (for individual) or \$20,000,000 (if other than an individual)

Possession of Drugs (including Marijuana)

Minimum: Civil penalty in amount not to exceed \$10,000

Maximum: A jail term of not more than more 20 years or not less than five years, and a fine of not less than \$5,000 plus costs of investigation and prosecution.

Operation of common carrier under the influence of alcohol or drugs

Maximum: A jail term of up to 15 years and a fine not to exceed \$250,000

St. Mary's University Sanctions

A student or employee found responsible for violating the St. Mary's University Alcohol or Drug Policy or the laws of the State of Texas has committed a violation of Student Code of Conduct and/or the StMU Personnel Manual, and is subject to sanctions commensurate with the offenses and any aggravating or mitigating circumstances.

Disciplinary action in cases involving drug-related violations by students may result in suspension, dismissal, or expulsion from the University. Cases involving employees will result in disciplinary sanctions up to and including termination. Severity of sanctions will depend upon the nature and seriousness of each case.

Violations of any state or federal law pertaining to controlled substances, which occur off campus and are not associated with a University-connected activity, may result in disciplinary charges if the continued presence of the individual on campus is likely to interfere with the educational process and/or the orderly operation of the University.

University disciplinary proceedings will be implemented in accordance with the procedures outlined in the Student Code of Conduct (students) and the StMU Personnel Manual (faculty and staff). Any disciplinary action imposed by the University may precede and be in addition to any penalty imposed by authorities off campus.

APPENDIX C

StMU DAAPP Distribution Procedures

St. Mary's University has established the following procedures to ensure that information about the University's Drug and Alcohol Abuse and Prevention Program (DAAPP) is actively distributed on an annual basis to members of the St. Mary's University community

For Students

Annual Notification

Information on the St. Mary's University DAAPP is distributed via an e-mail from the Dean of Students to all currently enrolled undergraduate, graduate, and law students each year after the 12th class but before September 15th of each new academic year. Distribution occurs electronically as an email message with both information about the DAAPP and the updated DAAPP as an attachment.

Future annual notification efforts will include a descriptive postcard containing a link to the university's DAAPP webpage that will be distributed to students, parents, faculty, and staff.

New freshman and transfer students

Think About It - All new freshmen and transfer students, before the beginning of their first semester on campus, are required to complete Think About It, an online substance and sexual abuse training program. The program prepares students to confront and prevent serious campus problems. The St. Mary's Code of Student Conduct and other elements of the university's DAAPP are presented throughout this interactive training program.

New and Transfer Student Orientation: Information on elements of the St. Mary's DAAPP is presented by or on behalf of the Office of Student Integrity and Welfare as part of new, international, graduate, Law and transfer student orientation programs.

Zaragoza Extended Orientation: Information contained in the university's DAAPP is presented within the context of the 'Real Life Situations' program. The program is a series of real life situations and challenges likely to be encountered by college students. A rotating series of nationally-known speakers also integrates elements of the University's DAAPP into their various presentations to new students on how to make positive life and relationship choices regarding drugs, alcohol, and tobacco.

ND 0101 Personal and Academic Development Freshman Seminar: Within their first month of class information on the University's AOD policies within the Code of Student Conduct is presented during a "Rights and Responsibilities" presentation to all freshman and transfer students.

Residence Life: Information found in the St. Mary's DAAPP is presented to all resident students during mandatory floor meetings held in each residence hall at the start of each academic semester. Multiple mandatory sessions are held by hall at the start of each semester to accommodate student work/study schedules and ensure information is received by all residents. Graduate and Law students

are additionally offered the option to review DAAPP program elements online in order to complete this requirement.

For Faculty and Staff

Information on aspects of the St. Mary's University's DAAPP is provided to new employees as part of their onboarding process. Related information on the University's Drug-Free Workplace Policy is also included in the St. Mary's Personnel Manual and available on the University's website. Each academic year, employees must also acknowledge they have read and understood the Drug-Free Workplace Policy as part of the required WeComply Employee Annual Policy Notification for all university employees." New hires (full-time and part-time faculty and staff) who start working after the annual notification is sent out receive a WeComply training link to complete within 60 days of employment.

Community Access

Information on policy elements of the DAAPP such as the Code of Student Conduct, Policy on Alcohol and Other Drugs, and Policy on Alcohol Service and Sales is available online at the Policies section of the University webpage. Descriptive information about the health risks and legal sanctions associated with the use of illicit drugs and alcohol is also available to the St. Mary's community via the University Police Department website. DAAPP policy elements and historic information on drug and alcohol crimes on campus are listed in the annual Campus and Fire Safety Compliance Report, also available online.

Electronic distribution accommodations for missing/incorrect emails

All students and employees of St. Mary's University are assigned a University email upon matriculation or employment at the University. St. Mary's considers email to be an official form of communication with our community. On receipt of a returned or undeliverable email in response to distribution of information about the university's DAAPP, Information Technology Services seeks to correct any corrupted or incomplete email address to properly locate and deliver information to a particular student or employee under those circumstances.

Required policy acknowledgements for University staff included as part of annual *We Comply* on-line training requirement for St. Mary's University employees

Preventing Sexual Misconduct (Title IX) - Internet Explorer

http://training.wecomply.com/wc2/admin/preview.aspx?pid=10062856&lang=1033&engineType=ASLT&psid=undefined

PREVENTING SEXUAL MISCONDUCT (TITLE IX)

Acknowledgment

I have read and understood our organization's policy prohibiting sexual discrimination, harassment and violence, and I agree to abide by it. I understand that a violation of the policy is grounds for discipline, which could include termination of my employment.

[Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment](#)

[Equity Dispute Resolution Process](#)

[Employee Annual Policy Notifications](#)

I agree I do not agree

AA 16/16

Text of *We Comply* Employee Annual Policy Notifications document

ST.MARY'S UNIVERSITY



Employee Annual Policy Notifications
Academic Year 2017 - 2018

Summaries of the University's Important Policies

Accident Prevention Plan

St. Mary's University is committed to providing a safe workplace and learning environment for all employees, students, and visitors. The University has developed the accident prevention program to identify and eliminate hazards that may develop in the work place. Safety, health and job performance shall be considered when performing any task. No employee or student shall knowingly violate a safety rule or risk their personal safety or the safety of others in performance of his/her duties.

Code of Business Conduct

The St. Mary's Code of Business Conduct ("the Code") describes standards of conduct expected of all staff employees of St. Mary's when conducting University business. Although the principles set forth are not designed to govern or address every matter, event, or situation that may arise, staff are expected at all times to adhere to the letter and spirit of the Code, abide by all laws, rules and regulations, and exercise high standards of integrity and sound ethical judgment in all University dealings and in conduct of all University business. Employees whose professional fields call for stricter standards must adhere to the criteria established for their line of work. Members of the Faculty are encouraged to support this code, although their conduct is governed by the Faculty Handbook.

Distracted Driver Policy

Employees conducting business while driving a University, personal, or rental vehicle used for University business, are prohibited from using any electronic devices whether personal, or University issued (cell phone, GPS, iPad, etc.) - whether the vehicle is in motion or stopped at a traffic light. This includes, but is not limited to, answering or making phone calls, reading or responding to emails, text messaging, surfing the Internet, instant messaging, checking phone messages, or programming a GPS device. If an employee needs to use a phone or other electronic device, it is recommended that the employee pull over safely to the side of the road or other safe location.

Drug-Free Workplace

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the intent and obligation of the University to provide a drug-free, healthful, safe and secure work environment.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on University premises or while conducting University business off University premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences for violators of the policy.

Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off University premises while conducting University business. A report of a conviction must be made within five days after the conviction.

The University recognizes that drug and alcohol dependency is an illness and a major health problem. The University also recognizes that drug abuse is a potential health, safety and security problem. Those employees needing help in dealing with drug abuse or drug dependency should contact the Office of Human Resources in order to determine community drug counseling and drug assistance programs that are available.

Employee Protection (Whistleblower) Policy

It is the intent of St. Mary's University (the University) to adhere to all laws and regulations that apply to the University and all employees are expected to share in this commitment. The support of all employees is necessary to achieve the University's goal of legal compliance.

The University will not retaliate against an employee who in good faith has filed such a complaint, bringing the alleged unlawful policy, practice, or activity to the attention of the University in accordance with this policy.

Any complaint or report of an alleged violation of the University's Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment Policy shall be handled in accordance with the Equity Discrimination Resolution Process.

Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment (Includes Title IX Matters)

St. Mary's University affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise in full compliance with the requirements of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Civil Rights Act of 1991, the Pregnancy Discrimination Act of 1978, the Age Discrimination in Employment Act, the Older Workers Benefit Protection Act, the Americans with Disabilities Act, the Equal Pay Act, the Uniformed Services Employment and Reemployment Rights Act, the Genetic Information Nondiscrimination Act, the Immigration Reform and Control Act of 1986, and other federal, state, and local laws.

All alleged violations of this policy will be handled in accordance with the University's Equity Discrimination Resolution Process. The Equity Discrimination Resolution Process applies regardless of the status of the parties involved, who may be students or employees (staff, faculty, or administrators). The University reserves the right to act on conduct that may constitute a violation of this policy occurring on campus or off campus, when the off-campus conduct could have an on-campus impact or impact on the mission of the University.

The Director of Human Resources serves as the Title IX Coordinator and oversees implementation of this policy. Allegations of violations of this policy must be reported to the Title IX Coordinator immediately. Reporting is addressed more specifically in Section 9 of this policy, below.

A full copy of the University's Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment Policy is attached as [Appendix A](#). Allegations of violations of this policy must be reported to the Title IX Coordinator immediately. All such allegations will be handled in accordance with the University's Equity Discrimination Resolution Process. A copy of the Equity Discrimination Resolution Process is attached as [Appendix B](#).

Fraternization: The University prohibits sexual or dating relationships where there is an institutional power difference between the parties involved, for example, between a supervisor and an employee, or between a faculty and a student, a coach and an athlete, or an academic advisor and an advisee. Relationships with this power disparity may cast doubt on the objectivity of the supervision and evaluation provided, and may result in claims of sexual harassment and questions about the voluntariness of the relationship. Employees of the University who engage in a relationship prohibited by this policy may be subject to disciplinary

action, up to and including termination of employment or, in the case of faculty, dismissal for cause.

In addition to the prohibition stated above, the University strongly discourages romantic, intimate, or sexual relationships between a student and faculty, student and staff, or student and University administrator, regardless of whether one party has institutional responsibility for or authority over the other. Individuals who enter into relationships where a professional power differential exists must realize that if a charge of sexual harassment is lodged, it will be exceedingly difficult to prove mutual consent. Romantic relationships often are perceived differently by each party—especially in retrospect. One party may recall the relationship being less consensual than the individual whose position confers power or authority. Thus, parties involved in these types of relationships assume all associated risks, and the University will hold both parties accountable regardless of blame or fault if such a relationship causes a problem for the University.

