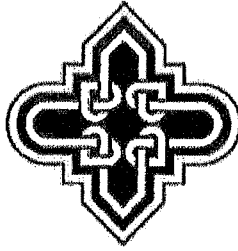


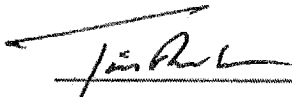
ST. MARY'S UNIVERSITY



Drug-Free Schools and Communities Act

2022 Biennial Review

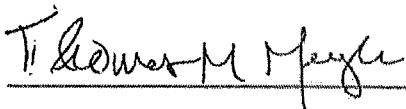
In compliance with the Drug-Free Schools and Communities Act (DFSCA) and The Drug-Free Schools and Campuses regulations (EDGAR Part 86), St. Mary's University has produced this Biennial Review Report on the effectiveness of its alcohol and other drugs (AOD) programs and the consistency of policy enforcement. This document has been reviewed and approved.



Tim Bessler, Ed.D.
Vice President for Student Development
Dean of Students
Title IX Coordinator

12/14/2022

Date



Thomas M. Mengler, J.D.
President

12/14/2022

Date

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Biennial Review Team

2022 Biennial Review Team

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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 3,600, 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 DAAAP goals for St. Mary's University

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 assessment of the university's DAAPP to identify and address areas for improvement in the management and delivery of the program.

DAAPP Goal One - Campus Awareness of DAAPP

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

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 and University policies;
- 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.

The Office of Human Resources coordinates the distribution of DAAPP 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

¹ A full copy of the DAAPP annual notice email to students and employees is included with this review as Appendix A. The full text of the university's policy statement regarding prevention of alcohol abuse and controlled substance use at St. Mary's University that was attached to the annual DAAPP email is included with this review as Appendix B.

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

staff members are provided information about the Equal Opportunity, Nondiscrimination, Sexual, and Other Forms of Harassment Policy.

DAAPP Goal Two - Community Education Efforts

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 Community Education

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. Additionally, residents are provided a web link to a document titled, "[Your Guide to 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.

Residence Life collaborates, supports, and assists with initiatives that inform residential students of the importance of understanding the dangers of alcohol consumption and driving under the influence of alcohol.

An Area Coordinator with Residence Life hosted an Alcohol Awareness area-wide Initiative in collaboration with the Wellness Program Director in October 2022. This event had different interactive activities. There were peer health educators present and UPD provided "drunk goggles".

St. Mary's University Police Department (UPD)

UPD is responsible for law enforcement, security and emergency response on campus, to include property owned, leased or otherwise under the control of StMU. UPD works closely with staff in Residence Life and other university departments to respond to reports of illegal alcohol and other drugs activity on campus.

UPD also plays a significant role in educating and training our community members. During the last two years, UPD 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. UPD police officers also collaborates on a regular basis with Residence Life and the Student Life Office of Fraternity and Sorority Life to provide AOD programming to resident students.³

The UPD website provides descriptive information about the health risks and legal sanctions associated with the use of illicit drugs and alcohol to the entire STMU community via on the Drug

³ A listing of the UPD's AOD community education and outreach activities is included with this review as Appendix J.

and Alcohol Awareness web page linked to the StMU Police Department website at the following address: [Police Department - St. Mary's University \(stmarytx.edu\)](https://www.stmarytx.edu/police-department)

Student Life (SL)

The Department of Student Life is the umbrella office for student involvement at StMU and includes the functional areas of Zaragoza (Orientation), Registered Student Organizations (RSOs), Fraternity and Sorority Life, University Programming Council, Student Government Association, Commuter Initiatives, and Leadership Programs. Multiple programs and activities organized or sponsored by Student Life provided important AOD policy information and education to our students.

Student Life sponsored a series of alcohol alternative programming each academic semester provided by both the Student Government Association and University Programming Council. As an example, the Student Government Association also partnered with Delta Zeta Sorority's Alcohol Awareness Week in November 2021 and 2022, to help provide information and resources on safe alcohol consumption.

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. However, due to the COVID-19 Pandemic, there was limited activity in the Pub in 2021 and 2022.

Annual training is given to both the President and Risk Management chair of Registered Student Organizations on campus as required by S.B. 38 & 1525.⁴ 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 a mandatory follow up chapter meeting.

Student Life has partnered with the Office of Student Health and Wellness Programs to provide various training to RSOs, Fraternities, and Sororities. These training sessions have included Bystander Intervention, Consent 101, and Alcohol & Sexual Awareness. They are provided in both large scale training with multiple organizations attending or one-on-one basis with an individual organization.

During the extended new student orientation session, known as Zaragoza, session leaders and staff members from The Student Counseling Center presented *Breathe In, Breathe Out, Be Well* and the Vice President and Dean of Students presented *Red Light, Green Light*, programs. The programs focused on holistic wellness, engaging interactive wellness activities, and explored students' rights and responsibilities, respectively.

Student Life also provided important information about drug and alcohol abuse to the StMU Fraternities and Sororities through the following ways:

⁴ A copy of the Risk Management Training presentation included with this review as Appendix N

- New Member 101 presentation to all new Fraternity and Sorority Life chapter members
- 101 online essay assignment covering topics of Hazing, Title IX, and Safe Alcohol Practices as an asynchronous option
- Fraternity and Sorority Recruitment Policy requiring alcohol-free recruitment events
Implementing recruitment event check-ins by council leadership to ensure alcohol-free recruitment events Hazing policy involving consumption of alcohol
- Fraternity and Sorority New Member bid signing including acknowledgement of hazing violations and policy
- The Real Life Situations skit-based presentation was replaced in summer 2019 with the U-Got This! online program in partnership with the Office of Student Advocacy & Anti-Violence Education for incoming students
- Advertising guidelines regarding the use of alcohol brands or images on advertisements for student events.

Fraternity and Sorority Life Alcohol and Drug Programing

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

- "Low-Risk Drinking" – Educational presentation on standard drink size, created "mocktails", definitions of "binge-drinking", and facilitated open conversations on realistic low-risk drinking for college students.
- "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" - Discussion on how to recognize the signs of alcohol poisoning and demonstration on placing someone in a recovery position.
- "When It's Too Late" – New members viewed a documentary of a student that lost their life due to a hazing incident.
- "Helping your friends" - A final discussion on ways to protect not only fellow Fraternity and Sorority brothers and sisters, but the StMU community as a whole.

Human Resources

The Office of Human Resource is responsible for distributing and enforcing StMU AOD policies to all St. Mary's University employees. During the 2021-2023 biennium, the Office provided education and outreach opportunities, such as:

- Employee Assistance Program (EAP)
- Smoking Cessation Information
- Flu Vaccinations
- COVID Vaccinations and Boosters

Rattler Athletics ⁵

Prior to participating in any required athletic activities, all student-athletes meet with the Associate Athletics Director for Compliance and Internal Operations and the Head Athletic Trainer/Drug Testing Coordinator to discuss the NCAA Drug Testing Program and the St. Mary's Athletics Drug and Alcohol Education and Testing Policies. In this meeting, student-athletes are required to complete required NCAA Compliance Forms that include the NCAA Drug Test Consent Form and the NCAA Student-Athlete Statement Form. These forms serve 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 Forms will prohibit the student-athlete from participating in any required, athletically related activities.

Student-athletes are also required to review the St. Mary's University Student-Athlete Handbook that thoroughly explains the athletics institutional drug and alcohol testing policies. They are required to familiarize themselves with the department's policies along with other departmental policies and procedures and sign a confirmation page that they reviewed the handbook and return to the Associate AD for Compliance and Internal Operations.

Any student-athlete who tests positive for a banned substance during a NCAA or institutional administered test 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.

Student Health Center

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

The SHC also provides student outreach and educational content through a variety of social media outlets. As part of the Student Health and Wellness Programs, content is curated on various health topics. Some of these posts include information on making informed choices on the issues of alcohol and drug consumption that are reviewed and approved by the Student Health and Wellness Programs.

StMU School of Law

The School of Law provided several opportunities during the 2020-22 biennium for law students to learn more about the personal risks of drug and alcohol abuse. Representatives from the Texas Lawyers Assistance Program (TLAP) made several presentations during each fall and spring semester, during which law students learned about alcohol and drug abuse, the two main risk factors associated with law students' mental health.

⁵ The St. Mary's University Athlete Drug Testing Policy is included with this review as Appendix O

The School of Law also co-sponsored a Mental Health Week during the Fall 2022 with the First-Generation Professionals student organization. Various events were held, including a viewing of “To Hell and Back: One Lawyer’s Path to Recovery”, a program promoted by the American Bar Association for Law School Mental Health Day, and tabling resources at other events held during the week.

Wellness Programs⁶

Wellness Programs, formally known as the Office of Student Advocacy and Anti-Violence Education (OSAVE) has a campus leadership responsibility for ensuring that freshman and transfer students complete the U Got This program, which presents important educational information to new students on how to be an effective bystander when issues of drugs and alcohol use arise during a student's time in college.

Wellness Programs leads out on the established, campus-wide comprehensive curriculum on the prevention of gender-based violence, which includes dating/domestic violence, sexual violence, and stalking. Scholars and service providers recognize that each of these types of gender-based violence have intersections with other problematic behaviors, such as alcohol and drug use. Wellness Programs includes information about the impact of alcohol and drugs on relationships and on people's ability to consent to sexual activity in many of their education and prevention events and activities.

Wellness Programs also educates undergraduate students about the realities of alcohol and drug using the Intervene bystander intervention curriculum developed by Cornell University. This program utilizes a series of short videos to illustrate common college scenarios that students may encounter, followed by an in-depth facilitated discussion in which the featured characters have to respond as active bystanders to issues such as discrimination, sexual assault, and alcohol emergencies that can arise when alcohol or drugs are present. During these presentations, Wellness Program’s Peer Health Educators emphasize the importance of the role student bystanders can play in recognizing and responding to concerns about the drinking behavior of their peers.

In addition to our Bystander Intervention program, the Wellness Program’s presentations, Sexual Assault and Consent 101 also contributes to alcohol and drug awareness/prevention by highlighting legal and institutional parameters of consent; this program includes a significant discussion about the impact of alcohol and drugs on a person's ability to consent to sexual activity.

Student Counseling Center (Counseling and Psychiatric Services)

The Student Counseling Center (SCC) provides a variety of counseling services, including group counseling, individual counseling, 24-hour crisis support, and psychiatric services for all students enrolled at the University. The SCC also provides Outreach Programming and consultation services to students, faculty, and staff on a variety of mental-health issues.

For students with mental health concerns related to alcohol or other drug use, confidential counseling and psychiatric services are available for individuals. Empirically-validated treatments

⁶ A schedule of OSAVE/Wellness Programs AOD-related events and activities is included with this review as Appendix K

for substance-use disorders are utilized by counselors depending on the unique characteristics of the individual, including motivational interviewing, cognitive-behavioral therapy, and concurrent attendance at local Alcoholics Anonymous (AA), Narcotics Anonymous (NA;), Al-Anon, or other groups when appropriate (e.g., National Alliance on Mental illness; San Antonio Council on Alcohol and Drug Awareness; etc.).

Students with more serious drug and/or alcohol problems that require medical intervention are referred to local treatment facilities with expertise in the treatment of substance-use disorders, such as the San Antonio Recovery Center (SARC). For students residing outside of the local area or impending graduates, referrals to similar groups and treatment facilities in other geographic locations are made to optimize continuity of care.

Outreach and Educational Programming⁷

The majority of SCC outreach and educational programs over the last two academic years that focused in whole or in part on alcohol and drug use were conducted in partnership with other campus and community members to develop the most relevant content for intended audiences. The SCC regularly participates in collaborative programming for the University's Orientation programs, as well as training for Residence Hall Advisors. Issues of alcohol and other drug use are specifically included in these programs, with an emphasis on real-life situations that students may encounter in a University setting (e.g., on- or off-campus parties, peer pressure, risk of sexual assault). Alcohol and other drug use are included as part of this programming, with information related to risk factors for suicide, attempts to self-medicate for anxiety and depression, and the relationship between incidence of sexual assault and use of alcohol and other drugs. For the coming biennium, the SCC will continue to use empirically-validated, culturally-sensitive treatment approaches as required by the Texas State Board of Examiners of Psychologists and ethical guidelines for the practice of psychology noted by the American Psychological Association (APA). Research. Programming information from the Substance Abuse and Mental Health Services Administration (SAMHSA) such as the Behavioral Health Among College Students Information and Resource Kit will serve as a primary resource for modification and development of SCC programming based on recent research on the incidence and effectiveness of prevention programs in the college setting.

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 SMU 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 in collaboration with Student Counseling Services may also refer students who are suspected to have a significant or serious substance abuse problem to a community resource that focuses on recovery treatment.

⁷ Student Counseling Center Outreach and Educational Programming is included with this review as Appendix L

Faculty and staff who need assistance with AOD-related issues can access the year-round Employee Assistance Program (EAP) for treatment, counseling, and resources. The university maintains a third-party agreement with an EAP 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. The EAP web portal offers free access to education and training as well as access to in-person counseling sessions. The EAP telephone number (1-888-238-6232) is available 24 hours a day, 7 days a week. In addition, all participation is confidential.

DAAPP Goal Three - University Policies in Support of DAAPP

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 Code of Student Conduct

The 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 SMU 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
- 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 [Student Integrity & Welfare - St. Mary's University \(stmarytx.edu\)](https://www.stmarytx.edu/student-integrity-welfare).

Office of Student Integrity and Welfare⁸

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 SMU 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

⁸ Clery Annual Campus Crime Statistics for the years 2019 through 2021 and AOD summary sanctioning statistics for the 2020-2021 and 2021-2022 academic years are included in this report as Appendix E

Conduct, regular staff development training of the Coordinator of Student Integrity and Welfare, and informal process and outcome checks on selected cases conducted by the Vice President for Student Development and Dean of Students.