All employees engaged in a relationship that is discouraged by this policy are required to notify the Director of Human Resources in writing of such relationship. At the discretion of the University, one or both parties to the relationship may be subject to transfer or termination of employment. If transfer or termination is appropriate, the parties involved will be given the opportunity to determine which party will be subject to the change in employment status, to the extent possible. If the parties are unable to agree, the University will make the determination in its sole discretion.

This policy does not apply where the spouse of an employee is a student at the University so long as such relationship is disclosed to the Director of Human Resources.

Health Insurance Portability and Accountability (HIPAA)

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rules effective with respect to our health plans on April 14, 2003, limit the University's ability to receive and use individually identifiable health information ("Protected Health Information"). Protected Health Information can be used only for purposes of administering the health plans and not for other purposes (including, especially, employment related purposes such as hiring and firing decisions). Questions regarding HIPAA should be directed to the Office of Human Resources.

Pets on Campus Policy

No pets are allowed on campus unless approved as a service animal or as outlined in the Residence Life Handbook for students. This includes all buildings and grounds on the main campus and property owned by St. Mary's University encompassing the Center for Legal and Social Justice (CLSJ) and the Continuing Education and Family Life Center (CEFLC).

Title IX Statement*

In accordance with Title IX, the University does not discriminate on the basis of sex in the University's services, educational programs, and activities, including, but not limited to admission to and employment by the University. Sexual harassment, which includes act of sexual violence,

is a form of sex discrimination prohibited by Title IX and the University. Title IX also prohibits gender based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature. Retaliation for asserting or otherwise participating in an investigation of a claim or sex discrimination or harassment is likewise prohibited.

Please refer to the revised Policy titled **“Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment”**.

The Office of Human Resources, Dean of Students, and Chief of Police are designated to handle inquiries regarding the University’s non-discrimination policies: The Director of Human Resource, St. Mary’s University, is the Title IX Coordinator, One Camino Santa Maria, San Antonio, Texas, 78228, (210) 436-3725.

Weapons

St. Mary’s strictly prohibits the use, sale, manufacture, distribution, purchase, transfer, receipt, or possession of weapons during working time or while representing the University, whether on or off St. Mary’s campus or work places. St. Mary’s Weapons Policy also prohibits:

- Use, sale, manufacture, distribution, purchase, transfer, receipt, or possession of weapons while teaching classes, attending classes, and/or while entering or being physically present on St. Mary’s. (Prohibition extends to private vehicles parked on University premises and University vehicles wherever located).
- Applicants, employees, including faculty, administration, and support personnel, and/or visitors from entering University’s premises or reporting for work or class while in possession of weapons.

Any employee, whether a member of the faculty, administration or support personnel, who violates St. Mary’s rules against the possession of weapons will be relieved of duty, and discipline may include immediate dismissal. Any visitor who violates the University’s rules against the possession of weapons will have the firearm confiscated; will be considered a trespasser; and will be escorted off University’s premises.

Workplace Violence Prevention

St. Mary’s is committed to a safe work environment free of threats intimidation and physical harm. All employees have a right to work in a safe environment and share the responsibility for assuring each other’s safety.

I acknowledge receipt of the summaries of the St. Mary’s University’s policies listed above. Full policies are located at www.stmarytx.edu/policies.

APPENDIX D

StMU Code of Student Conduct

St. Mary's University

Policy: Code of Student Conduct

Approver: Executive Council

Reviewer(s): Student Development Council

History: Approved by Student Development Council, December 17, 2014

Approved by Executive Council, May 7, 2015

Adopted: June 1, 2015

Updated:

Related policies: Alcohol & Other Drug Policy;

Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment;

Additional references: Student Handbook; Residence Life Guide to Community Living on Campus

Responsible office(s): Vice Provost for Student Development, Dean of Students

Update cycle: Annual

Next update: June 2019

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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. www.ncher.org

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 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 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 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 is 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 Dean of Students the Office of Student Integrity and Welfare, 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 apply 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 *Code of Academic Integrity*;
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.

- a. Voluntary participation, cooperation, or being initiated by the person(s) being hazed does not excuse the violation.
- b. Failing to intervene to prevent, discourage or report those acts may also violate this policy.
- c. Includes any act that violates the Texas State Statute, SCHOOLS-HAZING OFFENSE CHAPTER 1041 S.B. NO. 24.

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 the university's Drug 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 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. **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 President for Student Development 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).

At St. Mary's University, the Vice President for Student Development has assigned management of the student conduct process to the Dean of Students. The Dean of Students, and the Director of Student Integrity and Welfare work collaboratively to oversee and manage day-to-day operations of the student conduct process. The Director of Student Integrity and Welfare, in consultation with the Dean of Students, may appoint administrative, investigative, hearing, and appeals officers as deemed necessary to efficiently and effectively supervise the student conduct process.

B. Gatekeeping.

No complaint will be forwarded for a hearing unless 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 forwarded for a hearing.

C. Conflict Resolution Options.

The Director of Student Integrity and Welfare 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 Student Integrity and Welfare 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.

D. The University Student Judicial Panel

The University Student Judicial Panel (Panel) is a representative group of students, faculty, and staff who have been trained to review certain serious or continued incidents of reported student misconduct on behalf of the University. Should the Dean of Students or Director of Student Integrity and Welfare determine the need for Panel review, the Director will assemble the panel according to the following guidelines:

Panel membership is comprised of a pool of at least 6 students, 6 faculty, and 6 staff/administrative members appointed and trained annually by the Dean of Students and the Director of Student Integrity and Welfare.

For each complaint, a panel will be chosen from the available pool, and is usually comprised of at least one student, one faculty member, and one staff member or administrator. In complaints involving discrimination, sexual misconduct, or other sensitive issues, the Director of Student Integrity and Welfare will usually select three staff or administrative members for the panel. The Director of Student Integrity and Welfare serves as the non-voting chair of the panel and assures that university procedures are followed throughout the hearing.

To serve in the panel pool, students must:

1. Be in academic good standing and have completed 15 hours of academic credit at St. Mary's University;
2. Hold a prior-semester and cumulative GPA of at least 2.5; and
3. Be in conduct good standing throughout the semester in which they serve. Conduct good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel. Any history of misconduct could disqualify a student for service.

E. Administrative Hearing Officers

Administrative Hearing Officers (AHO) are faculty and staff chosen from among the University Student Judicial Panel.

F. Appeals Panels Membership

Appeals Panels are chosen from the University Student Judicial Panel, with the only requirement being that they did not serve on the specific panel for the initial hearing. Appeals Panels review appeals requested by any party to a complaint.

The Dean of Students will have final authority to approve all those serving on the panel. In the event of a resignation from the panel, the Dean of Students will identify a replacement.

G. Interpretation and Revision of the Code of Student Conduct

The Director of Student Integrity and Welfare 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 Dean of Students.

The *Code of Student Conduct* will be updated annually under the direction of the 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 Student Integrity and Welfare, 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 Student Integrity and Welfare 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 Dean of Students, Student Integrity and Welfare, 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 Dean of Students who serves as the Title IX Coordinator for complaints against students. (St. Mary's University mental and 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 Dean of Students or the Director of Student Integrity and Welfare, 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 Student Integrity and Welfare (or designee) will assume responsibility for the investigation of the alleged violation as described in the section below.

E. Investigation

For all except Title IX reported allegations, the Director of Student Integrity and Welfare will review reported Code of Conduct violations. For reported violations that fall under Title IX (e.g. sexual misconduct) or involve any other form of discrimination, the Title IX Coordinator or designee will appoint an investigator(s) to review the incident on behalf of the University. Either the Title IX Coordinator or Investigator(s) 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). A comprehensive investigation usually takes between one day and two weeks.
 - 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(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);
- 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. Notice

Once a determination is made that reasonable cause exists for the Director of Student Integrity and Welfare (or designee) to refer a complaint 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 Student Integrity and Welfare (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 Student Integrity and Welfare (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 Student Integrity and Welfare (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 Student Integrity and Welfare (or designee), whether she or he admits or denies the allegations of the complaint.

G. Interim Suspension

Under the *Code of Student Conduct*, the 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 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 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 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.

H. Findings

Where the accused student is found not responsible for the alleged violation(s), the investigation will be closed. For investigations of Title IX reported Code violations (e.g. sexual misconduct or any other form of discrimination) the accusing party may request that the Dean of Students, who serves as Title IX Coordinator for complaints against students, re-open the investigation. The decision to re-open an investigation rests with the Dean of Students.

a) Student Accused Accepts the Investigation Findings

Where the accused student accepts the finding that s/he violated university policy, the Investigator(s) 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 Student Integrity and Welfare.

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 panel hearing on the allegations within 1-2 weeks. At the hearing, the investigator(s) will present their 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 Student Integrity and Welfare 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. Once the panel hears the disputed allegations, it will also recommend a sanction or responsive action on any aspect of the accepted findings that constitutes a violation. The Director of Student Integrity and Welfare will render a decision on the recommended

sanction and present to the accused student. If the accused student accepts this sanction or responsive action, the process ends with respect to any accepted violations.

The Director of Student Integrity and Welfare 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 Student Integrity and Welfare, in consultation with the Dean of Students and Title IX Coordinator as appropriate, 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.

I. 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 Dean of Students or Director of Student Integrity and Welfare (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 Student Integrity and Welfare, AHO, or panel presiding over the hearing.

Where the accused student admits to violating the *Code of Student Conduct*, the Dean of Students or Director of Student Integrity and Welfare (or designee) may invoke administrative hearing procedures to determine and administer appropriate sanctions without a formal hearing. This process is also known as an *administrative hearing*. In administrative hearings, complaints will be heard and determinations will be made by an AHO.

Where the accused student denies violating the *Code of Student Conduct*, the Director of Judicial Affairs has the discretion to arrange either an administrative or a formal hearing to resolve any misconduct allegation.

This formal hearing process is known as a panel hearing. At the discretion of the Director of Student Integrity and Welfare (or designee), a request by one or more of the parties to the complaint for an administrative hearing may be considered. Students who deny a violation for which a panel 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. 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 Student Integrity and Welfare (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 Student Integrity and Welfare (or designee), the Director of Student Integrity and Welfare (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 Student Integrity and Welfare (or designee) a written response to the complaint;
 2. The accused student will deliver to the Director of Student Integrity and Welfare (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 Student Integrity and Welfare (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 Student Integrity and Welfare (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 Student Integrity and Welfare (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 Student Integrity and Welfare (or designee) of the names of any advisors/advocates who may be accompanying the parties at the hearing.
- e) The Director of Student Integrity and Welfare (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 Student Integrity and Welfare immediately. Hearing officers will only be unseated if the Director of Student Integrity and Welfare 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.

J. Special Hearing Provisions for Sexual Misconduct, Discrimination and Other Complaints of a Sensitive Nature

All hearings under this section will be conducted by a three member administrative panel drawn from the Equity Dispute Resolution Panel (EDRP) pool. For sexual misconduct, discrimination and other complaints of a sensitive nature, whether the alleged victim is serving as the accusing party or as a witness, alternative testimony options may be provided, such as placing a privacy screen in the hearing room or allowing the alleged victim to testify from another room via Skype, a closed circuit television, or similar technology. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the accused student.

The past sexual history or sexual character of a party will not be admissible by the other parties in hearings unless such information is determined to be highly relevant by the panel Chair. All such information sought to be admitted by a party or the university will be presumed irrelevant unless a showing of relevance is made to the Chair in advance of the hearing. Demonstration of pattern, repeat, or predatory behavior by the accused student will always be relevant. The parties will be notified in advance if any such information is deemed relevant and will be admitted in the hearing.

The accusing party in any complaint alleging sexual misconduct will be notified in writing of the outcome of a hearing, any sanctions assigned and the rationale for the decision; have the right to a review if the appeal criteria is met; and be kept apprised of the status of the investigation and any appeal requests by the accused student.

K. Hearing Procedures

The Director of Student Integrity and Welfare may serve as a non-voting chair of the panel or 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 Student Integrity and Welfare 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 Student Integrity and Welfare.

The Director of Student Integrity and Welfare (or designee) and 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 and the Director of Student Integrity and Welfare;
- c) In hearings involving more than one accused student, the standard procedure will be to hear the complaints jointly; however, the Director of Student Integrity and Welfare 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 Director of Student Integrity and Welfare (or designee) 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 Chairperson or the Director of Student Integrity and Welfare (or designee).
- f) Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Panel and the Director of Student Integrity and Welfare. Formal rules of evidence are not observed. The Director of Student Integrity and Welfare 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 Student Integrity and Welfare.
- 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 Student Integrity and Welfare (or designee) will be present and available as a resource during all deliberations. Once a finding is determined if the finding is that of a policy violation, the Panel will determine an appropriate sanction(s). The Director of Student Integrity and Welfare (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 Chairperson will prepare a written deliberation report and deliver it to the Director of Student Integrity and Welfare, 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 Student Integrity and Welfare within two (2) days of the end of deliberations.
- i) The Director of Student Integrity and Welfare 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 Student Integrity and Welfare (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.

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 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 Student Integrity and Welfare (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 Student Integrity and Welfare 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 Student Integrity and Welfare. 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 Student Integrity and Welfare (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 campus 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 of sex offenses only, the rationale for the outcome will also be shared with all parties to the complaint.

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

Students who bring any Title IX-related complaints against any member of the campus community will be informed in writing of the outcome of the complaint and any sanctions or responsive actions implemented.

O. Appeal and Final Review

Accused students or accusing parties may petition the Dean of Students for a review of a decision or sanction(s) within three (3) business days of issuance of an Administrative Hear Officer's or panel's written decision to include recommended sanctions. All requests for review must be in writing and delivered to the Dean of Students. Any student who misses his or her initial hearing may not request a review of the initial 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).

Except as required to explain the basis of new information unavailable at the time of a hearing, review of a formal hearing will be limited to the verbatim record of the initial hearing and all supporting documents. Review of an informal hearing will be limited to the written record of the hearing and all supporting documents.

If the Dean of Students determines that a request for appeal is eligible to be reviewed, every opportunity will be taken, where possible, to return the complaint to the original Administrative Hearing Officer (AHO) or panel for reconsideration; full re-hearings should rarely be needed. The original AHO or panel may support or change a decision and/or increase, decrease or modify a sanction. When the Dean of Students does not return the complaint for reconsideration, the Dean may support or change a decision and/or increase, decrease or modify a sanction, but will be deferential to the original decision-maker, making changes to the finding only where there is clear error or to a sanction only if a compelling justification to do so exists, and only when a unanimous decision is reached.

In cases where the sanction of separation (suspension or expulsion) is possible or at the discretion of the Dean of Students, the Dean of Students will serve as the voting Chair of the appeals panel. In all other cases, the Director of Student Integrity and Welfare will serve as the non-voting advisor to the panel with responsibility for training the panel, conducting preliminary investigations, and ensuring a fair process for the accusing party and accused student.

The decision(s) of the appeals panel is final.

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 Student Integrity and Welfare or Administrative Hearing Officer. 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 Student Integrity and Welfare, though this deadline

may be extended upon application to, and at the discretion of, the Director of Residence Life or the Director of Student Integrity and Welfare. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. The Director of Student Integrity and Welfare will make this determination in consultation with the 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. Upon application to and approval of the Director of Student Integrity and Welfare, private conduct records may be expunged* one year after final disposition of complaints for which sanctions imposed did not include housing expulsion, housing suspension, suspension, or expulsion.

*Expungement is not destruction of the file. A letter is inserted into the file noting that it is expunged. Upon subpoena or an authorized document request asking for expunged records, the file contents could potentially be disclosed, if law permits.

APPENDIX E

2015 - 2017 Clery Campus Crime Statistics - Drugs and Alcohol Arrests and Referrals

Crime Category	On Campus			On Campus Student Housing			Non-Campus Building or Property			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Arrests												
Drug Law Violations	12	28	30	2	10	17	7	7	0	4	4	0
Liquor Law Violations	8	24	23	2	1	3	0	0	0	0	0	0
Judicial Referrals												
Drug Law Violations	4	17	31	4	10	21	0	0	0	0	0	0
Liquor Law Violations	55	53	77	52	48	76	0	0	0	0	0	0

NOTE: The above listed arrests and judicial referrals are for legally defined crimes in the local jurisdiction where the crime is reported. These do not include violations of the St. Mary's University Student Code of Conduct, Residence Life Policies, or other University policy.

University Campus Crime Statistics Terms:

On-Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On-Campus Student Housing: (Under the Clery Act, an institution that has on-campus student housing facilities must separately disclose two sets of on-campus statistics: A) The total number of crimes that occurred on campus, including crimes that occurred in student housing facilities; and B) The number of crimes that occurred in on-campus student housing facilities as a subset of the total.) Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

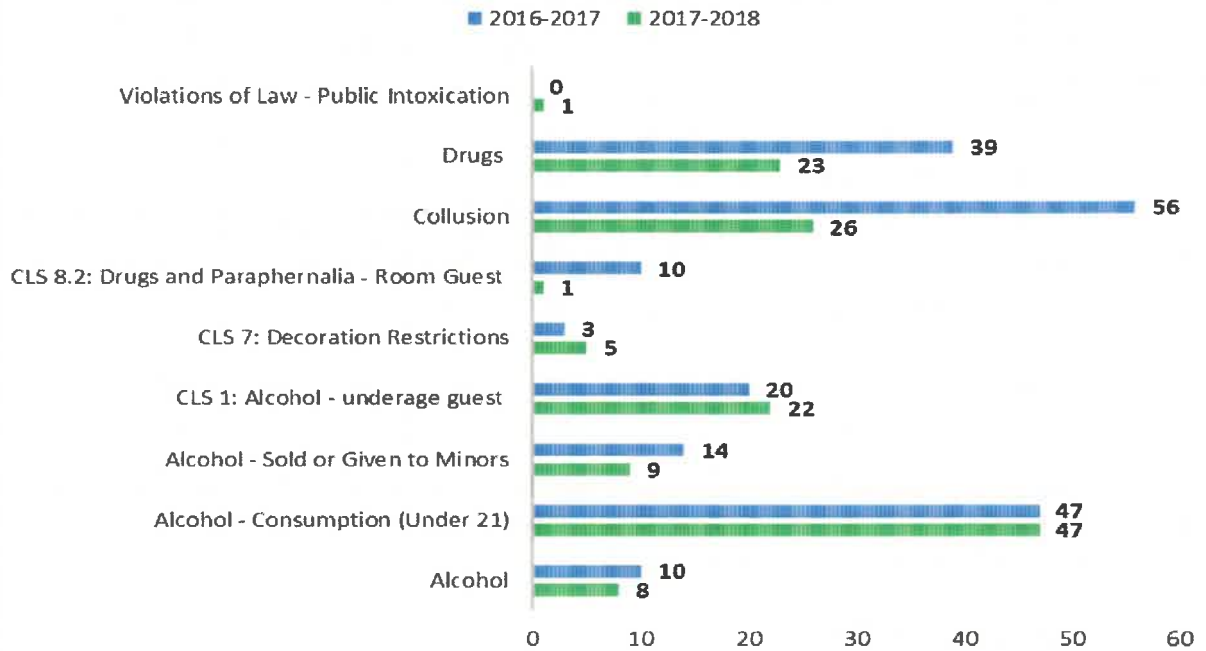
Non-Campus: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or o Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. This section includes the property lists off campus located on the Off Campus Property List located at the end of this document.