****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
- *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 years old

During the 2020-2022 biennium, a student found responsible for a first-time violation of the university's alcohol policies commonly received community service, educational sanctions, and if they lived on-campus, up to a year of Residence Life probation and a restriction against registering to be a guest or to have a guest in the residence halls during the annual Fiesta OysterBake campus event. During the fall 2020 semester, in addition to our traditional sanctions for first-time violations of University's alcohol policies, students were issued interim-housing suspensions for a period of approximately a week. A student found to be responsible for providing alcohol to minors most

commonly received community service, education sanctions, guest restrictions, Residence Life probation, and/or University Probation for up to one year. 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 violated 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 a full academic year of conduct probation, 8 to 20 hours of community service, residence hall visitation restrictions, and up to a year 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 student fatalities occurred related to alcohol or other illegal drugs or the use or abuse of controlled substances at SMU, or as part of any of StMU activities during the 2020-2021 and 2021-2022 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. Separation from Employment in the University's Personnel Manual.

AOD Policy, Enforcement, and Compliance Inventory for Faculty, Staff, and Guests^{9 10}

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 Personnel Manual. This document is available on the StMU website at [Drug-free Workplace - Policy Library \(stmarytx.edu\)](#).

Each academic year, employees must also acknowledge they have read and understood the Drug-Free Workplace Policy as part of the required Employee Annual Policy Notification for all StMU employees.

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 SUMU 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: [Alcohol Service and Sales - Policy Library \(stmarytx.edu\)](#).

Tobacco-free campus

The University has dedicated tobacco-allowed areas on campus 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.

⁹ The text of Drug-Free Workplace Policy is included with this review as Appendix G

¹⁰ The text of the university's Alcohol Service and Sales Policy is included with this review as Appendix H

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.

DAAPP Goal Four-DAAPP Effectiveness Assessment

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

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 to addressing issues of alcohol and drug abuse within the St. Mary's University community.

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 to five years to incorporate any changes in Federal or state laws and to reflect any emerging best practices to the process of adjudicating student misconduct. In addition, the Coordinator 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.

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 adjudicate 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. Many campus partners use evidence based AOD prevention and education programs but more effort is needed to collect and

evaluate outcomes data showing that the institution's efforts are having a net positive effect on reducing the negative effects of drug and alcohol abuse on St. Mary's University community. While the University makes a good-faith effort to ensure all community members are provided with information about the campus DAAAP at the time of their entry to campus, more effort is needed to ensure that students with incorrect or corrupted email messages and off-cycle employee hires are also receiving this information as required under the DFSCA.

Reviewing and documenting all DAAAP notice and distribution efforts and improving the systematic collection of programmatic and effectiveness data for all campus alcohol and other drugs education efforts are two noted areas for improvement during the 2020-2022 biennium period.

Program Strengths and Areas for Improvement

Strengths

- The University annually reviews and revises all AOD-related policies and guidelines for the community and makes these policies available online at [University Policies - St. Mary's University \(TX\) \(stmarytx.edu\)](http://UniversityPolicies-StMarysUniversity(TX).stmarytx.edu)
- 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

- Documenting and affirming the completion of the annual DAAP notification process for all students
- Develop strategic plan of action to coordinate, implement, and assess the effectiveness of our current AOD education and prevention efforts
- Increase faculty and staff awareness of campus DAAPP components by sending out an annual letter with link to the Biennial Review to all students and employees
- Collect climate survey data for upper class, graduate, and law students about their attitudes and behavior towards alcohol and other drugs use at SMU
- Increase attendance at AOD events, as it is not yet at an optimum level for all programs

Goals and Objectives Recommendations for Next Biennium

1. Re-configure the DAAAP Review Team to improve program guidance and assessment efforts

- Team members will create a strategic plan of action to coordinate, implement, and assess the effectiveness of our current DAAPP.
- 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 systematically 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

- Consider adding student members to the Review Team
 - 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.
- 2. Research the effect of the strategic campus partnerships between Residence Life and the University Police Department on reducing the number of AOD on-campus student conduct incidents**

In the fall of 2018, the University Police Department began issuing City of San Antonio citations to all StMU students found to be in possession on-campus of alcohol while underage or in the possession of drugs or drug-related paraphernalia. In the fall of 2018, the Office of Student Integrity and Welfare and the Office of Residence Life also piloted a student conduct co-adjudication model, in which Residence Life Professional Staff were 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. This adjudication model has remained in place during the 2020-2022 biennial review. Alcohol and drug violations remained constant throughout the 2020-2022 biennial.

The Office of Student Integrity and Welfare is going through a strategic planning phase to adopt and implement a student conduct process assessment model. This action will allow the University to collect and analyze feedback from students who have been through campus conduct process for AOD-related infractions to see if this campus approach affected their choice to consume alcohol or other drugs while on campus.

- 3. Support the continued work of University Athletics to enhance AOD education and accountability for student athletes**

Beginning with the 2022-2024 biennium, the Athletics Department will continue to dedicate additional resources toward educating student-athletes on drug and alcohol prevention including performance enhancing drugs. In addition to updating department policy, the Athletics Department designated Drug Testing Coordinator, in collaboration with the Head Strength and Conditioning Coach and Athletics Department administration, will lead the charge of offering a variety of educational resources related to drug and alcohol use. The Head Strength and Conditioning Coach will be a valuable resource for all student-athletes as he is dedicated to the overall well-being of our student-athletes and can provide insight on performance-enhancing drug prevention.

- 4. Support the continued work of Student Counseling Services to enhance AOD counseling and support services for the StMU student community.**

Student Counseling Services will continue to expand programming that is appropriate for student need:

- Expand student outreach programs on anxiety, depression, suicide risk, and healthy relationships to include specific information related to drug and alcohol awareness, including potential abuse of prescription and illegal drugs, as well as attempts to self-medicate for mental and physical symptoms.

- Explore collaborative programming with Wellness Programs to address assertive communication skills in real life situations involving gender-based harassment, stalking, and assault.
- Take a more preventative approach to mental health and drug/alcohol abuse and offer education on various alternatives to coping with stress in healthy ways.
- Explore collaborative programming with the Student Health Center to identify appropriate student groups and organizations to offer support for drug and alcohol awareness initiatives. Data strongly suggests that student participation and engagement in outreach programming is significantly higher when programming is targeted at student organizations than the general student population. Co-facilitated presentations to these groups include information on the physical, mental, and cognitive effects of drug/alcohol use; safety planning and responsible drinking; and assertive communication when confronted with peer pressure.

5. The Office of Student Integrity and Welfare, in collaboration with Student Health and Wellness Programs will explore options to collect survey data to better understand how alcohol and drugs are impacting our students' experiences of gender-based violence.

During the 2020-2022 biennium, a change in staffing models occurred within the Offices of Student Integrity and Welfare and Student Health and Wellness programs. Due to these changes and the impact of the COVID-19 pandemic, the Biennial review team was unable to use the initial data gather by OSAVE's Campus Climate Survey. In addition, with a new staff in place conversations have begun to discuss assessment measures to gather updated data to better understand how alcohol and drugs are impacting our students' experiences of gender-based violence.

APPENDIX A: St. Mary's Annual DAAPP Notice Email



Dear Students, Faculty, and Staff,

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. § 1011i; 34 C.F.R. § 86.1et 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 its students, faculty, and staff. I encourage you to familiarize yourself with the following information, policies, and resources identified in this notice:

- A link to the **Code of Student Conduct**, which includes a description of the applicable disciplinary sanctions St. Mary's University will impose on students found responsible for violating the University's policies regarding the possession and/or use of alcohol and other drugs.
- 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.
- A link to the University's **Hazing Policy**. In line with our Core Values and the Marianist Catholic charism, hazing is an act that is contrary to St. Mary's values of community, justice, peace and family spirit. Not only is hazing against the law, the act and its outcomes directly interrupt the learning environment of the University and are detrimental to all members of our community.
- A link to the University's **Biennial Review** of our campus drug and alcohol prevention and education efforts as required under the federal Drug-Free Schools and Communities Act. This review is intended to determine the effectiveness of our University's drug and alcohol policy education and prevention efforts, ensure that the sanctions developed for violations of this policy are enforced consistently, and define a plan of action for any needed changes to campus alcohol and other drug programs.

I also want to remind you of St. Mary's University's **Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment policy** and the **Equity Dispute Resolution Process**. As required under both federal and Texas state laws, these two policies highlight the University's strong commitment to providing support for those who experience discrimination or harassment and promoting accountability in all aspects of the University's response to these reports within the Rattler community.

The Equity Dispute Resolution Process applies to all students, staff and faculty within the Rattler community. 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.

Please be aware that St. Mary's University has also developed **Interim Adjudication Guidance for Title IX Reports of Sexual Harassment and Sexual Misconduct** to comply with the U.S. Department of Education's 2020 Title IX Final Rule, which revised the process that higher education institutions must use when receiving and responding to reports of sexual harassment and sexual misconduct among our community members.

This interim guidance replaces the process the University has used to respond to reports of sexual harassment and sexual misconduct as described in the Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment policy and resolved through the Equity Dispute Resolution Process.

Any alleged violation of these policies must be reported to the University immediately via any of the following methods:

- File in person with a Title IX Coordinator:
 - Dr. Tim Bessler, Vice President of Student Development and Dean of Students, and Title IX Coordinator, 210-431-5024
 - Janet Guadarrama, Executive Director, Human Resources, and Title IX Coordinator, 210-436-3725
 - Brynn Rivera, Deputy Coordinator Title IX and Clery Compliance, 210-431-4385
- Call the Title IX coordinator at 210-436-3725 or email titleix@stmarytx.edu
- Fill out the **Title IX Complaint Form** online
- Contact the University Police Department at 210-436-3330 for non-emergencies and 210-431-1911 for emergency assistance.

Sincerely,
Tim Bessler, Ed.D.
Vice President of Student Development and Dean of Students
Title IX Coordinator

APPENDIX B: Alcohol and Other Drugs Policy

Available online at: [Alcohol and Other Drugs Policy - Policy Library \(stmarytx.edu\)](https://stmarytx.edu/policy-library/alcohol-and-other-drugs-policy)

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 Code of Student Conduct 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 Center 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. For more information or to schedule an appointment, 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.

The StMU Police Department's staff of commissioned police officers is responsible for all law enforcement, security and emergency responses on campus, to include property owned, leased, or controlled by the university. The Department also plays a significant role in educating and training our community members on the dangers of alcohol and drug abuse. For more information, call the University Police Department at (210) 436-3330 or visit [the Police Department webpage](#).

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:

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.

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.

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, the Student Life Office, 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

Student Health Center

210-436-3506

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

Student Counseling Center

210-436-3135

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

210-436-3213

Offers pastoral and spiritual counseling and guidance.

Off Campus

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

Penalties for Alcohol Violations

Penalties at 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. Final decisions about sanctions will depend on the nature of each individual incident.

Possession/consumption by a minor, consumption in a non-designated area, serving/selling to a minor, public intoxication, or knowingly providing false information to obtain alcohol:

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

Subsequent incident(s): Fines up to \$300; possible loss of on-campus housing privilege, loss of privilege to publicly represent StMU in any capacity (such as University athletics, student employment, or organization leadership), University probation, disciplinary suspension from the university

Driving under the influence on University-owned-or-controlled property:

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

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

Texas Law

Purchase, possession or consumption of alcohol by a minor; knowingly providing false information to obtain alcohol – Alcoholic Beverage Code §106.02(a), 106.04(a), 106.05(a), 106.07(a)

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

Third or Subsequent Offense : Fine of \$250 to \$2,000, confinement in jail for up to 180 days, 30 to 180 days suspension of driver's license, alcohol awareness class, 8 to 12 hours community service.

Public Intoxication – **Texas Penal Code §49.02**

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

Third or Subsequent Offense: Fine of \$250 to \$2,000, confinement in jail for up to 180 days, 30 to 180 days suspension of driver's license, 8 to 12 hours of community service.

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

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

Driving while having a detectable amount of alcohol in the minor's system – **Alcoholic Beverage Code §106.041**

First Offense : Class C Misdemeanor: A fine not to exceed \$500, alcohol awareness class, 20 – 40 hours of community service, 60 days suspension of driver's license.

Third or Subsequent offense : A fine of not less than \$500 or more than \$2000, 180 days of jail confinement

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

First Offense : Class B Misdemeanor: A fine not to exceed \$2000, 3 days in jail, or both, 90 days to one year suspension of driver's license.

Second or Subsequent Offense : Up to \$10,000 fine, 2 to 20 years in jail, two years suspension of driver's license, required Ignition Interlock device for personal vehicle.

Furnishing alcohol to a minor – **Texas Penal Code §106.03(a), 106.06(a)**

Class A Misdemeanor: Fine not to exceed \$4,000; up to one year in jail, or both, 20 to 40 hours of community service, 180 days suspension of driver's license.

Penalties for Drug Violations

Penalties at St. Mary's University

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

Range of sanctions for initial incident: fines, community service, reflection activity, substance abuse assessment(s) and counseling, parental contact, loss of residence hall visitation and guest privileges, eligibility restrictions on serving as a public representative of StMU, follow-up meeting(s) with university

staff, deferred loss of on-campus housing privilege, loss of on-campus housing privilege, University probation, co-curricular suspension, disciplinary suspension for up to four years

Subsequent incident(s): Loss of on-campus housing privilege, University probation, co-curricular suspension, disciplinary suspension for up to four years

Texas Law

Possession of Marijuana – *Texas Penal Code §481.121*

Class B Misdemeanor: if the amount of marijuana possessed is two ounces or less;

Class A Misdemeanor: if the amount of marijuana possessed is four ounces or less but more than two ounces;

State Jail Felony: if the amount of marijuana possessed is five pounds or less but more than four ounces;

Felony Third Degree: if the amount of marijuana possessed is fifty pounds or less but more than five pounds;

Felony Second Degree: if the amount of marijuana possessed is 2,000 pounds or less but more than fifty pounds;

Penalties range from: Fine not to exceed \$2,000 and/or 180 days or less in jail to imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than five years.

Confinement in jail for life or for a term of not more than 99 years or less than 5 years, and a fine not to exceed \$50,000, if the amount of marijuana possessed is more than 2,000 pounds.

Note: All penalties can be enhanced by one level if committed on the grounds of an institution of higher education (St. Mary's University), in accordance with Education Code Section 481.134 (Drug Free Zones).

Possession of Controlled Substances (Penalty Groups 1, 1A, 2, 2a, 3, 4) – *Texas Penal Code §481.102, 481.103, 481.104, 481.105*

Penalties for the possession or manufacture of the above Penalty Groups range from: Fine not to exceed \$2,000 and/or 180 days or less in jail to imprisonment in the Texas Department of Criminal Justice for life or for a term or not more than 99 years or less than 10 years, and a fine not to exceed \$250,000.

Delivery of Marijuana – *Texas Penal Code §481.120*

Class B Misdemeanor: If the amount of marijuana delivered is one-fourth ounce or less and the person committing the offense does not receive remuneration for the marijuana;

Class A Misdemeanor: If the amount of marijuana delivered is one-fourth ounce or less and the person committing the offense receives remuneration for the marijuana;

State Jail Felony: If the amount of marijuana delivered is five pounds or less but is more than one-fourth ounce;

State Jail Felony: If the amount of marijuana delivered is five pounds or less but is more than one-fourth ounce;

Felony Second Degree: If the amount of marijuana delivered is fifty pounds or less but is more than five pounds;

Felony First Degree: If the amount of marijuana delivered is 2,000 pounds or less but more than fifty pounds;

Penalties for the delivery of marijuana range from: Fine not to exceed \$2,000 and/or 180 days or less in jail to imprisonment in the Texas Department of Criminal Justice for life or for a term or not more than 99 years or less than 10 years, and a fine not to exceed \$100,000, if the amount of marijuana delivered is more than 2,000 pounds.

Manufacture or delivery of controlled substance (Penalty Group 2 or 2A) – **Texas Penal Code §481.113**

State Jail Felony: If the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, less than one gram;

Felony Second Degree: If the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, one gram or more but less than four grams;

Felony First Degree: If the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, four grams or more but less than 400 grams;

An offense is punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term or not more than 99 years or less than 10 years, and a fine not to exceed \$100,000. If the amount of the controlled substance to which the offense applies is by aggregate weight, including adulterants or dilutants, 400 grams or more.

Other penalties for the delivery of controlled substances range from: 180 days to two years in jail; and a fine not to exceed \$10,000 to imprisonment in the Texas Department of Criminal Justice for life or for a term or not more than 99 years or less than 10 years, and a fine not to exceed \$100,000.

Federal Law

Possession of Drugs (including Marijuana)

Minimum: Civil penalty in amount not to exceed \$1,000, up to one year in jail

Maximum: 3 years in jail and a fine of not less than \$5,000 plus costs of investigation and prosecution.

Manufacture, distribution, dispensing drugs (includes Marijuana).

Minimum: A jail term of not more than a year and a fine of \$100,000 (for individual) or \$250,000 (if other than an individual)

Maximum: A jail term of life without release (no eligibility for parole) and a fine not to exceed \$20,000,000 (for individual) or \$75,000,000 (if other than an individual)

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 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 Personnel Manual (faculty and staff). Any disciplinary action imposed by the University may precede and be in addition to any penalty imposed by law enforcement authorities on or off campus.

APPENDIX C: 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 day 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.

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 integrate 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.

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 their required Employee Annual Policy Notification for all university employees.

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.



Employee Annual Policy Notifications
Academic Year 2020 2021

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.

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.

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: St. Mary's Code of Student Conduct

Available online at: [Code of Student Conduct - Policy Library \(stmarytx.edu\)](http://stmarytx.edu)

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 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 in an adapted form with permission. Use by any other college or University is permitted only with express permission from NCHERM.

Core Values of Student Conduct

Integrity: St. Mary's University students exemplify honesty, honor and a respect for the truth in all of their dealings.

Community: St. Mary's University students build and enhance their community.

Social Justice: St. Mary's University students are just and equitable in their treatment of all members of the community and act to discourage or intervene to prevent unjust and inequitable behaviors.

Respect: St. Mary's University students show positive regard for each other, for property and for the community.

Responsibility: St. Mary's University students are given and accept a high level of responsibility to self, to others, and to the community.

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 (digital flipbook)* to fully describe the Marianist approach to education at the University level.

Philosophy Statement

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

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

Every member of the St. Mary's University community bears responsibility for their 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 bring their behavior into accord with our community expectations. When a student is unable to act in accordance with community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the conduct process is quite different from criminal and civil court proceedings. Procedures and rights in the student conduct process are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of University policy without information showing that it is more likely than not that a policy violation occurred; any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

Section 2: Jurisdiction

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

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

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw, or have graduated for any misconduct that occurred prior to the leave, withdrawal, or graduation. Any university process initiated to review serious student disciplinary matters will move forward even when the student alleged to have committed a violation leaves or withdraws from the University. If sanctioned, a hold may be placed on the student's ability to re-enroll or obtain official transcripts. All sanctions must be satisfied prior to re-enrollment eligibility or the degree may be revoked.

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

Any situation where it appears that the student may present a danger or threat to the health or safety of self or others; or

Any situation that significantly impinges upon the rights, property or achievements of self or others, significantly breaches the peace, or causes social disorder; or

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, TikTok, and Twitter and other similar online postings are in the public sphere and are not private. Online postings containing evidence of policy violations could result in the initiation of a University conduct process. St. Mary's University does not regularly search online for evidence of student policy violations, 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, 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 campus 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, delaying a report makes it more difficult for University officials to obtain timely information and witness statements, and/or to make determinations regarding alleged policy violations. Though anonymous complaints are permitted, doing so may limit the University's ability to investigate and respond to a report and provide support to those impacted by alleged policy violations. Those who are aware of misconduct are encouraged to report it as quickly as possible to University officials including the Vice Provost for Student Development/Dean of Students, the Office of 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 a student engages in a violation of the law that is, simultaneously, a violation of conduct policy, the University conduct process will usually go forward whether or not a criminal complaint or criminal investigation arises 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 the conduct process. When this happens, the University may delay initiation of the conduct process 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 usually be no longer than 10 University business days from notice of the incident.

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

The responding student must comply with all campus investigative efforts that will not prejudice any defense in the criminal trial; and

The responding student must comply with all interim actions or restrictions imposed during the leave of absence; and

To be reinstated to active student status, the responding student must agree to fully cooperate with the campus conduct process and 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:

Falsification. Knowingly providing false information or possessing false, falsified or forged materials such as, but not limited to, falsification or misuse of documents, accounts, records, identification or financial instruments;

Academic Dishonesty. Acts of academic dishonesty as outlined in the [University Academic Misconduct Policy](#);

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;

Collusion. Cooperation with an individual or group to violate the *St. Mary's University Code of Student Conduct* or other University policies;

Election Tampering. Tampering with the election of any St. Mary's University registered student organization;

Taking of Property. Intentional and unauthorized taking of University property or the personal property of another;

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:

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;

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;

Unauthorized Entry. Misuse of access privileges to University premises or unauthorized entry to or use of buildings, including trespassing, propping open or unauthorized use of alarmed doors for entry into or exit from a University building;

Trademark. Unauthorized use (including misuse) of University or organizational names and images;

Damage and Destruction. Intentional and unauthorized damage to or destruction of University property or the personal property of another;

Information Technology Usage. Violating the University's Acceptable Use Policy.

Gambling. Gambling as prohibited by the laws of the State of Texas. (Gambling may include raffles, lotteries, sports pools, and online betting activities.);

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, nunchucks, throwing stars, or knives.

Tobacco. Smoking or tobacco use, to include electronic cigarettes and similar devices, in any area of campus where smoking or tobacco use are prohibited;

Fire Safety. Violation of local, state, federal or campus fire policies including, but not limited to:

Intentionally or recklessly causing a fire which damages University or personal property or which causes injury.

Failure to evacuate a University-controlled building during a fire alarm;

Improper use of University fire safety equipment; or

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;

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 the 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.

Animals. Animals, with the exception of service animals and those listed in the Residence Life Guide to Community Living, are not permitted on campus.

Wheeled Devices. It is not permitted to use skateboards, rollerblades, 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:

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 or pervasive that it limits or denies the student(s) the ability to participate in or benefit from the University's educational program or activities. Please see the Equal Opportunity, Nondiscrimination, Sexual and Other forms of Harassment Policy for additional information.

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 University officials, who will address all reported incidents on behalf of the reporting party and community. Please see the Equal Opportunity, Nondiscrimination, Sexual and Other forms of Harassment Policy for additional information.

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.

Retaliatory Discrimination or Harassment. Any intentional, adverse action taken by a responding student or allied third party, absent of legitimate nondiscriminatory purposes, as a reprisal against a participant in any proceeding under this Code.

Bystander Intervention – Failure to Intervene.

Complicity with or failure of any student to appropriately address known or obvious violations of the Code of Student Conduct or law;

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.

Abuse of Conduct Process. Abuse, interference, or failure to comply with University processes, including academic conduct hearings including, but not limited to:

Falsifying, distorting or misrepresenting information;

Destroying, concealing, or failing to provide information during an investigation of an alleged policy violation;

Attempting to discourage an individual's proper participation in, or use of, the student conduct process;

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;

Failing to comply with the sanction(s) imposed by the student conduct process; or

Influencing, or attempting to influence, another person to commit abuse or violation 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:

Harm to Persons. Intentionally or recklessly causing physical harm or endangering the health or safety of any person.

Threatening Behaviors:

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.

Intimidation. Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another person.

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.

Hazing. Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Please see the St. Mary's University Hazing Policy for additional information.

Domestic Violence. Acts of violence by a current or former spouse of the reporting party; by a person with whom the reporting party shared a child in common; by a person who is cohabitating with or has cohabitated with the reporting party as a spouse; by a person similarly situated to a spouse of the reporting; or by any other person against an adult or youth reporting party who is protected from that person's acts under law. Please see the Equal Opportunity, Nondiscrimination, Sexual and Other forms of Harassment Policy for additional information.

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 or was an intimate partner of the reporting party. Please see the Equal Opportunity, Nondiscrimination, Sexual and Other forms of Harassment Policy for additional information.

Stalking. Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to fear for the safety of self or others; or suffer substantial emotional distress. Please see the Equal Opportunity, Nondiscrimination, Sexual and Other forms of Harassment Policy for additional information.

Sexual Misconduct. Includes, but is not limited to, sexual assault, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, or sexual exploitation. Please see the Equal Opportunity, Nondiscrimination, Sexual and Other forms of Harassment Policy for additional information.

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:

Alcohol. Use, possession or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and University policy;

Drugs. Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and University policy;

Prescription Medications. Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;

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;

Financial Responsibilities. Failure to promptly meet financial responsibilities to the University, 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;

Arrest. Failure of any student to report the student's arrest (including non-custodial or field arrests) by any law enforcement agency within seventy-two (72) hours of release regarding the allegations and charges to the Vice Provost for Student Development/Dean of Students;

Other Policies. Violating other published University policies or rules, including all Residence Life Community Living Standards and policies;

Health and Safety. Creation of health or safety hazards (e.g., hanging out of or climbing out of windows, balconies, roofs, etc.), including failure to comply with campus health directives (e.g., use of masks or face coverings), University medical record requests or immunization policies;

Audio and Video Recordings. Any unauthorized use of electronic or other devices to make an audio or video record of any person while on University property without their prior knowledge, or without their effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to secretly taking pictures or videos of another person in a gym, locker room, or restroom.

Unauthorized posting of audio, picture, or video records or information of any person on any social media platforms (e.g., Facebook, Instagram, YouTube, TikTok, etc.) without their effective consent when such posting may cause injury or distress.

Professional Rules of Conduct: A law student shall not commit an act prohibited by the Model Rules of Professional Conduct promulgated by the American Bar Association or by the Texas Disciplinary Rules of Professional Conduct.

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

Authority

The authority to enact and enforce regulations of the University is vested in the President of the University by the Board of Trustees. The responsibility for enforcing these policies may be delegated to any University official the President designates. The Vice Provost for Student Development/Dean of Students is the principal officer for all non-academic discipline and may assign persons designated to implement these procedures (St. Mary's University Faculty Handbook, 2.17.2).

The Office of Student Integrity and Welfare

At St. Mary's University, the Vice Provost for Student Development/Dean of Students has assigned management of the student conduct process to the Coordinator for Student Integrity and Welfare who oversees and manages day-to-day operations of the student conduct process. The Vice Provost for Student Development/Dean of Students has also delegated limited authority to Residence Life Area Coordinators and Hall Directors to resolve certain resident student conduct reports as assigned by the Coordinator.

Office of the Assistant Dean for Law Student Affairs At St. Mary's University, the Vice Provost for Student Development/Dean of Students has assigned management of the student conduct process for law students to the Assistant Dean for Law Student Affairs. For conduct matters involving law students, all references to the Coordinator of Student Integrity and Welfare will typically refer to the Assistant Dean of Law Student Affairs

The University Student Judicial Panel

A University student judicial panel is selected from among the Equity Dispute Resolution Panel (EDRP), a representative group of faculty and staff who have been trained to review certain serious or continued incidents of reported student misconduct on behalf of the University as described in the Equity Dispute Resolution Process. The Assistant Dean for Law Student Affairs and the Coordinator for Student Integrity and Welfare, in consultation with the Vice Provost for Student Development/Dean of Students, may appoint Student Judicial Panel members and Appeals Panel members as deemed necessary to efficiently and effectively supervise and implement the student conduct process.

Appeals Panels Membership

Appeals Panels typically consist of two members selected from among the EDRP, with the only requirement being that neither member served on the specific Panel Hearing for complaint. Appeals Panels review appeals requested by any party to a complaint.

Interpretation and Revision of the Code of Student Conduct

The Assistant Dean for Law Student Affairs and the Coordinator for Student Integrity and Welfare, in consultation with the Vice Provost for Student Development/Dean of Students, 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 Vice Provost (or designee) may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this *Code*. The Vice Provost (or designee) may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the *Code of Student Conduct* will be referred to the Vice Provost for Student Development/Dean of Students.

The *Code of Student Conduct* will be updated annually under the direction of the Vice Provost for Student Development/Dean of Students.

Section 6: Conduct Procedures

University as Convener

St. Mary's University is the convener of every action under this code. Within that action, there are several roles. The responding student in a conduct process is the person who is reported to have violated the Code. The reporting party, who may be a student, employee, visitor or guest, may choose to be present and participate in the conduct process as fully as the student respondent. 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.

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 conduct process, 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.