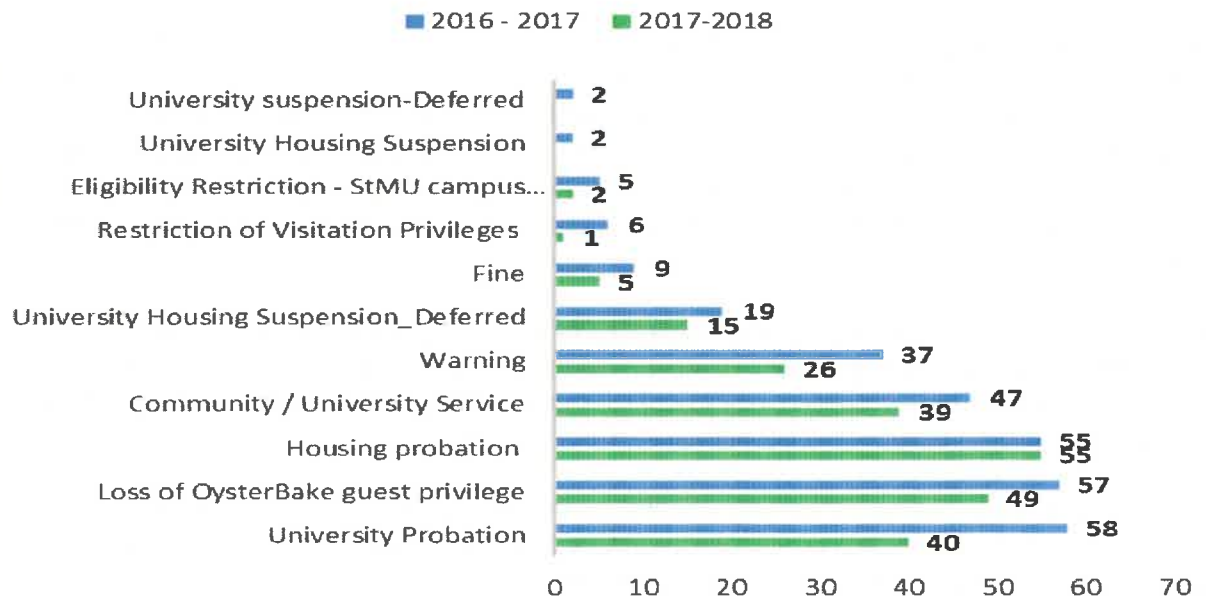
Appendix F

2016-2017 and 2017-2018 AOD Summary Conduct Statistics

ALCOHOL AND OTHER DRUGS CHARGES FOR 2016-17 AND 2017-18 ACADEMIC YEARS



ALCOHOL AND OTHER DRUGS SANCTIONS FOR 2016-17 AND 2017-18 ACADEMIC YEARS



Appendix G

StMU Drug-Free Workplace Policy

Available online at <https://www.stmarytx.edu/policies/policy/drug-free-workplace/>

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the intent and obligation of the University to provide a drug-free, healthful, safe and secure work environment.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on University premises or while conducting University business off University premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including dismissal, and may have legal consequences for violators of the policy.

The University recognizes that drug and alcohol dependency is an illness and a major health problem. The University also recognizes that drug abuse is a potential health, safety and security problem. Those employees needing help in dealing with drug abuse or drug dependency should contact the Office of Human Resources in order to determine community drug counseling and drug assistance programs that are available.

Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off University premises while conducting University business. A report of a conviction must be made within five days after the conviction.

APPENDIX H

StMU Alcohol Service and Sales Policy

Available online at: <https://www.stmarytx.edu/policies/policy/alcohol-service-and-sales/>

Overview

Members of the campus community and visitors at St. Mary's University are expected to comply with Texas State Law and exercise responsible behavior when consuming alcoholic beverages on campus, whether provided at an event or purchased at the Pub. Access to the Pub is limited to members of the University community, Alumni and accompanied guests.

In accordance with Texas State Law, the University does not permit persons younger than 21 years of age to purchase, possess, consume, or be served alcohol. Prior to being served, the age of persons consuming alcohol must be verified by Texas Alcoholic Beverage Commission (TABC) certified servers or University Police.

Aramark is the University's exclusive food and beverage service provider (including alcoholic beverages), and alcohol service on campus, including service at the Pub, is subject to Aramark's beer and wine license.

St. Mary's University police officers are required at all events where alcohol is served. Officer coverage is determined in consultation with the University Chief of Police and is based on the size and nature of the event. Officers scheduled for events have the authority to call in extra officers at the expense of the department or organization hosting the event if crowd size merits. Waiver of this requirement must be requested in writing and approved by the Vice President for Administration and Finance, University Chief of Police, Dean of Students (if students are attending the event) and Vice President of the area requesting the waiver. The President's approval is required for areas not reporting to a Vice President. Generally, waivers will not be approved for sponsored events which include undergraduate students.

Service may be suspended to any person who, in the judgment of the TABC certified server or the University Police is at risk for over-consumption. Persons may not leave a TABC approved service area with alcoholic beverages, and no alcoholic beverages may be brought into a TABC approved service area.

Sponsored Events Where Alcohol is served

Non-alcoholic beverages and free food must be available for the duration of the event when alcohol is served. The cost of food and non-alcoholic beverages is the responsibility of the sponsoring department.

Alcohol may not be served before 4 p.m. Monday through Friday or noon on Saturday or Sunday. Service will cease one-half hour before the end of the event or closing, subject to requirements of state law and

the TABC. Alcohol may not be consumed until the event coordinator and University Police officer(s) are present and the non-alcoholic beverage and food are readily accessible to those in attendance.

All event sponsors are cautioned that the condition of the facility/area used is their sole responsibility. Sponsors will be assessed the cost of cleaning and/or repairing all damages that occur during the event unless the responsible person(s) can be identified.

Changes to service hours must be requested in writing and approved by the Vice President for Administration and Finance, University Chief of Police, Dean of Students (if students are attending the event) and Vice President of the area requesting the waiver. The President's approval is required for areas not reporting to a Vice President.

Events which permit participants bring their own beverages require approval in writing by Aramark, the Dean of Students, the University Chief of Police and the President.

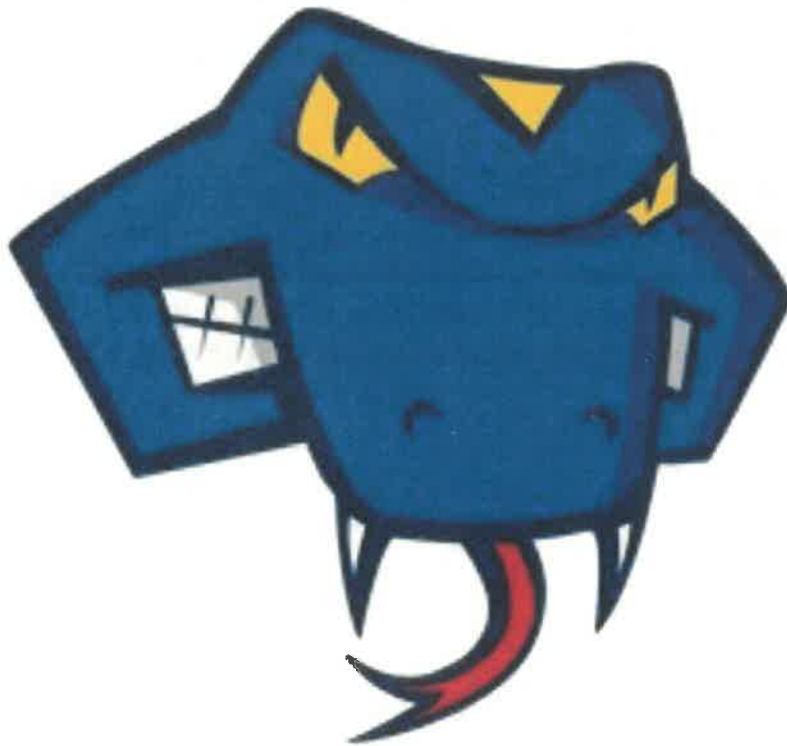
Policy Compliance

Failure to comply with these or any other St. Mary's University regulations or policies may result in event cancellation or termination. Additionally, University disciplinary action may be initiated in accordance with the procedures outlined in the Code of Student Conduct (students), Personnel Manual (staff), or Faculty Handbook (faculty). Disciplinary action imposed by the University may precede and be in addition to penalties imposed by law enforcement authorities off campus.

APPENDIX I

StMU Athletics Drug and Alcohol Education and Testing Policies

**St. Mary's University
Athletics Department**



Drug and Alcohol Education and Testing Policies
(Adopted: August 2013)

INTRODUCTION

The following policy statement has been adopted and shall be administered by the St. Mary's University Athletic Department. St. Mary's University reserves the right to make changes to this policy as needed, and this Policy should not be construed to create a contract between student-athlete and St. Mary's University. Please note, this policy represents the St. Mary's University substance abuse/testing policy, which is separate and distinct from the NCAA drug-testing program (including all sanction phases). Information regarding the NCAA drug-testing program is available at www.ncaa.org.

St. Mary's University is concerned with the health, safety and welfare of the student-athletes who participate in its programs and represent the university in competitive athletics. Substance abuse is one of the most important issues facing athletics and society today. The use of illegal drugs, misuse of legal drugs and dietary supplements, use of performance-enhancing substances, use of alcohol and inappropriate use of tobacco are inconsistent with the standards expected of student-athletes at St. Mary's University. Substance use and abuse in sport can pose risks to a student-athlete's health/safety and negatively affect his/her academic and athletic performance. Substance use and abuse in sport may also compromise the integrity of athletic competition and the ideals of St. Mary's University.

For the purposes of this policy, "student-athlete" shall mean any student at St. Mary's University who is participating in intercollegiate athletics as a student-athlete, cheerleader or dance team member, team managers, and student athletic trainers.

Purpose

The Athletic Department believes that random drug testing and testing based on reasonable suspicion are appropriate to ensure the health, safety and welfare of our student-athletes, to promote fair competition in intercollegiate athletics, to affirm compliance with applicable rules and regulations on drug and alcohol abuse, to identify student-athletes who are improperly using drugs or alcohol and to assist them before they harm themselves or others. Furthermore, the Athletic Department recognizes its responsibility to provide educational programming that will support a positive decision-making process. The intent of these policies is to prevent substance use and abuse by student-athletes through education, testing, and professional guidance.

- Education – providing student-athletes and athletic staff with accurate information about the problems associated with substance use in sport, promoting health and safety in sport;
- Testing – analyzing biological specimens to detect prohibited substances student-athletes may introduce to their bodies and associated sanctions resulting from use detailed in this policy; and
 - Professional Referral – facilitating appropriate treatment and rehabilitation of student-athletes.

Alcohol, Tobacco, Drug Education, and Counseling

Participants who are educated about substance use in sport are more likely to make informed and intelligent decisions about usage. St. Mary's University will conduct a Drug and Alcohol Education Program for student-athletes on an annual basis. These educational programs will be designed to review athletic department, institutional, conference and national governing body policies related to alcohol, tobacco and other drugs. Appropriate educational materials will be made available to participants including this Policy and a list of banned substances. All student-athletes and athletics coaching staff members are required to attend. Make-up sessions are available for participants who must miss a scheduled educational session for an approved reason. In addition to educating student-athletes and athletics staff about the various policies, a review of the institutional drug-testing program will be conducted. Dietary supplements and their inherent risks will be discussed. Time will be allowed for questions from participants. In addition, special educational programs may be arranged to provide participants the opportunity to learn more about the dangers of specific substances.

St. Mary's University offers free counseling services at the Student Psychological and Testing Services. The St. Mary's University Student Psychological and Testing Services is a comprehensive service providing a full range of programs designed to meet the needs of a diverse student population. The department's mission is to support the intellectual, emotional, social and cultural development of students by offering a wide range of services, including personal and group counseling, consultation and educational services. We value an atmosphere that is welcoming and comfortable for all students, regardless of race, gender, ethnic background, age, sexual orientation, religion, citizenship or disability. Students that test positive are required to attend counseling sessions at the center. The St. Mary's University Athletic Department also strongly suggests students to utilize these services on a voluntary basis. The Student Psychological and Testing Services are located in the Center for Life Directions and can be reached at regular business hours (210)436-3135 or for emergencies (after-hours and weekends) at (210)825-3622.