Amnesty:

For Complaining Parties

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

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 Coordinator for 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.

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 Coordinator for Student Integrity and Welfare not to extend amnesty to the same person repeatedly.

Safe Harbor

St. Mary's University believes that students who have a drug or addiction problem should receive help. If any University student acknowledges personal 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.

Reporting of Alleged Violation

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

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 by contacting the University's Title IX Administrators in person, by email or phone call, or by filling out the online complaint form on the University's Nondiscrimination – Title IX webpage. (This page also includes information on confidential and other support resources that are available on campus and in the community.) 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, the employee and Title IX Administrators must immediately notify the University Police to determine whether a timely warning is necessary or required.

The University, through the Vice Provost for Student Development/Dean of Students or the Coordinator for Student Integrity and Welfare, may act on reports of an alleged violation(s) not addressed using the Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment policy and response procedures whether a formal allegation is made or not. All allegations can be submitted by a reporting party, witness, or 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 the convener of the subsequent conduct process.

The Assistant Dean for Law Student Affairs and Coordinator for Student Integrity and Welfare, respective to their areas of student conduct oversight, will assume responsibility for the investigation of

the alleged violation as described below. All proceedings related to an alleged conduct violation will be prompt, fair, and impartial.

Gatekeeping & Investigations

No report will be forwarded for a hearing unless the Coordinator for Student Integrity and Welfare finds that there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a reporting party's statement. A complaint wholly unsupported by any information will not be further investigated or forwarded for a hearing.

For all except Title IX reported allegations, the Coordinator for Student Integrity and Welfare will investigate reported Code of Conduct violations. All reported violations that fall under Title IX (e.g., sexual misconduct) or involve any other form of discrimination will be addressed following the procedures outlined in the Equity Dispute Resolution Process (EDRP). The Coordinator for Student Integrity and Welfare 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 reporting party and/or responding party (if needed);

Determine the identity and contact information of the person or entity reporting an alleged violation;

Conduct an immediate preliminary investigation within seven (7) University 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 report.

If the reporting party is reluctant to pursue the report, determine whether the report should still be pursued, and whether sufficient independent information could support the report without the participation of the reporting party;

Notify the reporting party of whether the University intends to pursue the complaint regardless of the responding student's involvement, the rights of all parties in the process, and their option to become involved if they so choose;

Determine if there is reasonable cause to charge the alleged respondent(s) and determine what specific policy violations should serve as the basis for charges; If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action;

If there is reasonable cause for further review, commence a thorough, reliable, and impartial investigation of the reported Code violation(s).

Prepare the formal notice of charges on the basis of the reasonable cause determination, which will be promptly delivered to the student respondent(s) prior to any meetings with the Coordinator or assigned university investigators;

Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;

Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not to have occurred);

Present the investigation report and findings to the responding student (s), 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 reporting party on the status of the investigation and the outcome.

Conflict Resolution Options

The Coordinator for Student Integrity and Welfare has the 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 Coordinator for 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.

Notice

Once a determination is made by the Coordinator for Student Integrity and Welfare that reasonable cause exists for a conduct meeting, notice will be given to the responding student. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Coordinator for Student Integrity and Welfare; 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:

Include the alleged violation and notification of where to locate the Code of Student Conduct and University procedures for resolution of the complaint; and

Direct the responding student to contact the Coordinator for Student Integrity and Welfare within a specified period of time to respond to the complaint. This time period will generally be no less than two (2) University business days from the date of delivery of the summons letter.

A meeting with the Coordinator for Student Integrity and Welfare may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the responding student may indicate, either verbally or in writing, to the Coordinator for Student Integrity and Welfare, admission or denial of the allegations of the reported complaint.

Interim Suspension

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

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

Findings

Where the responding student is found not responsible for the alleged violation(s), the reporting party may request that the Vice Provost for Student Development/Dean of Students to make an extraordinary determination to re-open the investigation. The decision to re-open an investigation rests with the Vice Provost for Student Development/Dean of Students and the decision of the Vice Provost for Student Development/Dean of Students is final.

Responding Student Accepts the Investigation Findings

Where the responding student accepts the finding(s), the Coordinator for Student Integrity and Welfare 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 reporting party and the University community. If the responding student accepts these sanctions/responsive actions the process ends. The sanctions/responsive actions are implemented by the Coordinator for Student Integrity and Welfare.

If the responding 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 three (3) University business days as outlined in Section 15.

Responding Student Rejects the Findings

Where the responding student rejects the finding(s), there will be a hearing on the allegations within fifteen (15) University business days. At the hearing, the Coordinator for Student Integrity and Welfare 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 five (5) University business days of the hearing. Panel procedures are detailed below.

If the responding student is found not responsible for a violation, the Coordinator for 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 three (3) University business days as outlined in Section O.

Responding Student Accepts the Findings in Part and Rejects in Part

When the responding student accepts in part and rejects in part the finding(s), there will be a panel hearing on the disputed allegations within fifteen (15) university business days. If the Panel finds the responding student responsible for violating University policy, the Panel will recommend a sanction(s) or responsive action(s). The Coordinator for Student Integrity and Welfare will render a decision on the recommended sanction(s) or responsive action(s) and notify the responding student of the same. If the

responding student accepts this sanction or responsive action, the process ends with respect to any accepted violations.

The Coordinator for 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 Coordinator for Student Integrity and Welfare, in consultation with the Vice Provost for Student Development/Dean of Students, may act to implement any available appropriate remedies on behalf of the parties and the community. If the responding 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 three (3) University business days as outlined in Section O.

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 Coordinator for Student Integrity and Welfare, 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 Coordinator for Student Integrity and Welfare, or the Panel presiding over the hearing.

Where the responding student admits to violating the Code of Student Conduct, the Coordinator for Student Integrity and Welfare may invoke administrative hearing procedures to determine and administer appropriate sanctions without a formal hearing.

Where the responding student denies violating the Code of Student Conduct, a request by one or more of the parties to the complaint for an administrative hearing may be considered at the discretion of the Coordinator for Student Integrity and Welfare.

In administrative hearings, complaints will be heard and determinations will be made by the Coordinator for Student Integrity and Welfare.

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

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 Coordinator for Student Integrity and Welfare; 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.

If there is a victim of the conduct in question, the victim may serve as the reporting party or may elect to have the University administration serve as the reporting party. Where there is no alleged victim, the University administration will serve as reporting party.

If a responding student fails to respond to notice from the Coordinator for Student Integrity and Welfare, the Coordinator 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 (2) University business days by answering the original notice the following may occur:

an administrative hearing may be scheduled and held on the student's behalf;

the student may be administratively withdrawn from attending classes; or

a disciplinary hold may be placed on their University account, deeming the student ineligible to register for courses or University housing until such time as the student responds to the initial complaint.

At least three (3) University business days before any scheduled formal hearing, the following will occur:

If requested, the responding student will deliver to the Coordinator for Student Integrity and Welfare a written response to the complaint;

The responding student will deliver to the Coordinator for Student Integrity and Welfare a written list of all witnesses the student wishes the University to call at the hearing;

The responding student will deliver to the Coordinator for Student Integrity and Welfare all physical evidence the student intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence if known;

The reporting student will deliver to the Coordinator for Student Integrity and Welfare a written list of all witnesses the student wishes the University to call at the hearing;

The reporting student will deliver to the Coordinator for Student Integrity and Welfare all items of physical evidence the student 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

The reporting student and the responding student will notify the Coordinator for Student Integrity and Welfare of the names of any advisors/advocates who may be accompanying the parties at the hearing.

The Coordinator for Student Integrity and Welfare will ensure that the hearing information and any other available written documentation is shared with the reporting student and the responding student(s) at least two (2) University 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, they must raise all objections, in writing, to the Coordinator for Student Integrity and Welfare immediately. Hearing officers will only be unseated if the Coordinator for Student Integrity and Welfare concludes that the hearing officer's bias precludes an impartial hearing of the complaint. Additionally, any panel or Administrative Hearing Officer who feels they cannot make an objective determination must recuse themselves from the proceedings.

Hearing Procedures

The Coordinator for Student Integrity and Welfare will appoint one panelist as the Chair for the hearing. The reporting student and the responding student(s) 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 Coordinator for Student Integrity and Welfare no less than three (3) days prior to the scheduled hearing to arrange for another date, time, and location. Except in cases of a grave or unforeseen circumstances, if the responding student fails to give the required minimum three (3) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled. If the reporting student fails to appear, the complaint may be dropped unless the University chooses to pursue the allegation on its own behalf, as determined by the Coordinator for

Student Integrity and Welfare.

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

Hearings will be closed to the public;

Admission to the hearing of persons other than the parties involved will be at the discretion of the Panel Chair;

In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the Coordinator for Student Integrity and Welfare may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.

The reporting student(s) and the responding student each have the right to an advisor of their 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 reporting party or responding student during the hearing. The advisor may confer quietly with the advisee, exchange notes, clarify procedural questions with the chair, and suggest questions to the advisee.

The reporting student, the responding student, the Panel and the Panel Chair will have the privilege of questioning all present witnesses and questioning all present parties. Unduly repetitive witnesses can be limited at the discretion of the Panel Chair or the Coordinator for Student Integrity and Welfare.

Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Panel. Formal rules of evidence are not observed. The Chair may limit the number of character witnesses presented or may accept written affidavits of character instead.

All procedural questions are subject to the final decision of the Coordinator for Student Integrity and Welfare.

After a Panel Hearing, the Panel will deliberate and determine, by majority vote, whether it is more likely than not that the responding student has violated the *Code of Student Conduct*. The Coordinator for Student Integrity and Welfare will be present and available as a resource during all deliberations. Once a finding is determined and the finding is that of a policy violation, the Panel will determine an appropriate sanction(s). The Coordinator for Student Integrity and Welfare is responsible for informing the Panel of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student. The Panel Chair will prepare a written deliberation report and deliver it to the Coordinator for 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 Coordinator for Student Integrity and Welfare within five (5) University business days of the end of deliberations.

The Coordinator for 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 responding student and reporting party, if applicable by law or University policy, of the final determination within

seven (7) University business days of the hearing. Notification will be made in writing and include information about how to appeal a decision. The notification will be delivered simultaneously to the reporting and responding parties by one or more of the following methods: in person by the Coordinator for Student Integrity and Welfare; 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.

There will be a single verbatim record, such as an audio recording, for all panel hearings. Deliberations will not be recorded. The official record will be the property of the University and maintained according to the University's record retention policy for student conduct records.

Conduct Sanctions

One or more of the following sanctions may be imposed upon any student for any single violation of the *Code of Student Conduct*. The Vice Provost for Student Development/Dean of Students may, as permitted by law or with the 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.

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.

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.

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 the proper condition – labor costs and expenses.

Community/University Service Requirements: Requirements may be issued for a student or organization to complete a specific supervised University service.

Loss of Privileges: The student will be denied specified privileges for a designated period of time.

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 Coordinator for Student Integrity and Welfare (or University Police when applicable).

Behavioral Requirement: Required activities may include, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.

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 the student 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.

Restriction of Visitation Privileges: Restrictions may be levied on a residential or non-resident student. The parameters of the restriction will be specified.

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.

University Housing Reassignment: The student is reassigned to another University housing facility. Residence Life personnel will decide on the reassignment details.

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).

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.

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.

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 Coordinator for Student Integrity and Welfare and terms of this conduct sanction may include, but are not limited to, the following:

Ineligibility to hold any office in any registered student organization or hold an elected, appointed, or paid office at the University; or

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.

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 Coordinator for Student Integrity and Welfare. This sanction may be enforced with a trespass action as necessary and may be noted on the student's transcript.

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.*

Other Sanctions: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Coordinator for Student Integrity and Welfare.

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

One or more of the sanctions listed above, specifically *A* through *H*, and *O* through *R* ; and/or

Deactivation, de-recognition, or loss of all privileges (including University registration), for a specified period of time.

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.

Notification of Outcomes

The outcome of a formal hearing is part of the education record of the responding 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 alleged to have violated a university policy that would constitute a "crime of violence" or forcible or non-forcible sex offense, the University will inform the reporting party and the responding 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 reporting student's or responding student's name, the violation committed and the sanctions assigned (if applicable).

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

- Arson
- Assault offenses
- Burglary
- Criminal Homicide—manslaughter by negligence
- Criminal Homicide—murder and non-negligent manslaughter
- Destruction/damage/vandalism of property
- Kidnapping/abduction
- Robbery
- Forcible sex acts

Appeal and Final Review

Responding students or reporting parties may petition the Vice Provost for Student Development/Dean of Students for a review of a decision or sanction(s) within three (3) University business days of issuance of the Coordinator's or Panel's written decision to include recommended sanctions. All requests for review must be in writing and delivered to the Vice Provost for Student Development/Dean of Students. A student who misses the hearing may not request a review of the decision.

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

A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.);

To consider new information, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;

The sanction(s) fall outside the range of sanctions that the University has designated for this offense if any. If no range of sanctions is specified, sanction(s) may be appealed on the basis that the sanction(s) is disproportionate to the severity of the violation(s).

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

Additional principles governing the hearing of appeals include the following:

The Coordinator for Student Integrity and Welfare is responsible for informing the Appeals Panel of applicable precedent and, if appropriate, any previous conduct violations or other relevant pattern information about the responding student.

Appeals decisions are to be deferential to the original decision, making changes to the finding only where there is clear error, and to the sanction or corrective action only if there is a compelling justification to do so.

Appeals are not intended to be full re-hearings of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the Coordinator for Student Integrity and Welfare or the original Panel for reconsideration. Other appeals will be heard by the three-member appeals panel.

Sanctions imposed are implemented immediately unless the Vice Provost for Student Development/Dean of Students or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

The Appeals Panel Chair will prepare a written statement and deliver it to the Vice Provost for Student Development/Dean of Students, detailing the determination of the Panel, how each member voted, the information cited by the Appeals Panel in support of its recommendation, and any information the Panel excluded from its consideration and why. This report should not exceed two pages in length and must

be submitted to the Vice Provost for Student Development/Dean of Students within five (5) University business days of the end of deliberations.

The Vice Provost for Student Development/Dean of Students will normally render a written decision, based on the recommendation of the Appeals Panel, to all parties within twenty (20) University business days from receipt of the Appeals Panel's recommendations.

All parties will be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.

Once an appeal is decided, the outcome is final; further appeals are not permitted.

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 Coordinator for Student Integrity and Welfare. 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 Coordinator for 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 Coordinator for Student Integrity and Welfare. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. The Coordinator for Student Integrity and Welfare will make this determination in consultation with the Vice Provost for Student Development/Dean of Students.

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. Sanctions that make a student ineligible to re-enroll at St. Mary's University for a reason other than an academic or financial reason will be noted on the student's official transcript. Other conduct sanctions will not be made a part of the student's permanent academic transcript but will become a part of the student's private conduct record. **The Law School maintains a Character and Fitness Portfolio for each law student, which includes student conduct records.**

APPENDIX E: 2019-2021 Clery Campus Crime Statistics - Drugs and Alcohol Arrests and Referrals

Offense		Arrests				REFERRALS FOR DISCIPLINARY ACTION			
		Total On Campus	Of Total Reported in Campus Student Housing Facilities	Of Total Reported in Non-Campus Building or Property	Of Total Reported on Public Property	Total On Campus	Of Total Reported in Campus Student Housing Facilities	Of Total Reported in Non-Campus Building or Property	Of Total Reported on Public Property
Drug Law Violations	2021	11	8	0	1	22	19	0	0
	2020	17	7	0	0	13	13	0	0
	2019	19	12	0	0	4	4	0	0
Liquor Law Violations	2021	19	19	0	0	25	24	0	0
	2020	31	26	0	0	26	26	0	0
	2019	17	10	0	0	10	10	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:

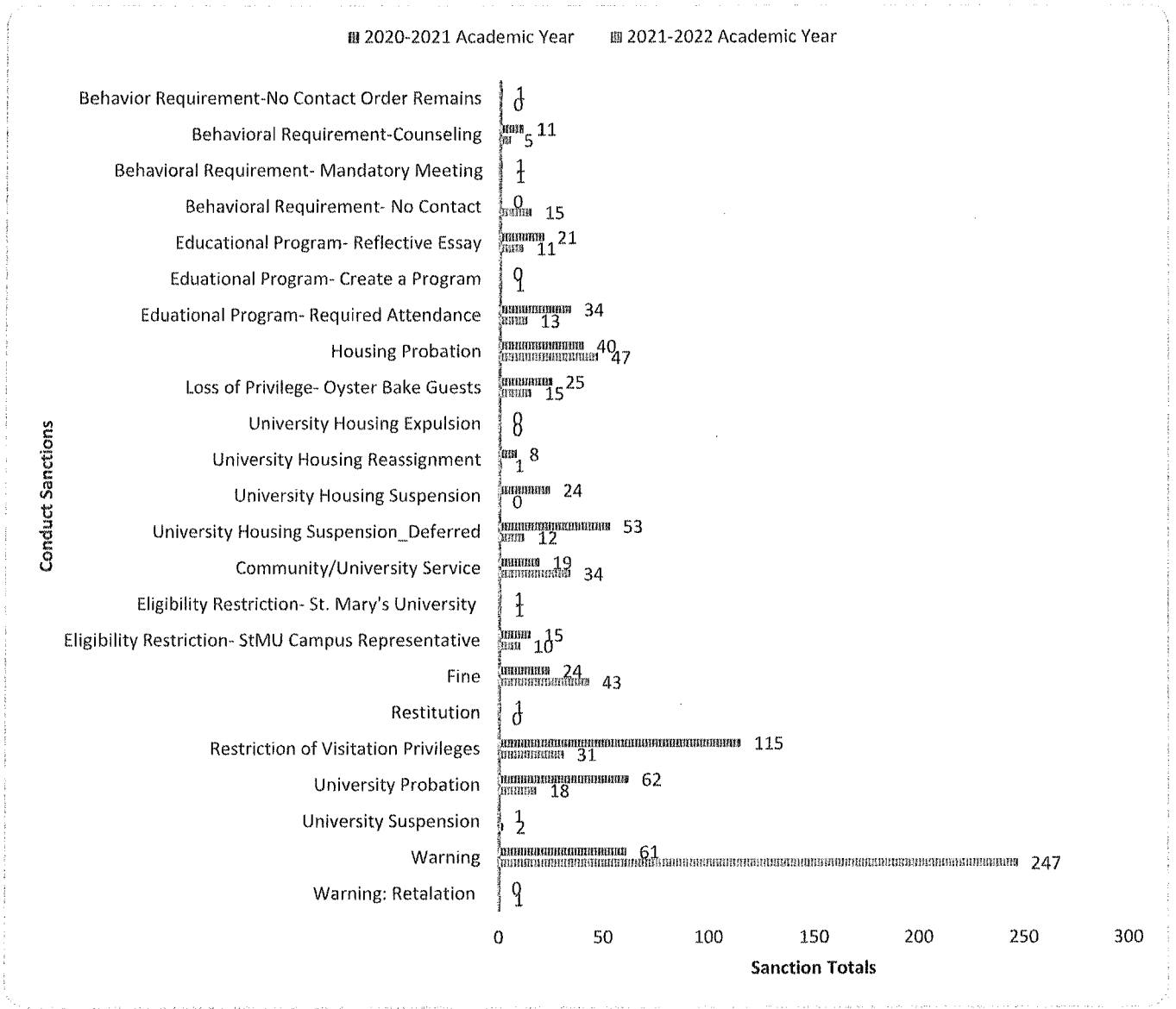
On-Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property 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: 2020-2021 and 2021-2022 Biennium Alcohol and Other Drugs Conduct Sanctions



APPENDIX G: Drug-Free Workplace Policy

Available online at: [Drug-free Workplace - Policy Library \(stmarytx.edu\)](http://stmarytx.edu)

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: Alcohol Service and Sales Policy

Available online at: [Alcohol Service and Sales - Policy Library \(stmarytx.edu\)](http://stmarytx.edu)

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 before 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 on or off campus.

APPENDIX I: Law School Wellness Events

Mental Health Awareness Week 2022

St. Mary's University School of Law

October 18-21, 2022

Co-sponsored with First Generation Professionals

Tuesday, October 18

Mental Health Panel Discussion

- Local attorneys discussed balancing mental health in the legal field
- Panelists
 - Sasha Begum and Juanita Pelaez-Prada, both are St. Mary Alumni's, and partners at Pelaez Law Firm. They specialize in personal injury law. Their website is: www.bringitlaw.com.
 - Karen Munoz is a May 2022 St. Mary's Graduate who worked at the criminal justice clinic and is currently waiting for bar results to come out before she decides where she wants to focus her practice.
 - Rick Trevino is a May 2022 St. Mary's Graduate who worked at the criminal justice clinic and is currently employed by the St. Mary's legal clinic.
 - Stephen Lopez is a practicing attorney and coaches here at St. Mary's University. He specializes in personal injury law. His website is: www.lopezlawtx.com He is a first gen HS grad, first gen college grad, and first gen law student and lawyer.

Wednesday, October 19

To Hell and Back: One Lawyer's Path to Recovery

- Video promoted by the American Bar Association for Law School Mental Health Day

Thursday, October 20

Pet Therapy with Delta Pet Partners

- Delta Pet Partners brought their companion pets for students to interact with after midterms.

Friday, October 21

Field Day

- A day of fun to focus on self-care and mental health. Mental health resource information was provided.

APPENDIX J: University Police Department Community Outreach and Training Events

2020-2021 and 2021-2022 Academic Years

Spring 2020 Semester

February 27, 2020: "Drunk Goggles." Meet officers and alcohol awareness training.

March 4, 2020: "Drunk Goggles." Meet officers and alcohol awareness training.

April 4, 2020: "Alpha Phi ID Checks." Officers check ID on all members and guests to ensure all are of legal drinking age and to advise on alcohol awareness.

April 4, 2020: "Drunk Goggles." Meet officers and alcohol awareness training.

Summer 2020 & Fall 2020 Semesters

Please note no outreach or trainings occurred due to the COVID-19 Pandemic.

Spring 2021, Summer 2021, and Fall 2021 Semesters

Please note no outreach or trainings occurred due to the COVID-19 Pandemic.

Spring 2022 Semester

January 14, 2022: "Resident Advisor Training." Meet and greet with RA's. Training over safety roles.

April 23, 2022: "Alpha Phi ID Checks." Officers check ID on all members and guests to ensure all are of legal drinking age and to advise on alcohol awareness.

Summer 2022 Semester

August 6, 2022: "Marijuana Control Burn." Resident Advisor training on the smell of marijuana, drug awareness, and drug policies.

Fall 2022 Semester

September 29, 2022: "Shatter the Red Zone." Meet officers and training on preventing sexual assault.

October 4, 2022: "National Night Out." Meet officers and discuss general safety.

October 25, 2022: "Drunk Goggles." Meet officers and alcohol awareness training.

Fall 2022 Semester, continued

October 28, 2022: "Drunk Goggles." Meet officers and alcohol awareness training.

November 15, 2022: "Town Hall with SGA and UPD." Meet and greet. Discuss awareness.

November 17, 2022: "DZ House Party." Meet officers and alcohol awareness training.

APPENDIX K: Wellness Programs

Alcohol and Drug Prevention Programming, 2020-2021 and 2021-2022 Academic Years

Education Type	Description	Dates Held	Collaborations
Sexual Assault Awareness	Wellness Programs presented on the topic of sexual assault awareness to include support for survivors and resources available	9/30/2020, 4/7/2021, 4/19/2021, 10/20/2022	Delta Zeta, UPC, UPD, Rape Crisis Center, DOS, Sociology Class. Forensic Science Club
Title IX	Wellness Programs informed and educated upon the policies regarding Title IX including reporting, personnel who are mandated reporters and the campus deputies	1/14/2021, 1/20/2021, 4/20/2021	Residence Life , Community Coordinators, ROTC, Greek Life
Consent and Boundaries	Initiated dialogue surrounding consent and implementing boundaries in friendships, relationships and families	9/14/2020, 9/28/2020, 10/12/2020, 10/13/2020, 10/26/2020, 11/3/2020, 3/14/2021, 4/6/2021, 8/30/22, 9/21/22, 9/22/22, 9/26/22, 9/27/2022, 9/28/2022	Sigma Lambda Beta, Women's Affairs Council, Alpha Phi, Community Engagement, Athletics, Residence Life , UPC, Psychology Club
Informational Tabling: Consent and Boundaries	Peer Health Educators provided handouts and tips for setting boundaries and engaging in conversations about consent	9/19/2022-9/30/2022	Campus Wide
Bystander Intervention Training	Step Up! Bystander Intervention program educates participants on how to be proactive in helping others. Explained bystander effect, research, skills for intervening- 5 decision making steps and SEEK model.	9/11/2020, 10/7/2020, 10/14/2020, 10/26/2020, 3/9/2021, 3/10/2021, 3/11/2021, 3/12/2021, 4/21/2022, 8/13/2021, 10/11/2022	MARC Honors Students, Marianist Leadership Program, UPC, Tri Sigma, Residence Life

Shatter the Red Zone	Engaged in national campaign to raise awareness and shatter silence about college sexual violence	9/29/2022	Campus Wide, Rape Crisis Center
Take Back the Night	Engaged in national campaign to raise awareness of sexual and relationship violence	10/ 24/2019, 10/28/2021	Campus Wide
Alcohol Awareness Training Workshops	Presented alcohol safety, knowledge, policies and guidance	10/22/2020, 10/25/2022, 10/28/2022	Residence Life, Fraternity Sorority Life
Information Tabling: Alcohol Awareness	Peer Health Educators how to calculate BAC, understanding standard drinks and prevention of alcohol poisoning	10/17/2022- 10/28/2022	Campus Wide
Engaging Men	Film and discussion regarding stigma and utilizing resources	11/16/2020	Campus Wide
Suicide Prevention	Conversation regarding wellbeing to include self care and suicide prevention	11/1/2020	Campus Wide
Healthy Relationships	Presented on general guidance and for maintaining healthy relationships. Shared resources to include partner and relationship questionnaires.	10/20/2020, 10/21/2020, 11/12/2020, 1/28/2021, 2/10/2021, 3/2/2021, 3/3/2021, 3/14/2021, 3/31/2021,4/5/2021	University Programming Council, Women's Affairs Council, Psychology Club, Greehey Scholars, Fraternities , Athletics, Black Student Union
Virtual Training: Online U Got This - Catharsis	Incorporates compliance mandates into learning objectives and confronts attitudes and behaviors such as unsafe alcohol and drug use that contribute to gender-based violence	Fall 2020, Spring 2021, Fall 2021; Spring 2022	Dean of Students Title IX Wellness Programs

APPENDIX L: Student Counseling Center Outreach and Educational Programming

Academic Year 2020-2021

Date	Hours	Topic	Number of Attendees
08-11-2020	1	Review on Student Counseling Services- STEM Peer Coaches	6 Students
08-14-2020	1	Addressing Student's Concerns and Issues with COVID	6 Students
08-14-2020	.50	TRIO- Peer Coach Training: Mental health & academic success, Training on how to recognize, communicate with, and refer students with suspected mental health issues, including signs of substance and alcohol use.	15 Students
09-23-2020	.5	Anxiety Workshop Part 1- Rattler Success Center	44 Students/ 1 Staff
09-24-2020	.5	Anxiety Workshop Part 2- Ratter Success Center	54 Students/ 1 Staff
09-25-2020	1.5	Study Skills- For McNair Scholars	10 Students
09-30-2020	.5	Review of Student Counseling Services to Henneken Classroom- Zoom: Provide information about available physical and mental health services.	18 Students/ 1 Staff
09-30-2020	.5	Review of Student Counseling Services to Fr. Vela Classroom- Zoom: Provide information about available physical and mental health services.	29 Students/ 1 Staff
10-01-2020	.5	Review of Student Counseling Services to Ronis Classroom- Zoom	26 Students/ 1 Staff
10-01-2020	.5	Review of Student Counseling Services Henneken Classroom- Zoom: Provide information about available physical and mental health services.	26 Students/ 1 Staff
10-14-2020	.5	Review of Student Counseling Services Gonzalez Classroom	2 Students
10-19-2020	4	Project Red Light Green Light Launch	55 Students
10-27-2020	2	Providing Psychological Services to African American Patients	10 Students
11-10-2020	.5	Review of Student Counseling Services Robbie Classroom: Provide information about available physical and mental health services.	15 Students/ 1 Staff
11-16-2020	1	Courageous Conversations	5 Students
11-17-2020	1	Stress Management Presentation- Behind Closed Doors Presentation with enactments of scenarios including alcohol and substance use and overdose.	10 Students/ 1 Staff
01-15-2021	3	QPR Training for Res Life: Training for Residence Life staff related to suicide prevention, including information on related alcohol and substance use (i.e. self-medication, access to means for overdose)	21 Students
01-19-2021	.5	Review of Student Counseling Center Services- STEM Peer Coaches: Provide information about available physical and mental health services.	6 Students