Consent to Participate

As a condition of participation in intercollegiate athletics at St. Mary's University, each student-athlete will be required to sign a consent form agreeing to undergo drug and alcohol testing and authorizing release of test results in accordance with this policy (See Appendix A). Failure to consent to or to comply with the requirements of this policy may result in suspension from participation or termination of eligibility to participate in intercollegiate athletics at St. Mary's University. Each student-athlete annually will be given a copy of the institutional policy and will be required to participate in an informative session describing alcohol, tobacco and other drug education and testing policies. Additionally, student-athletes will be given an opportunity to ask any questions regarding the information contained in the policy, the testing program, or other related issues prior to signing the drug-testing consent form.

Alcohol Policy

It is the responsibility of every member of the college community to be aware of the risks associated with alcohol use and abuse. Consistent with the University community, the Department of Athletics views the use of alcohol to be incompatible with the goal of athletic excellence. Student-athletes are required to conduct themselves in accordance with university policies, and federal, state and local laws. This extends to the recruitment of prospective St. Mary's University student-athletes. Prospective student-athletes visiting campus and socializing with current students are not permitted to participate in any activities that will permit the use of alcohol. It should be understood that possession or consumption of alcoholic beverages by individuals under the age of 21 is a violation of state liquor laws (Minor in Possession/MIP). Likewise, it is illegal for anyone to supply alcoholic beverages to persons under the age of 21.

The Athletic Department may suspend any student-athlete upon a charge, conviction or plea of guilty to any of the following:

- Driving under the influence (DUI/DWI) or other motor vehicle violations involving alcohol or drugs;
- Public intoxication;
- Drunk and disorderly;
- Other violations of local, state, or federal law involving alcohol or drugs, including possession;
- Other violations of local, state, or federal law involving alcohol or drugs and acts of violence;
- Violations of the St. Mary's University Student Code of Conduct involving alcohol or drugs; or
- Minor in Possession.

Tobacco Policy

The use of tobacco products is prohibited by all game personnel (e.g. coaches, student-athletes, athletic trainers, managers and game officials) in all sports during practice and competition, team travel or any team related function that they are representing St. Mary's University. A student-athlete who violates this tobacco policy will be sanctioned for a "first offense" as outlined in the penalty section of this policy in addition to the sanctions as prescribed by NCAA legislation. The Director of Athletics or his/her designee will sanction other game personnel who violate this tobacco policy on a case-by-case basis.

Dietary Supplements

St. Mary's University Department of Athletics personnel will not distribute or encourage the use of any dietary supplements or ergogenic aids. Many dietary supplements or ergogenic aids contain banned substances. Oftentimes the labeling of dietary supplements is not accurate and is misleading. Terms such as "healthy" or "all

natural” do not mean dietary supplements do not contain a banned substance or are safe to take. Using dietary supplements may cause positive drug tests. Student-athletes who are currently taking dietary supplements or intend to take any are required to review the product with the Head Athletic Trainer and/or their assigned staff Athletic Trainer. Student-athletes are solely responsible for any substance that they ingest. All student-athletes are encouraged to use the Drug Free Sport Resource Exchange Center (REC) to obtain current and accurate information on dietary supplements or ergogenic aids. All inquiries to the REC are confidential. The Resource Exchange Center may be accessed at www.drugfreesport.com/REC/.

Student-athletes must understand that even though any dietary supplement has been cleared by the athletic training staff or Drug Free Sport, the athletic training staff does not condone the use of dietary supplements and is not responsible for any supplements the student-athlete intakes. Student-athletes should also understand that they are responsible for any dietary supplements they ingest.

The NCAA does allow an institution to provide permissible substances (bars, recovery drinks, etc.) to its athletes. However, it is still the athlete’s responsibility to make sure those permissible substances are acceptable and if ingested is the sole responsibility of the athlete.

Prohibited Drugs/Substances

The drug and/or alcohol screening process may include analysis of, but is not limited to, the NCAA list of banned-drug classes (See Appendix B). For an ongoing updated listing of the banned-drug list view the NCAA’s web site at www.ncaa.org. Prohibited substances that St. Mary’s University may screen for include, without limitation, alcohol, marijuana, PCP, opiates, MDMA (Ecstasy), amphetamines, cocaine, flunitrazepam (Rohypnol), anabolic steroids, synthetic marijuana, and bath salts. St. Mary’s University requires that all student-athletes keep the athletic training staff and/or team physician aware of any prescribed drugs and dietary supplements that he or she may be taking. Student-athletes may be required to gain “Medical Exception Status” for certain prescribed medication. Please see Medical Exceptions section. St. Mary’s University reserves the right to test for substances not contained on the NCAA banned-drug list and may test at cut off levels that differ from the NCAA program.

Selected Types of Drug Testing

Unannounced Random Testing

All student-athletes who have signed the institutional drug-testing consent form and are listed on the institutional squad list are subject to unannounced random testing. Selection of student-athletes will be performed by a third party organization, the National Center for Drug Free Sport that will select student-athletes from the official institutional squad list by using a computerized random number program.

Pre-season Screening

Student-athletes are subject to pre-season drug testing and may be notified of such by the Director of Athletics or his/her designee at any time.

Team Testing

An entire athletic team may be selected for team testing at any time by the Athletic Director, Associate Athletic Director, Athletic Training Staff, or the team's head coach. A reasonable suspicion form must be completed to perform a team test. The Reasonable Suspicion Form can be found in Appendix C.

Reasonable Suspicion Screening

A student-athlete may be subject to testing at any time when the Director of Athletics or his/her designee determines there is individualized reasonable suspicion to believe the participant is using a prohibited drug. Such reasonable suspicion may be based on objective information as determined by the Director of Athletics or by an Associate/Assistant Athletic Director, Head Coach, Assistant Coach, Head Athletic Trainer, Assistant Athletic Trainer, or Team Physician, and deemed reliable by the Director of Athletics or his/her designee. Reasonable suspicion may include, without limitation, 1) observed possession or use of substances appearing to be prohibited drugs, 2) arrest or conviction for a criminal offense related to the possession or transfer of prohibited drugs or substances, 3) observed abnormal appearance, conduct or behavior reasonably interpretable as being caused by the use of prohibited drugs or substances, or 4) observed use or possession of substances appearing to be prohibited drugs on any social media. Among the indicators which may be used in evaluating a student-athlete's abnormal appearance, conduct or performance are: class attendance, significant GPA changes, athletic practice attendance, increased injury rate or illness, physical appearance changes, academic/athletic motivational level, emotional condition, mood changes, and legal involvement. Note: The possession and/or use of illegal substances may be determined by means other than urinalysis. When an individual is found to be in possession and/or using such substances, he/she will be subject to the same procedures that would be followed in the case of a positive urinalysis (e.g., using on-site saliva testing products to determine alcohol consumption).

Postseason/Championship Screening

Any participant or team likely to advance to post-season championship competition may be subject to additional testing. Testing may be required of all team members or individual student-athletes at any time prior to the post-season competition. If a student-athlete tests positive, he or she will not be allowed to compete at the post-season event and will be subject to the sanctions herein.

Re-entry Testing

A student-athlete, who has had his or her eligibility to participate in intercollegiate sports suspended as a result of a drug and alcohol violation, may be required to undergo re-entry drug and/or alcohol testing prior to regaining eligibility. The Director of Athletics or his/her designee shall arrange for re-entry testing after the counselor or specialist involved in the student-athlete's case indicates that re-entry into the intercollegiate sports program is appropriate. The cost of any re-entry drug test(s) will be the sole responsibility of the student-athlete after the student-athlete has tested positive a second time.

Follow-up Testing

A student-athlete who has returned to participation in intercollegiate sports following a positive drug test under this policy may be subject to follow-up testing. Testing will be unannounced and will be required at a frequency determined by the Athletic Director or his/her designee in consultation with the counselor or specialist involved in the student-athlete's case.

Notification and Reporting for Collections

The student-athlete will be notified of and scheduled for testing by the institution no more than 24 hours prior to the scheduled testing. Notifications of testing shall consist of a face-to-face meeting with the student-athlete and/or a phone conversation with the student-athlete. The Head Athletic Trainer or Drug Testing Coordinator will notify the student-athlete of the date and time to report to the testing station and will have the student-athlete read and sign the Student-Athlete Notification Form. The Student-Athlete Notification Form can be found in Appendix D. The Head Athletic Trainer or Drug Testing Coordinator will also notify the head coach of each sport of the student-athletes of their sport being tested.

The Head Athletic Trainer or Drug Testing Coordinator will be in the testing station to certify the identity of the student-athletes selected. Student-athletes shall provide picture identification when entering the drug-testing station. The Drug Testing Coordinator or Head Athletic Trainer must remain in the collection station until all student-athletes complete the collection process.

ALL COLLECTIONS AND/OR TESTING UNDER THIS POLICY SHALL BE OBSERVED COLLECTIONS.

Collection Protocol

The collection of samples from the student-athlete shall be monitored by a same-sex member of the athletic training staff or by an agency contracted to conduct the testing protocol. St. Mary's University will utilize urine analysis or any other acceptable testing forms by Drug Free Sport for its drug testing samples. The following testing protocols will be followed for collecting urine samples:

- Contracted Agency: St. Mary's University will utilize the contracted third party, Drug Free Sport, Inc. to perform urine collections. The student-athlete will arrive at the designated testing site

and sign the master sign in sheet and complete the required collection form. The student-athlete will provide a urine sample. After the collection has occurred, the samples will be individually numbered. By signing a master list of numbered names, the student-athlete will certify that his/her numerical designation corresponds to that on the specimen bottle he/she has submitted. The numbered samples (no names on the sample) will then be secured and sent at the first opportunity to an independent laboratory commissioned to perform the tests. Once the results are returned from the independent laboratory the Drug Testing Coordinator or the Head Athletic Trainer at St. Mary's University will be the only individuals capable of matching the test results of any positives tests to the correct student-athlete. Detailed urine collection by Drug Free Sport can be found in Appendix E.

NOTE: ANY UNEXCUSED ABSENCES FROM THE TESTING PROCEDURE WILL BE TREATED AS THE EQUIVALENT OF A POSITIVE TEST. IN THE EVENT THE STUDENT-ATHLETE REFUSES TO SUBMIT TO A DRUG OR ALCOHOL TEST, IT WILL BE CONSIDERED A POSITIVE TEST RESULT WITH APPROPRIATE SANCTIONS AS APPLIED.