01-25-2021	.5	Staying Connected and Resources- Ratter Success Center	8 Students/ 1 Staff
01-26-2021	.5	Staying Connected and Resources- Ratter Success Center	12 Students/ 1 Staff
02-05-2021	1	AMP/TRIO Freshman Student Retreat: Mental health & academic success, Training on how to recognize, communicate with, and refer students with suspected mental health issues, including signs of substance and alcohol use.	10 Students/ 1 Staff
02-12-2021	1	UPC And IGNITE Virtual Program	19 Students/ 1 Staff
03-10-2021	1	Wellness Presentation on Anxiety & Depression for SGA:	15 Students
03-18-2021	.75	Anxiety, Depression & Stress Presentation- Sororities	12
07-29-2021	.5	Review of Student Counseling Center Services- Admissions Office	10 Staff

Academic Year 2021-2021

Date	Hours	Topic	Number of Attendees
08-12-2021	.5	Community for Teaching and Learning Orientation	10 Faculty
08-16-2021	1	AMP & TRIO Peer Educators: Mental health & academic success, Training on how to recognize, communicate with, and refer students with suspected mental health issues, including signs of substance and alcohol use.	7 Students/ 1 Staff
08-16-2021	1.5	Outreach for students- Angst Film	30 Students/ 5 Staff
09-10-2021	1	Time Management- McNair Scholars	3 Students/ 1 Staff
10-21-2021	.5	First Year Seminar	12 Students/ 1 Staff
11-09-2021	2	Providing Psychological Services to African American Patients	9 Students
01-24-2022	1.15	UPC Mental Health Presentation	20 Students/ 1 Staff
02-01-2022	4	Ratter Roundup- Passive tabling event on SCC services	10 Students
02-25-2022	1	Frist Year Seminar- Dr. Ronis: Provide information about available physical and mental health services.	15 Students/ 1 Staff
03-01-2022	.5	Support Services for Students after Event	20 Students/ 1 Staff
03-03-2022	1	First Year Experience	20 Students/ 1 Staff
03-10-2022	1	First Year Experience	20 Students/ 1 Staff
03-22-2022	1	First Year Experience	20 Students/ 1 Staff
03-30-2022	1.5	Grief Presentation- Law School	20 Students/ 1 Staff
04-13-2022	4	Take Back the Night	100 Students
05-04-2022	1.15	Meet and Greet with Student Athletes	8 Students
05-05-2022	1.5	Coming out of the Pandemic	8 Faculty
05-24-2022	2	QPR Training related to suicide prevention, including information on related alcohol and substance use (i.e. self-medication, access to means for overdose)	6 Students

06-13-2022	2.5	Rattler Orientation Community Fair: Provide information about available physical and mental health services.	50 Students
06-17-2022	3	Rattler Orientation Community Fair: Provide information about available physical and mental health services.	50 Students
06-24-2022	2	Ratter Orientation Community Fair: Provide information about available physical and mental health services.	25 Students
06-27-2022	2	Ratter Orientation Community Fair: Provide information about available physical and mental health services.	25 Students

APPENDIX M: Student Counseling Center; Counseling Center Assessment of Psychological Symptoms (CCAPS)

National Comparison Data for 2020-2022 Biennium

CCAPS National Comparison 08/01/2020 to 07/31/2021

CCAPS Data Table

Subscale	National average	National SD	Local Average	Local SD	Raw Average Difference	Raw SD Difference	Pooled SD	Cohen's d	% of Clients Above National Average
Depression	1.78	0.89	1.85	0.96	0.066078	0.064704	0.924646	0.071463	52.02%
Generalized Anxiety	1.86	0.92	2.11	0.95	0.247783	0.090006	0.931229	0.266082	57.46%
Social Anxiety	2.05	0.93	2.07	0.92	0.012694	0.005425	0.925439	0.013716	50.99%
Academic Distress	1.92	0.99	1.98	0.99	0.051594	0.004375	0.991441	0.052040	51.47%
Eating Concerns	1.07	0.88	1.24	0.91	0.172626	0.026402	0.897023	0.192443	55.41%
Frustration / Anger	0.96	0.81	1.09	0.86	0.128187	0.051085	0.895077	0.153503	54.32%
Family Distress	1.37	0.99	1.59	1.06	0.226376	0.062354	1.026087	0.220623	56.20%
Substance Use	0.62	0.79	0.57	0.77	0.044152	0.019586	0.776907	0.056830	48.40%
Distress Index	1.81	0.80	1.94	0.84	0.139480	0.043740	0.819350	0.162910	54.59%

CCAPS Data Table Legend:

National average: the composite average scores for all CCMH member institutions
National SD: the composite standard deviation of average scores for all CCMH member institutions
Local average: the average scores at your center for a given subscale
Local SD: the standard deviation of average scores at your center
Raw average difference: the absolute value of the difference between the local and national averages
Raw SD difference: the absolute value of the difference between the local and national standard deviations
Pooled SD: a combination of local and national standard deviations, used in calculation of Cohen's d
Cohen's d: the strength of the difference between a local center's average and the national average
% of clients above the national average (probability of superiority): the likelihood that a student entering your clinic has a starting subscale score higher than what is expected for the national mean. A center with mean subscale scores equivalent to national means would have a 50% probability; percentages above and below 50% indicate comparatively higher and lower mean subscale scores compared to national means.

SI/THO Item Analysis

Item	% Responses > 0 (Local / National)	Item Average (Local / National)	Local Response Frequencies (# / %)				
			0	1	2	3	4
"I have thoughts of ending my life (SI)"	41.3% / 37.2%	0.78 / 0.72	188 / 58.75%	61 / 19.06%	35 / 10.94%	26 / 8.13%	10 / 3.13%
"I have thoughts of hurting others (THO)"	9.7% / 9.2%	0.15 / 0.15	290 / 90.34%	18 / 5.61%	10 / 3.12%	3 / 0.93%	-

CCAPS National Comparison 08/01/2021 to 07/31/2022

CCAPS Data Table

Subscale	National average	National SD	Local Average	Local SD	Raw Average Difference	Raw SD Difference	Pooled SD	Cohen's d	% of Clients Above National Average
Depression	1.78	0.89	1.81	0.90	0.032090	0.011934	0.897715	0.035746	51.01%
Generalized Anxiety	1.86	0.92	2.02	0.89	0.158016	0.030418	0.901024	0.175374	54.93%
Social Anxiety	2.05	0.93	2.06	0.89	0.010614	0.034678	0.910973	0.011652	50.33%
Academic Distress	1.92	0.99	2.04	0.99	0.116056	0.002920	0.990712	0.117144	53.30%
Eating Concerns	1.07	0.88	1.29	0.87	0.223909	0.016669	0.875430	0.255771	57.18%
Frustration / Anger	0.96	0.81	1.12	0.87	0.159964	0.056894	0.838099	0.190866	55.37%
Family Distress	1.37	0.99	1.46	0.96	0.091088	0.038880	0.975190	0.093405	52.63%
Substance Use	0.62	0.79	0.61	0.80	0.003104	0.018188	0.795784	0.003901	49.89%
Distress Index	1.81	0.80	1.92	0.80	0.115336	0.001282	0.796548	0.144794	54.08%

CCAPS Data Table Legend:

National average: the composite average scores for all CCMH member Institutions
National SD: the composite standard deviation of average scores for all CCMH member Institutions
Local average: the average scores at your center for a given subscale
Local SD: the standard deviation of average scores at your center
Raw average difference: the absolute value of the difference between the local and national averages
Raw SD difference: the absolute value of the difference between the local and national standard deviations
Pooled SD: a combination of local and national standard deviations, used in calculation of Cohen's d
Cohen's d: the strength of the difference between a local center's average and the national average
% of clients above the national average (probability of superiority): the likelihood that a student entering your clinic has a starting subscale score higher than what is expected for the national mean. A center with mean subscale scores equivalent to national means would have a 50% probability; percentages above and below 50% indicate comparatively higher and lower mean subscale scores compared to national means.

SI/THO Item Analysis

Item	% Responses > 0 (Local / National)	Item Average (Local / National)	Local Response Frequencies (# / %)				
			0	1	2	3	4
"I have thoughts of ending my life (SI)"	35.1% / 37.2%	0.72 / 0.72	183 / 64.89%	37 / 13.12%	35 / 12.41%	11 / 3.90%	16 / 5.67%
"I have thoughts of hurting others (THO)"	7.8% / 9.2%	0.14 / 0.15	259 / 92.17%	12 / 4.27%	6 / 2.14%	1 / 0.36%	3 / 1.07%

APPENDIX N: Office of Fraternity and Sorority Life

Risk Management Compliance Training for Registered Student Organizations

RSO & FSL
Risk Management Compliance Training
Student Life
Registered Student Organizations Office

Registered Student Organization's Office
(210) 436-3726
rso@stmarytx.edu

State Bill No. 38 & 1525



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Overview

- You and Your Advisors
- Risk Management and Policy Adoption
- Clery Act

Advisor Responsibilities

Campus Advisor

- Be Accessible
- Be Familiar
- Review Event Submissions
- Listed as a Contact
- Maintain Communication
- Comply with Clery Act
- Comply with SB38
 - Annual RSO Advisor Compliance
 - Annual Training

Chapter Advisor

- Serve as a Liaison
- Be Accessible
- Be Familiar (StMU Policies)
- Maintain Communication

Policy Adoption and Explanation

State Law Requires...

"...adoption by a student organization of a risk management policy"

Risk Definitions

- The possibility of suffering harm or loss; danger
- A factor, thing, element, or course involving uncertain danger; a hazard
- To take the chance of something bad happening

Types of Risk

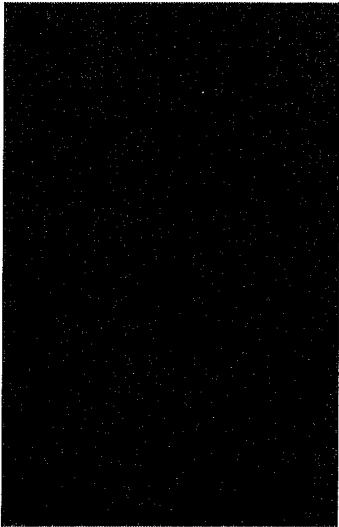
- Physical
- Reputational
- Emotional
- Financial
- Facility

State Law Applies to...

- behavior at parties and other events held by a student organization
- travel to a destination outside the area in which the institution is located
 - Travel Packet (over 25 miles)
 - RSO Office → Documents



Risk Management and Harm Reduction



Hazing

Hazing

- "Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus..., by one person alone or acting with others, directed against a student, for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. if the act:
 - (A) is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
 - (B) involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

Cont.

- (C) involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described in Paragraph (E), that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- (D) is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code;
- (E) involved coercing, as defined in Section 1.07, Penal Code, the student to consume: a drug; or an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Penal Code.

State Bill 38 Hazing

Admin.

- colleges and universities must prepare and post in a prominent location on the institution's main website a detailed report on hazing committed on or off campus by an organization registered with or recognized by the institution.
- report must include information regarding each disciplinary action taken by the institution against an organization for hazing, and each conviction of hazing by an organization, during the three years preceding the date on which the report is issued or updated.

Website Contents

- The following details must be included in the report
 - name of the organization disciplined or convicted
 - date on which the incident occurred or the citation was issued;
 - date on which the institution's investigation into the incident, if any, was initiated;
- a general description of
 - the incident
 - the violations of the institution's code of conduct or the criminal charges
 - the findings of the institution or court
 - any sanctions imposed by the institution, or any fines imposed by the court on the organization
 - the date on which the institution's disciplinary process was resolved or on which the conviction became final

Hazing— Immunity Provisions

- modifies the existing immunity from criminal prosecution and civil liability for students who report hazing
 - student must report the incident to the dean of students or other appropriate official of the institution
 - report must be made before the student is contacted by the institution concerning the incident (or otherwise included in the institution's investigation of the incident)
 - dean of students must determine that the student cooperated in good faith throughout any institutional process regarding the incident.
- Immunity would not be provided to a student reporting their own act of hazing or to a student who makes a report in bad faith or with malice.

Additional Risk Management Components Sexual Assault

- "Sexual Abuse and Harassment"
 - Title IX
 - Bystander Intervention

Additional Risk Management Components

Drugs

- "possession and use of alcoholic beverages and illegal drugs, including penalties that may be imposed for possession or use"
- Student organizations are able to host event on and off-campus that involves alcohol as long as the event complies with federal/state/city laws; StMU Policy; Code of Student Conduct; and RSO Handbook.

Additional Risk Management Components

Firearms

- "fire and other safety issues, including the possession and use of a firearm or other weapon or of an explosive device"

Additional Risk Management Components

Disabilities

- "Issues regarding persons with disabilities, including a review of applicable requirements of federal and state law, and any related policies of the institution, for providing reasonable accommodations and modification to address the needs of students with disabilities, including access to the activities of student organizations"

Clery Act

Additional Risk Management Components

Clery Act

- In the instance where an incident or crime occurs at a student organization event, whether on or off campus, it **MUST** be reported to a Campus Security Advisor (CSA).

Clery Act

Campus Security Advisors (CSA)

St. Mary's University reporting structure:

- University Police Department
- Dr. Tim Bessler, Vice President for Student Development/Dean of Students
- Janie Moncada, Coordinator for Student Integrity and Welfare
- James Villarreal, Director of Student Life
- Christine Somerset, Associate Director of Student Life
- Paul Mendez, Coordinator of Student Life
- Laura Harris, Coordinator of Student Life
- Student Organization Campus Advisor

CleryAct On Campus Advisor

Faculty and Staff

- Those acting within the scope of the duties as a student organization advisor
- CSAs are individuals on each campus who are required to report crimes to the appropriate reporting structure

Reporting

- should an incident or crime occur at a student organizational function whether on or off-campus
- if a student informs of an incident or crime at any location/event

CleryAct Chapter Advisor

- Non-St. Mary's University Employees
- May not be on-campus all the time, however they have a positive influence on the growth of our student groups
- During conversations, may become aware of potential Clery violation(s), on or off campus
- Must report the incident to the proper St. Mary's University representative.

Clery Act – Reportable Offenses

- Murder/Non-Negligent Manslaughter
- Manslaughter by Negligence
- Aggravated Assault
- Weapon Law Violations
- Drug Law Violations
- Liquor Law Violations
- Intimidation
- Sex Offenses
 - Rape, Fondling, Incest, Statutory Rape
- Larceny
- Simple Assaults
- VAWA (Violence Against Women Act) Crimes: Domestic Violence, Dating Violence, or Stalking
- Motor Vehicle Theft
- Vandalism
- Hazing
- Arson
- Burglary

Clery Act Hate Crimes

Hate Crimes

- St. Mary's University is required to report statistics for hate(bias)-related crimes
- a hate or bias related crime is the commission of a criminal offense that was motivated by the offender's bias
- if you become aware of a hate crime, report the offense to the proper St. Mary's University representative

Clery Act

Organization Adjudications

- If a student organization is internally adjudicating organizational violations, and
- those violations also violate the St. Mary's University Student Code of Conduct, Texas State Law, and/or Federal Law,
 - The organization must report these incidents to the proper St. Mary's University representative.

Clery Act

Travel

- If a student organization enters into a written agreement with a third-party contractor to arrange housing or space for an organization-sponsored trip (either foreign or domestic), any incident or crime MUST be reported to the institution
- If the student organization campus advisor is present, as a CSA they must immediately report the incident or crime to University Police Department and Dean of Students.
- If the student organization campus advisor is not present, the organization leadership must immediately report the incident or crime to their campus advisor, who will notify University Police Department and Vice Provost for Student Development.

Note: An event submission on RattlerTracks and/or a Travel Packet must be completed (if the travel is over 25 miles away from St. Mary's University) and must be in place prior to the organization traveling.



Risk Management Compliance



Policy Location on RattlerTracks

- Log onto "Gateway"
- Go to the "Launchpad" section of your Gateway
- Select "Launchpad" folder
- Select "RattlerTracks"
- Registered Student Organizations (RSO)
- Scroll down to "Documents"
 - Risk Management – Texas State Bill 38
 - Risk Management – Texas State Bill 1525
 - RSO Handbook
 - StMU Risk Management Policies

Campus Advisors (Annual)

Campus Advisor

- Complete Advisor Agreement
- Complete RM Assignment #2: Adoption & Implementation Verification
- Advisor Training
 - New Advisors - Compliance Video
 - Returning advisors must complete RSO Returning Advisor Forms

Chapter Advisor

- Advisor Training
 - New Advisors - Compliance Video
 - Returning advisors must complete RSO Returning Advisor Forms

Organization (Annual)

Risk Management

- Complete RM Assignment #1: Crisis Management Worksheet
 - Chain of command
- Complete RM Assignment #2: Adoption & Implementation

Campus Advisor

- Complete RM Assignment #2: Adoption & Implementation Verification
- Advisor Training
 - New Advisors - Compliance Video
 - Returning advisors must complete RSO Returning Advisor Forms

RSO Compliance

Risk Management Officer

- RM Assignment #1: Crisis Management Worksheet
- RM Assignment #2: Adoption/Implementation Assignment
 - 90% of organization
- Re-Registration

Accessing Forms

- Log onto Gateway
- Go to the Launchpad
- Select SSO Launchpad
- Select RattlerTracks
- Sign in
- Search for RSO Office
- Select Registered Student Organizations Office
- Select Forms

APPENDIX O: St. Mary's Athletics Drug and Alcohol Education and Testing Policies

Available online at: [Athletics: Drug, Alcohol and other Substance Testing Program for Student-Athletes - Policy Library \(stmarytx.edu\)](https://stmarytx.edu/athletics-drug-alcohol-and-other-substance-testing-program-for-student-athletes-policy-library)

Philosophy and Objectives

St. Mary's University is committed to the pursuit of excellence in intercollegiate athletics within the framework of an academic community dedicated to the University's educational and religious objectives. The University demands the unquestioned integrity of its athletics programs. As a Catholic institution of higher education, the University challenges student-athletes to develop in mind, body and spirit, while calling them to personal integrity and responsibility.

Drug, Alcohol and Other Substance abuse, including the use of illegal or performance-enhancing drugs and the abuse of prescription drugs, constitutes a threat to the physical and mental well-being of student-athletes and to the integrity of the University and intercollegiate athletics. The University's Drug, Alcohol and Other Substance Testing Program for Student-Athletes ("Program") is designed to supplement University and Department of Athletics efforts to educate student-athletes about the effects of Drug, Alcohol and Other Substance abuse on health and well-being. The Program seeks to deter and detect Drug, Alcohol and Other Substance abuse to:

- reflect the University's high expectations for student-athletes as representatives and ambassadors of the University;
- protect the health and safety of the University's student-athletes and their teammates and competitors;
- ensure that the University's athletic programs adhere to basic principles of fair play and sportsmanship; and
- provide appropriate assistance, treatment and support to student-athletes found to have engaged in substance abuse.

Drug, Alcohol and Other Substance Testing Program Education and Counseling Program

Student-athletes who are educated about substance use in sport are more likely to make informed and intelligent decisions about usage. St. Mary's University conducts a Drug, Alcohol and Other Substance Testing Education Program for student-athletes on an annual basis in partnership with the Student Health and Counseling offices. These educational programs are designed to review athletic department, institutional, conference and national governing body policies related to alcohol, tobacco, street and performance-enhancement drugs and dietary supplements. All student-athletes and athletics coaching staff members are required to attend this educational session. Makeup 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 St. Mary's University Drug, Alcohol and Other Substance Testing Program (the "Program") is conducted. In addition, special educational programs may be arranged to provide participants opportunities to learn more about the dangers of specific substances.

St. Mary's University offers counseling support services at no cost to students in the Student Counseling Center. 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.

Scope of Program

Relationship to NCAA Testing. The National Collegiate Athletics Association ("NCAA") administers its own drug testing program under a separate protocol. As a member of the NCAA, the University participates in the NCAA drug testing program. Testing under the University's Program is independent of NCAA testing, but a positive NCAA drug test triggers concurrent sanctions under this Program.

"Student-Athlete" Defined. For purposes of the Program, a "student-athlete" is any student who is listed on the eligibility list form of any team sponsored on the varsity level at St. Mary's University.

Eligibility Exhausted. A student-athlete who has exhausted his or her eligibility for intercollegiate competition is not subject to testing under the Program.

Relationship to University Code of Student Conduct. The St. Mary's University Code of Student Conduct prohibits, among other things, the possession or use of illegal drugs, the unauthorized possession or misuse of prescription drugs and the possession of drug paraphernalia. Like all other students at the University, student-athletes remain subject to these prohibitions and related sanctions. To avoid inequitable treatment of student-athletes in relation to other students, however, a positive drug test under NCAA testing or this Program shall not provide the basis for or be considered in connection with disciplinary procedures for violations of the University Code of Student Conduct.

Administration of Program

Methodology

Drugs and Dietary Supplements. Each academic year, 30% of the student-athlete population (15% each academic term) will be tested pursuant to this policy. This will include no less than four members of each varsity sport sponsored at St. Mary's University to be tested annually.

Student-athletes will be subject to four testing windows annually; two testing windows will occur each fall and spring semester. During each testing window, the Program requires a minimum of one student-athlete from each varsity team be selected for testing, in addition to a randomized selection of four individual student-athletes to participate in this testing window. Student-athletes are expected to participate if chosen to participate in multiple testing windows.

Alcohol and Tobacco. Refer to the University's Alcohol and Other Drugs Policy for regulations and sanctions pertaining to alcohol and tobacco policy offenses. If a student-athlete is found guilty of violating this University policy, the student-athlete will be subject to the sanctions imposed by the Code of Student Conduct. On a case-by-case basis, the Director of Athletics has the discretion to impose additional sanctions, in addition to those imposed by the Code of Student Conduct, if a student-athlete is found in violation of the University's Alcohol and Other Drugs Policy.

Drug, Alcohol and Other Substance Testing Program Oversight Committee

Structure. The Drug, Alcohol and Other Substance Testing Oversight Committee (“Committee”) reports to the President and consists of five members.

Appointments. The Director of Athletics, as the current chair, shall appoint the members of the committee. The Director of Athletics will be responsible for communicating information related to the Program to the President and Vice Provost for Student Development. This committee shall be comprised of the Director of Athletics (serves as the Chair), Senior Woman Administrator, Senior Compliance Administrator, Head Athletics Trainer and Director of Student Welfare and Integrity. In the event a committee member is the Head Couch of a student-athlete, this member will recuse himself or herself from the specific matter.

Terms. Members shall be appointed for staggered three-year terms and may be reappointed for one or more terms. If a member no longer holds the position that qualified the member for appointment, the appointing authority shall appoint a successor. Likewise, the appointing authority shall designate an interim member to replace a member who is temporarily unable to serve.

Chair. The President shall designate the Chair of the Committee, typically the Director of Athletics, on an annual basis. The Chair has authority to act on behalf of the Committee at his or her discretion. The Chair also has the authority to extend any deadline set forth in this Program (except for those deadlines set forth in the Appeals section of this policy) based on extraordinary circumstances.

Drug Testing Coordinator. The Drug Testing Coordinator, typically the Head Athletic Trainer, shall support and coordinate administration of the Program under the protocol developed by the Committee.

Duties. The Committee shall meet on an as-needed basis.

Development of Drug Testing Protocol. The Committee of this policy, informed by the best available information on drug testing methods and practices and on drug use in intercollegiate athletics, shall:

determine the appropriate methods of drug testing to use;

establish the frequency of random testing and the number of student-athletes to be tested; and

designate teams whose student-athletes, or a random selection thereof, shall be subject to pre-participation or team testing.

Implementation of Drug Testing Protocol. The Committee shall select a non-member University physician or athletic trainer to serve as the Drug Testing Coordinator. In consultation with the Drug Testing Coordinator, the Committee shall identify an outside agency to perform laboratory testing services on samples collected under this Program, and may recommend to the President that the University contract with an outside agency to assist in the administration of the Program.

Evaluation of Educational Initiatives. On an annual basis, the Committee shall gather and evaluate information on University and Department of Athletics initiatives that educate students on the following issues: the dangers of substance abuse; the availability of substance abuse assistance and treatment; and the requirements and procedures of the NCAA drug-testing program and this Program.

Annual Report. The Committee shall provide an annual report to the President and the Board of Trustees concerning implementation of this Program. Such report shall include the number of student-athletes tested during the past year under the NCAA drug testing program and this Program and aggregate test

results. Such report shall also include information collected on the educational initiatives and any recommendations for modification of this Program.

Drug Testing Appeals Board. The Drug Testing Appeals Board ("Appeals Board") shall consist of the Faculty Athletics Representative (serves as Chair), the Vice Provost for Student Development (or his or her designee) and a member of the campus faculty and staff community. The Director of Athletics shall designate the Chair of the Appeals Board on an annual basis.

Prohibition on Use of Banned Drugs and Dietary Supplements

Prohibition on Use of Banned Drugs. All student-athletes at St. Mary's University are prohibited from using any drug belonging to any of the classes of drugs banned by the NCAA, unless a medical exception is granted pursuant to this policy for such use. The classes of banned drugs include stimulants, anabolic agents, diuretics and other masking agents, street drugs, peptide hormones and analogues, anti-estrogens, beta-2 agonists and any drugs chemically related to these classes.

Medical Exceptions. The NCAA recognizes that some banned substances are used for legitimate medical purposes. Accordingly, the NCAA allows exception to be made for those student-athletes with a documented medical history demonstrating the need for treatment with a banned medication. Exceptions may be granted for substances included in the following classes of banned drugs: anabolic agents*, stimulants, beta blockers, diuretics, anti-estrogens*, beta-2 agonists and peptide hormone*. No medical exception review is available for substances in the class of illicit drugs.

Alternative non-banned medications for the treatment of various conditions may exist and should be considered before an exception is pursued.

In the event that the student-athlete and the physician (in coordination with sports medicine staff at the student-athlete's institution) agree that no appropriate alternative medication to the use of the banned substance is available, the decision may be made to use a medication that falls under an NCAA class of banned drugs. The institution, through its Director of Athletics, may request an exception for use of an anabolic agent, anti-estrogen or peptide hormone by submitting to the NCAA medical documentation from the prescribing physician supporting the diagnosis and treatment.

* Note: the use of an anabolic agent, anti-estrogen or peptide hormone must be approved by the NCAA before the student-athlete is allowed to participate in competition while taking these medications.

The institution should maintain documentation that supports the use of medication in the student-athlete's medical record on campus. The documentation can be a letter or copies of medical notes from the prescribing physician that documents how the diagnosis was reached and that the student-athlete has a medical history demonstrating the need for treatment with the banned medication. The letter should contain information as to the diagnosis (including appropriate verification of the diagnosis), medical history and dosage information.

ADHD Medication: For a medical exception request for a positive test involving stimulant medication to treat ADHD, the NCAA requires the documentation be accompanied by the required form [NCAA Medical Exception Documentation Reporting Form to Support the Diagnosis of Attention Deficit Hyperactivity Disorder \(ADHD\) and Treatment with Banned Stimulant Medication](#).

Unless requesting a review for the medical use of an anabolic agent or peptide hormone, a student-athlete's medical records or physicians' letters should not be sent to the NCAA unless requested by the

NCAA. In addition, students are not expected to report the use of any substances to the drug testing staff at the time of an NCAA-mandated drug test.