Cheating/Attempting to Cheat Drug Test

Cheating or attempting to cheat a drug test is prohibited. If a student-athlete is caught cheating or attempting to cheat a drug test, they will be automatically sanctioned, no matter the results of their drug test. The student-athlete will automatically be sanctioned to the next subsequent positive sanction plus an additional 25% of their playing season. Student-athletes will still be required to provide a good sample before leaving the testing site. If the test results in a positive test, the student-athlete will serve the proper sanction plus the additional 25% sanction for cheating/attempting to cheat a drug test; unless this is the student-athlete's third positive drug test. They will be removed from St. Mary's University athletics.

Laboratory Analysis/Reporting Results

Urine samples will be collected and sent to an independent SAMHSA and/or World Anti-Doping Agency approved laboratory for analysis. St. Mary's University hereby certifies that any laboratory it engages for the testing of performance enhancing drugs/agents will abide by the World Anti-Doping Agency code of ethics as it relates to the testing of samples. Each sample will be tested in accordance with this policy to determine if banned drugs or substances are present and the appropriate sanctions will apply for positive results.

If the laboratory reports a specimen as substituted, manipulated or adulterated, the student-athlete will be deemed to have refused to submit to testing and treated as if the test were positive for a banned substance. All student-athlete information and records associated with the St. Mary's University drug-testing program will be confidential and will be released only to those individuals with a legitimate need to know.

Medical Exceptions

The NCAA and St. Mary's University recognize that some banned substances are used for legitimate medical purposes. Accordingly, the NCAA and St. Mary's University allow exceptions to be made for those participants with an existing documented medical history demonstrating the need for regular use of such a drug. Exceptions may be granted for substances included in, but not limited to the following classes of banned drugs: stimulants, beta blockers, diuretics and peptide hormones. Information regarding NCAA exceptions procedures can be found at www.ncaa.org/health-safety.

The most common medical exception is with ADD/ADHD. Student-athletes must complete the "NCAA Medical Exception Documentation Reporting Form" for ADD/ADHD and obtain all required documentation for diagnosis exception. The required documentation will need to be submitted to the Head Athletic Trainer or the Drug Testing Coordinator prior to any scheduled drug testing. If these materials are not in the student-athletes file and their drug test results in a positive, they will be sanctioned accordingly. This is why it is important to have these materials prior to the testing. The medical exemption for ADD/ADHD can be found in Appendix F.

It is also important to note that it is illegal to consume medications prescribed to another individual or to provide another individual with medications prescribed to you or someone other than that person. If it is determined that a student-athlete has taken medication prescribed to and provided by another, both parties will face sanctions.

Sanctions

All St. Mary's University student-athletes are required to sign the "Drug Testing Consent Form" at the beginning of each academic year. Refusal to sign the consent form prohibits the student-athlete from participating in any intercollegiate sports at St. Mary's University. Any student-athlete who tests positive for a banned substance or who refuses to submit to a required drug test, and/or who violates the terms of the safe harbor program as described in this policy shall be subject to the sanctions below. Notwithstanding anything herein to the contrary, a team physician, in his/her sole discretion, reserves the right to withhold a student-athlete from practice and/or competition if such practice and/or competition would pose a threat to the health and safety of the student-athlete or his/her competitors. However, any decision to restrict a student-athlete from practice and/or competition for health and safety concerns must be based on credible evidence. Only the team physician may release a student-athlete to resume competition and/or practice. All violations of this policy are cumulative (example: if a student-athlete tests positive their freshman year then has a negative follow-up test, but has a positive test at any time during their tenure at St. Mary's University, this will be considered the second positive result) and include positives on NCAA administered drug tests. If a student-athlete tests positive on a St. Mary's University test and an NCAA test, the penalties will be served concurrently.

Suspensions will be applied to regular and post-season contests, not exhibition or non-championship seasons. If the positive result occurred during that sport's off-season then he/she will be suspended the following championship season. If the suspension lasts longer than the remaining season, the balance of the suspension will be applied to the following championship season. Student-athletes will be required to attend all practices and

competitions unless excused by the appropriate head coach or team physician. A summative chart of sanctions can be found in Appendix G.

First Positive

Following confirmation of a first positive test for any drugs/substances listed on the NCAA banned-drug list at www.NCAA.org or illegal substance under University, local, state or federal guidelines, the Head Athletic Trainer or the Drug Testing Coordinator will inform the student-athlete of the test results. The Head Athletic Trainer or the Drug Testing Coordinator will also inform the team physician, athletics director, the compliance officer, and the head coach of that particular sport. The athletics director will inform the parents/guardians of a minor student-athlete. If the student-athlete is not a minor and has signed an authorization, the information will be released to his/her parent/guardian. A meeting with the Head Athletic Trainer or Drug Testing Coordinator, the athletics director and the team's head coach will be scheduled within 2 business days to review the positive test and to review the sanction process. The student-athlete will be required to attend drug counseling sessions and will be suspended a total of 10% of the scheduled contests for that year. If the positive drug test occurs during the off-season, the student-athlete will be required to attend drug counseling sessions that semester and the suspension will occur the following championship season. St. Mary's University offers counseling services on-campus. The Athletic Training staff will help arrange the initial counseling session. The counselor will ask the student-athlete to discuss the nature and extent of his/her involvement with prohibited drugs and/or alcohol. The counselor shall determine the appropriate form(s) of intervention and rehabilitation needed by the student-athlete, based on the circumstances of the case. Failing to comply with the counselor's directions for treatment will be classified as a second offense. The student-athlete will be subject to follow-up testing. Testing will be unannounced and will be required at a frequency determined by the Director of Athletics or his/her designee.

Second Positive

Following confirmation of a second positive test for any drugs/substances listed on the NCAA banned-drug list at www.NCAA.org or illegal substance under University, local, state or federal guidelines, the Head Athletic Trainer or the Drug Testing Coordinator will inform the student-athlete of the test results. The Head Athletic Trainer or the Drug Testing Coordinator will also inform the team physician, athletics director, the compliance officer, and the head coach of that particular sport. The athletics director will inform the parents/guardians of a minor student-athlete. If the student-athlete is not a minor and has signed an authorization, the information will be released to his/her parent/guardian. A meeting with the Head Athletic Trainer or Drug Testing Coordinator, the athletics director and the team's head coach will be scheduled within 2 business days to review the positive test and to review the sanction process. The student-athlete will be required to undergo further drug and/or alcohol education and/or counseling and will be suspended for an additional 50% of the scheduled contests for that year. If the positive result occurred during the student-athlete's off-season or the suspension terms after the end of the season, then the suspension will apply at the beginning of the next season. St. Mary's University offers counseling services on-campus. The Athletic Training staff will help arrange the initial counseling session. The counselor will ask the student-athlete to discuss the nature and extent of his/her involvement with

prohibited drugs and/or alcohol. The counselor shall determine the appropriate form(s) of intervention and rehabilitation needed by the student-athlete, based on the circumstances of the case. Failing to comply with the counselor's directions for treatment will be classified as a third offense. The student-athlete will be subject to follow-up testing. Testing will be unannounced and will be required at a frequency determined by the Director of Athletics or his/her designee. All costs associated with any re-entry drug testing shall be the sole responsibility of the student-athlete.

Third Positive

Following confirmation of a third positive test for any drugs/substances listed on the NCAA banned-drug list at www.NCAA.org or illegal substance under University, local, state or federal guidelines, the student-athlete will be removed from his/her team immediately and will have a non-renewal of athletics scholarship. Head Athletic Trainer or the Drug Testing Coordinator will inform the student-athlete of the test results. The Head Athletic Trainer or the Drug Testing Coordinator will also inform the team physician, athletics director, the compliance officer, and the head coach of that particular sport. The athletics director will inform the parents/guardians of a minor student-athlete. If the student-athlete is not a minor and has signed an authorization, the information will be released to his/her parent/guardian.

Sanction Addendum

In addition to the above penalties and sanctions for first and second positive tests, the Director of Athletics or the head coach for the student-athlete's sport may impose additional sanctions, including permanent removal from the team. If the head coach wishes to dismiss a student-athlete following a first or second positive test, he/she must first consult with the Director of Athletics and have the Director of Athletics' approval.

Selling/Distributing Illegal or Prescribed Drugs

If a student-athlete or staff member (including volunteers and camp staff) receives a citation or is arrested for selling or distributing illegal drugs (including prescription medication such as Adderall) he/she will be indefinitely suspended from all athletics-related activities and services immediately. If the individual is convicted or admits guilt, he/she will be permanently removed from all association with the Department of Athletics. Employees will be terminated and student-athletes will have athletically-related aid revoked.

Missing a Counseling Session

It is the responsibility of the student-athlete who makes an appointment with a counselor to keep that appointment. If the student-athlete is not able to keep the appointment he or she is expected to cancel the appointment by telephone, preferably 24 hours in advance but at least by 8:30 a.m. on the day of the appointment. Prior to the appointment, the student-athlete will read and sign an informed consent for evaluation and treatment, which includes an agreement to follow the appointment policies and a release to give permission for the counselor to contact the Director of Athletics or his/her designee by phone and in writing that the student-athlete completed his/her counseling sessions as assigned.

Failure to keep or cancel an appointment as stated above may result in suspension from practice and/or competition as determined by the Director of Athletics or his/her designee.

Appeals

Student-athletes who test positive under the terms of the Program will be entitled to an appeals hearing with the Appeals Committee prior to the imposition of any sanctions. Requests for such appeal hearings must be made within forty-eight (48) hours following receipt of the notification of the positive test result or of being notified that a positive was assessed due to non-compliance. If the forty-eight (48) hours would end on a weekend, the request must be made by noon on the next business day. Requests must be in writing and received by the Director of Athletics. The student-athlete will remain eligible during the appeals process.

If the student-athlete contests the validity of the test he/she may request additional testing of the sample, at which time the Head Athletic Trainer or the Drug Testing Coordinator will formally request the laboratory to perform testing on Sample B. Sample B findings will be final, subject to the results of any appeal. If sample B results are negative, the drug test will be considered negative. If the result of Sample B comes back with a different (negative) result, then St. Mary's University will cover the costs associated with the testing of Sample B. If the result of Sample B comes back positive, the student-athlete will be required to cover the cost.

During the appeals process, the student-athlete may have an advisor present, or any representative other than an attorney, if the student so desires. However, the student-athlete must present his or her own case. If reasonable under the circumstances, the meeting should take place no more than forty-eight (48) hours after the written request is received. The Appeals Committee will consist of the two (2) members assigned by the Director of Athletics or his/her designee and the Dean of Students or his/her designee. Either the student-athlete or the other parties involved may request an extension of time to the Director of Athletics, who will consider whether to grant the extension upon a showing of good cause. These proceedings shall include an opportunity for the student-athlete to present evidence, as well as to review the results of the drug test. The decision by the Appeals Committee regarding the sanction to be imposed shall be final.

Voluntary Disclosure/Safe Harbor Program

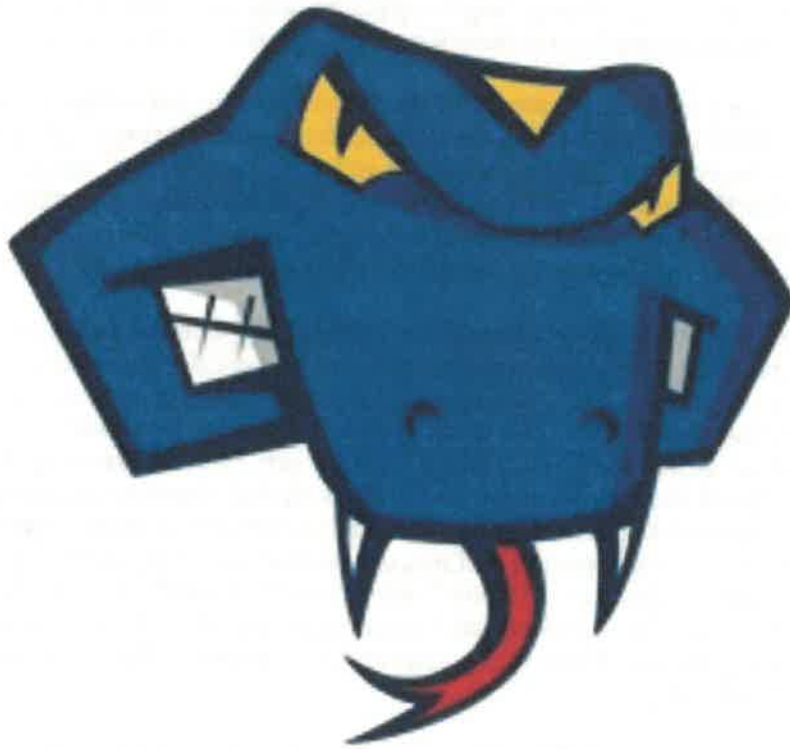
The Voluntary Disclosure/Safe Harbor Program is designed to encourage student-athletes at St. Mary's University to seek assistance from the Athletics Department for engaging in the use of prohibited drugs and/or alcohol by voluntarily disclosing his/her use to an athletic trainer, coach or athletics administrator prior to an

announced drug test. A student-athlete may only enter the Voluntary Disclosure/Safe Harbor Program once during their tenure at St. Mary's University. Student-athletes will not be allowed to enter into the Safe Harbor Program thirty (30) days prior to NCAA or Conference postseason competition. To be eligible to be entered into the Safe Harbor Program, the student-athlete must:

1. Seek assistance prior to being identified as having violated this policy or prior to the Drug Testing Coordinator notifying the first student-athlete of the testing session. Voluntary disclosure can be given to their head coach, the Director of Athletics, their assigned Athletic Trainer or the Head Athletic Trainer. Those who are notified via voluntary disclosure must notify the Head Athletic Trainer with a written letter stating the date and time of the student-athlete's voluntary disclosure admission.
2. Be drug tested immediately or as soon as possible to establish a baseline for follow-up testing. The results of the drug test will not be deemed an offense for the purposes of determining sanctions under this policy, yet only as a baseline for follow-up testing.
3. Be removed from and deemed ineligible to participate in intercollegiate sports if the team physician or counselor deems athletic competition places the student-athlete at risk of injury or serious medical conditions (i.e. Sudden Death). If deemed safe to participate, the student-athlete may continue to participate in intercollegiate sports. Head coaches from that specific sport may hold a player out from competition based on their own discretion.
4. Undergo an evaluation by a St. Mary's University counselor. The counselor shall determine the appropriate form(s) of intervention and rehabilitation needed by the student-athlete, based on the circumstances of the case. The counselor will provide a summary of his/her findings and recommendations to the Director of Athletics, Head Athletic Trainer and/or the Drug Testing Coordinator.

After all the above mentioned measures are met, the student-athlete is able to enter the Safe Harbor Program for a reasonable period of time, not to exceed forty-five (45) days, as determined by the treatment plan. If the student-athlete shows signs of progress at the end of the forty-five (45) days, has not shown any signs of "new use", and is still considered above the cut-off levels, the time period may be extended. Follow-up testing will take place within the forty-five (45) day period. Any positive results and/or signs of "new use" will not be deemed an offense for the purposes of determining sanctions under this policy, yet only as a follow-up test. However, if after the forty-five (45) day period ends and there are signs of "new use", the student-athlete will be considered to be in violation of the Voluntary Disclosure/Safe Harbor Program and will be sanctioned accordingly. The student-athlete must comply with the recommendations and treatments set forth by the counselor. Failing to complete the treatment recommended by the counselor, or having a positive test for any banned substances that indicates new use after completing the Safe Harbor Program will be deemed the next subsequent offense under this policy.

**St. Mary's University
Athletics Department**



**Drug and Alcohol Education and Testing Policies
Supplemental Documents
(Adopted: August 2013)**

**St. Mary's University Athletic Training
Drug Education and Drug Testing Program**

Consent and Authorization Agreement

For and in consideration of my being permitted to participate in intercollegiate athletics at St. Mary's University, I hereby agree to abide by the principles and conditions of the Drug Education and Drug Testing Program policies, and have read and understand its provisions, including possible sanctions for violations of those provisions.

I agree to cooperate with the personnel of the Center for Drug Free Sport and St. Mary's University Athletic Training Staff in the collection of urine specimens at such times determined by the Athletic Training Staff. In addition, I understand that these specimens will be tested for the presence of street drugs, performance enhancing substances and dietary substances. I specifically consent to have my urine sample collected and tested under the conditions outlined in the Drug Education and Drug Testing Program.

I further agree that the St. Mary's University Athletic Department and Athletic Training Staff may in its sole discretion determine the tests to be conducted upon my urine specimens, the substances that will be tested for, and the person or persons to perform the appropriate testing procedures. The results of such tests may be submitted to such physicians as may be selected by St. Mary's University Athletic Training Staff and the Athletic Department for interpretation and evaluation and I hereby consent for such physician or physician to release the test result of my urine specimen, together with my medical report, evaluation, opinion and recommendations to my parents, spouse or legal guardian, the Athletic Director, Athletic Trainer, and the Head Coach of my sport or sports that I participate in. I understand I assume any and all costs associated with re-entry or follow-up testing. I also understand and give approval for my student account to be billed for these costs.

My execution of this form shall be consent for the release of such information under the Texas Medical Practice Act (Sec 5.08 9j), Art. 4495b, Vernon's Texas Civil Statutes), The Texas Open Records Act (Sec 3 (a) (14), Art. 6252-17a, Vernon's Texas Civil Statutes), and the Family Educational Rights and Privacy Act of 1974 (Title 20 U.S.C.A. Sec 1232g). I further hereby release St. Mary's University, its Board of Trustees and its Officers, employees and agents from any and all damage that may result from the authorized release of such information or records.

Print Name of Student-Athlete

Date

Signature of Student-Athlete

Parent Signature (if under 18 yrs.)

2012-13 NCAA Banned Drugs

It is the student-athlete's responsibility to check with the appropriate or designated athletics staff before using any substance

The NCAA bans the following classes of drugs:

- a. Stimulants
- b. Anabolic Agents
- c. Alcohol and Beta Blockers (banned for rifle only)
- d. Diuretics and Other Masking Agents
- e. Street Drugs
- f. Peptide Hormones and Analogues
- g. Anti-estrogens
- h. Beta-2 Agonists

Note: Any substance chemically related to these classes is also banned.

The institution and the student-athlete shall be held accountable for all drugs within the banned drug class regardless of whether they have been specifically identified.

Drugs and Procedures Subject to Restrictions:

- a. Blood Doping.
- b. Local Anesthetics (under some conditions).
- c. Manipulation of Urine Samples.
- d. Beta-2 Agonists permitted only by prescription and inhalation.
- e. Caffeine if concentrations in urine exceed 15 micrograms/ml.

NCAA Nutritional/Dietary Supplements Warning:

Before consuming any nutritional/dietary supplement product, review the product with the appropriate or designated athletics department staff!

- Dietary supplements are not well regulated and may cause a positive drug test result.
- Student-athletes have tested positive and lost their eligibility using dietary supplements.
- Many dietary supplements are contaminated with banned drugs not listed on the label.
- Any product containing a dietary supplement ingredient is taken at your own risk.

Note to Student-Athletes: There is no complete list of banned substances.

Do not rely on this list to rule out any supplement ingredient.

Check with your athletics department staff prior to using a supplement.

Some Examples of NCAA Banned Substances in Each Drug Class

Stimulants: amphetamine (Adderall); caffeine (guarana); cocaine; ephedrine; fenfluramine (Fen); methamphetamine; methylphenidate (Ritalin); phentermine (Phen); synephrine (bitter orange); methylhexanamine, "bath salts" (mephedrone) etc. Exceptions: phenylephrine and pseudoephedrine are not banned.

Anabolic Agents (sometimes listed as a chemical formula, such as 3,6,17-androstenetrione): boldenone; clenbuterol; DHEA (7-Keto); nandrolone; stanozolol; testosterone; methasterone; androstenedione; norandrostenedione; methandienone; etiocholanolone; trenbolone; etc.

Alcohol and Beta Blockers (banned for rifle only): alcohol; atenolol; metoprolol; nadolol; pindolol; propranolol; timolol; etc.

Diuretics (water pills) and Other Masking Agents: bumetanide; chlorothiazide; furosemide; hydrochlorothiazide; probenecid; spironolactone (canrenone); triameterene; trichlormethiazide; etc.

Street Drugs: heroin; marijuana; tetrahydrocannabinol (THC); synthetic cannabinoids (eg. spice, K2, JWH-018, JWH-073)

Peptide Hormones and Analogues: growth hormone(hGH); human chorionic gonadotropin (hCG); erythropoietin (EPO); etc.

Anti-Estrogens: anastrozole; tamoxifen; formestane; 3, 17-dioxo-etiochol-1,4,6-triene (ATD), etc.

Beta-2 Agonists: bambuterol; formoterol; salbutamol; salmeterol; etc.

Any substance that is chemically related to the class, even if it is not listed as an example, is also banned!

Last Updated: Jan 4, 2013

St. Mary's University Department of Athletics Reasonable Suspicion Reporting Form

Under the reasonable suspicion clause that is outlined in the St. Mary's University Substance Abuse Testing and Education Policy, the following objective sign(s), symptom(s) and/or behavior(s) have been witnessed over the past _____ hours and/or _____ days by the named staff member. The following student-athlete is being referred to the Director of Athletics or his/her designee for possible substance abuse testing.

Name of Student-Athlete Suspected
(Please Print)

Name of STMU Athletic Department Staff Member Reporting
(Please Print)

Please check below all that apply:

The Student-Athlete has shown:

- _____ irritability
- _____ loss of temper
- _____ poor motivation
- _____ failure to follow directions
- _____ verbal outburst (ex: staff, team)
- _____ physical outburst (ex: throwing equipment)
- _____ emotional outburst (e.g. crying)
- _____ weight gain
- _____ weight loss
- _____ sloppy hygiene and/or appearance

The Student-Athlete has been:

- _____ late for practice
- _____ late for class
- _____ not attending class
- _____ receiving poor grades
- _____ staying up too late
- _____ missing appointments
- _____ missing/skipping meals

The Student-Athlete has demonstrated the following:

- | | |
|---|--|
| <ul style="list-style-type: none"> _____ dilated pupils _____ constricted pupils _____ smell of marijuana _____ constantly running and/or red nose _____ excessive talking _____ withdrawn and/or less communicative _____ recurrent bouts with a cold or the flu (give dates _____) _____ recurrent motor vehicle accidents and/or violations (give dates _____) _____ recurrent violations of STMU Student Code of Conduct | <ul style="list-style-type: none"> _____ smell of alcohol on the breath _____ red eyes _____ staggering or difficulty walking _____ over stimulated or "hyper" _____ periods of memory loss _____ slurred speech |
|---|--|

Other specific objective findings include: _____

Signature of Witness

Date

Athletic Director/Designee

Date

For Office Use Only

Reasonable suspicion finding upheld

Reasonable suspicion finding denied

Drug Free Sport™

2537 Madison Avenue
Kansas City, MO 64108
816/474-8955

SPORT DRUG TESTING ATHLETE NOTIFICATION FORM

Athlete:

Identification Number: _____ Sport: _____
(Optional)

Date of notification: _____ Time of notification: _____ a.m./p.m.

I, The Undersigned:

Acknowledge being notified to appear for drug testing and have been notified to report to the drug-testing station at

_____, on _____, on or before _____ a.m./p.m.
(location) (date) (time)

I will be prepared to provide an adequate specimen and will not over hydrate.

I understand that I may have a witness accompany me to the drug-testing site.

By signing, I have been notified of my selection for drug testing, and am aware of what is expected of me in preparation for this drug-testing event.

Athlete's Signature: _____

I can be reached at the following telephone number on day of test: _____

Comments: _____

For Collection Use Only:

Void No. 1: pH: _____ specific gravity: _____ Void No. 3: pH: _____ specific gravity: _____

Void No. 2: pH: _____ specific gravity: _____ Void No. 4: pH: _____ specific gravity: _____



*Reminder for Athlete
(optional)*

Sports Drug-Testing Program

Athlete: _____

Location of test: _____ Date of test: _____ Time to report: _____

Report to the test site with picture identification.

DO NOT DRINK TOO MANY FLUIDS.



Sport Drug-Testing Collection Protocol

1. Upon entering the collection station, the athlete will provide photo identification and/or a client representative/site coordinator will identify the athlete and the athlete will officially enter the station.
2. The athlete will select a sealed collection beaker from a supply of such and will record his/her initials on the collection beaker's lid.
3. A collector, serving as validator, will monitor the furnishing of the specimen by observation in order to assure the integrity of the specimen until a volume of at least 50 mL is provided (100 mL if testing for anabolic steroids).
4. Validators who are of the same gender as the athlete must observe the voiding process and should be members of the official drug-testing crew. The procedure does not allow for validators to stand outside the immediate area or outside the restroom. The athlete must urinate in full view of the validator (validator must observe flow of urine). The validator must request the athlete raise his/her shirt high enough to observe the midsection area completely ruling out any attempt to manipulate or substitute a sample.
5. Athletes may not carry any item other than his/her beaker into the restroom when providing a specimen. Any problem or concern should be brought to the attention of the collection crew chief or client representation for documentation. Athletes will rinse and dry hands, with water only, prior to urination, and wash with soap and water following urination.
6. Once a specimen is provided, the athlete is responsible for keeping the collection beaker closed and controlled.
7. Fluids and food given to athletes who have difficulty voiding must be from sealed containers (approved by the collector) that are opened and consumed in the station. These items must be caffeine- and alcohol-free and free of any other banned substances.
8. If the specimen is incomplete, the athlete must remain in the collection station until the sample is completed. During this period, the athlete is responsible for keeping the collection beaker closed and controlled.
9. If the specimen is incomplete and the athlete must leave the collection station for a reason approved by the collector, specimen must be discarded.
10. Upon return to the collection station, the athlete will begin the collection procedure again.
11. Once an adequate volume of the specimen is provided, the collector who monitored the furnishing of the specimen by observation will sign that the specimen was directly validated and a collector will check the specific gravity and if in range measure the pH of the urine in the presence of the athlete.
12. If the urine has a specific gravity below 1.005 (1.010 if measured with a reagent strip), the specimen will be discarded by the athlete. The athlete must remain in the collection station until another specimen is provided. The athlete will provide another specimen.

13. If the urine has a pH greater than 7.5 (with reagent strip) or less than 4.5 (with reagent strip), the specimen will be discarded by the athlete. The athlete must remain in the collection station until another specimen is provided. The athlete will provide another specimen.
14. If the urine has a specific gravity above 1.005 (1.010 if measured with a reagent strip) and the urine has a pH between 4.5 and 7.5 inclusive, the specimen will be processed and sent to the laboratory.
15. The laboratory will make final determination of specimen adequacy.
16. If the laboratory determines that an athlete's specimen is inadequate for analysis, at the client's discretion, another specimen may be collected.
17. If an athlete is suspected of manipulating specimens (e.g., via dilution), the client will have the authority to perform additional tests on the athlete.
18. Once a specimen has been provided that meets the on-site specific gravity and pH parameters, the athlete will select a specimen collection kit and a uniquely numbered Chain of Custody Form from a supply of such.
19. A collector will record the specific gravity and pH values.
20. The collector will pour approximately 35 mL of the specimen into the "A vial" and the remaining amount (approximately 15 mL) into the "B vial" (another A=35 mL, B=15 mL in a second split sample kit for anabolic steroid testing, which will be shipped to a WADA accredited laboratory) in the presence of the athlete. Therefore, two split sample kits will be used when testing for both "drugs of abuse" and anabolic steroids. The vials will be packaged identically, but shipped to two different laboratories.
21. The collector will place the cap on each vial in the presence of the athlete; the collector will then seal each vial in the required manner under the observation of the athlete and witness (if present).
22. Vials and forms (if any) sent to the laboratory shall not contain the name of the athlete.
23. All sealed specimens will be secured in a shipping case. The collector will prepare the case for forwarding.
24. The athlete, collector and witness (if present) will sign certifying that the procedures were followed as described in the protocol. Any deviation from the procedures must be described and recorded. If deviations are alleged, the athlete will be required to provide another specimen.
25. After the collection has been completed, the specimens will be forwarded to the laboratory and copies of any forms forwarded to the designated persons.
26. The specimens become the property of the client.
27. If the athlete does not comply with the collection process, the collector will notify the client representative/site coordinator and third party administrator responsible for management of the drug-testing program.

**NCAA Medical Exception Documentation Reporting Form
to Support the Diagnosis of Attention Deficit Hyperactivity Disorder (ADHD)
and Treatment with Banned Stimulant Medication**

- Complete and maintain (on file in the athletics department) this form and required documentation supporting the medical need for a student-athlete to be treated for ADHD with stimulant medication.
- Submit this form and required documentation to Drug Free Sport in the event the student-athlete tests positive for the banned stimulant (see Drug Testing Exceptions Procedures at www.ncaa.org/drugtesting).

To be completed by the Institution:

Institution Name: _____

Institutional Representative Submitting Form:

Name _____
Title _____
Email _____
Phone _____

Student-Athlete Name _____
Student-Athlete Date of Birth _____

To be completed by the Student-Athlete's Physician:

Treating Physician (print name): _____
Specialty: _____
Office address _____
Physician signature: _____ Date _____

Physician documentation (letter, medical notes) to include the following information:

- Diagnosis.
- Medication(s) and dosage.
- Blood pressure and pulse readings and comments.
- Note that alternative non-banned medications have been considered, and comments.
- Follow-up orders.
- Date of clinical evaluation: _____
- Attach written report summary of comprehensive clinical evaluation:
 - The evaluation should include individual and family history, address any indication of mood disorders, substance abuse, and previous history of ADHD treatment, and incorporate the DSM criteria to diagnose ADHD. Attach supporting documentation, such as completed ADHD Rating Scale(s) (e.g., Connors, ASRS, CAARS) scores.
 - The evaluation can and should be completed by a clinician capable of meeting the requirements detailed above.

DISCLAIMER: The National Collegiate Athletic Association shall not be liable or responsible, in any way, for any diagnosis or other evaluation made, or exam performed, in connection herewith, or for any subsequent action taken, in whole or in part, in reliance upon the accuracy or veracity of the information provided hereunder.

St. Mary's University – Sanction Schedule

	1st Offense	2nd Offense	3rd Offense
Suspension	10% of Competitive Season	50% of Competitive Season	Immediate Full Suspension
Counseling	Required	Required	Advised
Follow-Up Testing	Yes	Yes (At Student's Expense)	--
Re-Entry Testing	Yes	Yes (At Student's Expense)	--

Suspension Term Based on Sport

*Suspensions will be rounded to nearest whole competition/day

	Number of Competitions	1st Offense: 10% of Competitive Season	2nd Offense: 50% of Competitive Season	3rd Offense: Immediate Full Suspension
Baseball	50	5	25	--
Basketball (M/W)	26	3	13	--
Golf (M/W)	21 Days	2 Days	11 Days	--
Soccer (M/W)	18	2	9	--
Softball	56	6	28	--
Tennis (M/W)	25 Days	3 Days	13 Days	--
Volleyball	26	3	13	--

2018 Biennial Review Team

Charity Bowen-Miller
Assistant Director, Residence Life

Deidra Coleman
Director, Student Psychological and Testing Center

Ryan Dunning
Associate Professor, Math Department

Jeff Earle
Director of Clery Compliance & Emergency Management

Leticia Hart
Director, Enrollment Management

Sheri King, Ph.D.
Director, Student Life

Wayne Romo
Director, University Ministry

Elsa Ybanez
Director, Human Resources

John Wickline (chair)
Director, Student Integrity and Welfare