In the event that a student-athlete is tested by the NCAA and tests positive for a substance for which the institution desires an exception, normal procedures for reporting positive test results will be followed (see section 8.0 of the NCAA Drug Testing Program Protocol). The institution may request an exception at the time of notification of the positive drug test ("A" sample) by submitting documentation to Drug Free Sport. If the institution fails to provide medical documentation to Drug Free Sport before the "B" sample is reported as positive to the institution, the student-athlete will be withheld from competition until the documentation is received, reviewed and the medical exception granted.

Requests for medical exceptions will be reviewed by the medical panel of the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports.

The NCAA will inform the Director of Athletics regarding the outcome of the exception request. In the event that the exception is not granted, the institution may appeal this action according to Section 8.0 of the NCAA Drug Testing Program Protocol.

Drug Classifications. Under this Program, the University distinguishes between other Substances, Street Drug: Marijuana and Street Drugs Other than Marijuana. Drugs included in, or chemically related to, all classes on the NCAA banned drugs list other than street drugs will be treated as performance-enhancing drugs.

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. Student-athletes must understand that even though the athletic training staff or Drug Free Sport has cleared any dietary supplement, 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, are the sole responsibility of the athlete.

Safe Harbor.

On one occasion during the student-athlete's eligibility for intercollegiate athletics at St. Mary's University, a student-athlete who has used the street drug Marijuana may seek safe harbor under this Program by disclosing his or her use of the street drug Marijuana to the Head Athletic Trainer or Assistant Athletic Trainer. If a student-athlete discloses to an Athletics Department staff member, under

this program, the staff member (including coaches) must notify the Head Athletic Trainer within 24 hours of the student's disclosure. The safe harbor does not apply to the NCAA drug testing program.

Eligibility. To be eligible for the Safe Harbor, the student-athlete must not have previously tested positive for any street drug under the NCAA drug testing program or this Program. A disclosure made after the student-athlete receives notification of a random test or after a non-random test under this Program shall not create Safe Harbor with regard to such test.

Consequences of Safe Harbor Request.

The Athletics Department employee shall promptly notify the Drug Testing Coordinator of the Safe Harbor disclosure. The Drug Testing Coordinator shall arrange to have the student-athlete tested to establish a baseline for re-testing purposes. If the baseline test results in a positive test for the street drug disclosed by the student-athlete, the result shall not be treated as a positive finding. If the baseline test results in a negative test, the one-time Safe Harbor option is not returned to the student-athlete.

A student-athlete's request for Safe Harbor shall not result in sanctions affecting the student-athlete's participation in team conditioning, practice and/or competition, except that the Director of Athletics may suspend the student-athlete from conditioning, practice and/or competition until the Director of Athletics is satisfied that the student-athlete is physically and mentally fit to resume such activities.

Program Testing for Use of Banned Drugs

Consent Form. The Athletics Compliance Office shall provide each student-athlete with information on this Program and the NCAA drug testing program, including forms stating that the student-athlete consents to testing under this Program and the NCAA drug testing program. Each student-athlete must sign the consent forms before he or she can participate in any countable athletically-related activity or, for members of the cheerleading squad, practice.

Testing Methods. The University may conduct drug testing using any medically-recognized and scientifically reliable method of testing, including but not limited to urine testing and hair testing.

Methods of Selection. All student-athletes are subject to year-round testing, for the use of any banned drug, under a protocol established by the Committee within the following parameters:

Random Testing. All student-athletes are subject to random testing. On an annual basis, the Committee shall designate the number of random testing windows and the number of student-athletes to be tested during each window, but there shall be no fewer than four such windows during the year with testing of at least 8% of the student-athlete population during each window.

Pre-Participation Testing. The Director of Athletics, in consultation with the "Committee," shall have the authority to designate teams subject to drug testing as part of a pre-participation physical required of all incoming student-athletes, including whether to test all incoming student-athletes on the designated team or a random sample thereof.

Team Testing. The Director of Athletics, in consultation with the "Committee," shall have the authority to designate teams subject to drug testing at any time during the course of the year, including whether to test all student-athletes on the designated team or a random sample thereof.

For-Cause Testing. If the Director of Athletics has a reasonable suspicion to believe that a student-athlete is using a banned drug, he or she may notify the Drug Testing Coordinator, who shall arrange to have the student-athlete tested. (See Appendix B: Best Practices for reporting Reasonable Suspicion.)

Probationary Testing. Following a positive finding or a Safe Harbor disclosure, a student-athlete shall be subject to periodic announced and unannounced testing for the duration at the discretion of the Director of Athletics, in consultation with the Drug, Alcohol and Other Substance Testing Committee.

Implementation of Drug Testing Protocol.

Notification. A student-athlete selected for testing shall be provided, in written or electronic form, the following information:

- a statement of the method by which the student-athlete was selected for testing (random, pre-participation, team, for-cause or probationary testing);
- a description of the type of test to be conducted (urine, hair and/or other);
- information on the designated test site to which the student-athlete must report for testing; and
- information on the appointed time at which, or window within which, the student-athlete must report to the designated test site.

Conflict, Illness or Injury. The Drug Testing Coordinator shall excuse a student-athlete from a drug test conducted pursuant to this policy, and shall arrange alternative testing of the student-athlete in each of the following circumstances:

- the student-athlete notifies the Drug Testing Coordinator of an academic obligation or athletic competition that conflicts with the scheduled test and the Drug Testing Coordinator verifies the conflict; and
- the Drug Testing Coordinator, in his or her discretion, determines that the student-athlete has presented a compelling justification for rescheduling the test. In addition, the Drug Testing Coordinator or his or her designee may excuse a sick or injured student-athlete from the designated test site even if the student-athlete has not completed the test. In such a case, the Drug Testing Coordinator or his or her designee, before releasing the student-athlete from the site, must document appropriate arrangements for alternative testing of the student-athlete.

Positive Identification. Upon arriving at the designated test site, a student-athlete shall provide valid photography identification enabling the collection agent to positively identify him or her.

Provision of Specimen. The student-athlete shall provide a specimen in accordance with the collection agent's directions. In the case of urine testing, the collection agent shall monitor the furnishing of the specimen by direct observation to ensure the integrity of the specimen. If the specimen is incomplete, the student-athlete must remain under direct observation until the student-athlete produces an adequate specimen. The student-athlete shall have the right to witness the sealing of the specimen container in accordance with collection procedures.

Failure to Appear; Refusal to Submit; Failure to Cooperate; Manipulation or Tampering. Failing to appear for or refusing to submit to a scheduled drug test, failing to cooperate with the test, failing to provide an adequate specimen, manipulating or tampering with a test sample or otherwise attempting to sabotage the collection process or to materially affect the results shall trigger a positive finding.

Laboratory. All testing shall be performed by a laboratory designated by the Committee. Information on the laboratory's testing methodology shall be provided to the student-athlete at his or her request.

Positive Results. The testing laboratory shall notify the Drug Testing Coordinator of any positive test. The Drug Testing Coordinator shall determine whether any medical exception is warranted under the NCAA's Medical Exception protocol. If the Drug Testing Coordinator finds that no medical exception is warranted, the Drug Testing Coordinator shall document confirmation of the positive test.

Positive Finding Sanctions

Positive Findings.

"Positive Finding" Defined. A positive finding results from:

- a test conducted and confirmed under this Program or the NCAA testing program demonstrating evidence of the use of a banned drug, where no medical exception is granted for such use ("positive test");
- a failure to appear for, refusal to submit to, failure to cooperate with or failure to provide an adequate specimen in a drug test under this Program or the NCAA testing program; or
- manipulation of or tampering with a test sample or otherwise attempting to sabotage the collection process or to materially affect the results in a drug test under this Program or the NCAA testing program.

Consequences of Positive Findings.

Notification. Within 24 hours of confirming a positive finding, the Drug Testing Coordinator shall notify the Director of Athletics.

Written Confirmation; Notice of Appeal. The Drug Testing Coordinator and the Director of Athletics (or his or her designee) shall meet in person, telephonically or by other appropriate method with the student-athlete and Head Coach, as soon as practicable, but within five business days of the Drug Testing Coordinator's initial notification to the Director of Athletics to discuss the positive finding and the sanctions (including any period of probation, participation sanctions or loss of athletics eligibility) to be imposed. At this meeting or within three business days thereof, the Director of Athletics shall provide the student-athlete with written confirmation of the sanctions and notice of the student-athletes right to appeal under the Appeals section of this policy.

Request for Mitigating Circumstances Review. If a student-athlete can demonstrate that (a) a positive finding in testing under this Program resulted from use of a banned drug prior to the student-athlete's initial enrollment at St. Mary's University; or (b) a first positive finding in testing under this Program for a performance-enhancing drug resulted from unintentional use of the drug, the student-athlete should present credible evidence to such effect to the Drug Testing Coordinator to seek relief. Within three business days of receiving the evidence, the Drug Testing Coordinator shall review the evidence and determine whether the evidence is credible. Upon receipt of this request, the Drug Testing Coordinator notifies the Director of Athletics. A request to review such evidence shall stay the obligation of the Department of Athletics representative to issue the written confirmation and notice of appeal described in the Positive Finding Sanctions section, paragraph 1.B.1.a. until the Drug Testing Coordinator and/or the Committee resolves the request.

Discretionary Notification. To further the well-being of the student-athlete, the Director of Athletics, in consultation with the Vice Provost for Student Development (Dean of Students), may notify the student-athlete's parents (or legal guardian(s)) and team personnel (such as the head coach, sport administrator, team physician or athletic trainer) of the positive finding and sanctions. Likewise, the Director of Athletics may provide other appropriate University officials with any information necessary to further the well-being of the student-athlete or the safety of the University community.

Stay of Sanctions. Any sanctions imposed under this Program shall begin to run when the timeframe for requesting an appeal under the appeals section of this policy expires or, if such appeal is timely requested, when the Appeals Board notifies the student-athlete of its decision. Notwithstanding this provision, the Director of Athletics may suspend the student-athlete from conditioning, practice and/or competition during the timeframe for requesting an appeal or pending resolution of a timely requested appeal until the Director of Athletics is satisfied the student is physically and mentally fit to resume such activities.

Referral for Drug Counseling Assessment. Following a Safe Harbor disclosure or a positive drug test finding, the Drug, Alcohol and Other Substance Testing Oversight Committee shall refer the student-athlete to the Student Counseling Center for substance abuse assessment. The director of the Student Counseling Center (or designee) shall determine the intervention that would best meet the student-athlete's needs and shall provide his or her recommendation to the student-athlete, the Drug Testing Coordinator and, upon request, the athletic trainer or physician assigned to the student-athlete's team.

Probation.

Duration of Probation. Following a Safe Harbor disclosure or a positive finding, the student-athlete shall be placed on probation for the period of time specified in Consequences for a Positive Finding.

Conditions of Probation. During the period of probation, the student-athlete shall be subject to periodic announced and unannounced testing, as determined by the Director of Athletics, in consultation with Drug, Alcohol and Other Substance Testing, for any banned drug. A positive test will constitute a positive finding, except that a positive test for the drug for which the student-athlete previously tested positive (or, in the case of a Safe Harbor disclosure, provided a baseline) will be treated as a positive finding only if the level of the drug present in the student-athlete's system demonstrates continued use of the banned drug.

Other Substances.

Upon the first finding for use of an Other Substance (i.e., Performance-enhancing Drug or Dietary Supplement), the student-athlete shall be subject to the sanctions specified in the Consequences for a Positive Finding.

Failed NCAA Test. If the student-athlete's positive finding is the result of a confirmed positive test in the NCAA drug testing program, participation sanctions imposed under this Program shall run concurrently with NCAA participation sanctions.

Street Drugs Other than Marijuana.

Upon the first positive finding for use of a street drug, the student-athlete shall be subject to the sanctions specified in the Consequences for a Positive Finding (See Appendix A).

Failed NCAA Test. If the student-athlete's positive finding is the result of a confirmed positive test in the NCAA drug testing program, participation sanctions imposed under this Program shall run concurrently with NCAA participation sanctions.

Street Drug: Marijuana.

Upon the first positive finding for use of the street drug Marijuana, the student-athlete shall be subject to the sanctions specified in the Consequences for a Positive Finding (See Appendix A).

Failed NCAA Test. If the student-athlete's positive finding is the result of a confirmed positive test in the NCAA drug testing program, participation sanctions imposed under this Program shall run concurrently with NCAA participation sanctions.

Aggravating Circumstances.

Risk to Self or Others. If, upon notification by the Drug Testing Coordinator of a positive finding, the Director of Athletics determines that the student-athlete's positive finding resulted from circumstances posing a grave risk to self or others (such as use of cocaine, heroin or hallucinogens), the Director of Athletics may impose sanctions beyond those set forth in the schedule of sanctions, in addition to notifying appropriate University officials.

Category of Subsequent Positive. Where a positive finding for use of a performance-enhancing drug precedes or follows a positive finding for use of a street drug, the Committee may impose sanctions beyond those set forth in the schedule of sanctions.

Timing of Increase. The Director of Athletics, in consultation with the Director of Student Integrity and Welfare, shall make any decision to increase sanctions within five business days of the Drug Testing Coordinator's notification of the positive finding.

Mitigating Circumstances.

Use Prior to Enrollment. If the Drug Testing Coordinator has credible evidence that a positive finding resulted from the student-athlete's use of a banned drug prior to the student-athlete's initial enrollment at St. Mary's University, the Drug Testing Coordinator shall so notify the Committee. Unless the Committee determines by a preponderance of the evidence that the positive finding resulted from use of the banned drug prior to the student-athlete's initial enrollment at St. Mary's, the Department of Athletics representative shall issue the written confirmation and notice of appeal described in Positive Finding Sanctions section, paragraph 1.B.1.a. If the Committee does make such a determination, it may, within its discretion, void the positive finding or reduce the sanction. Whether or not the Committee voids the positive finding, the Committee shall refer the student-athlete for drug counseling assessment and treatment. Additionally, the Committee may place the student-athlete on probation for the length of time determined at the discretion of the Director of Athletics, in consultation with the Committee.

Unintentional Use of Performance Enhancing Drug. In the case of a first positive finding in testing under this Program for a performance-enhancing drug, if the Drug Testing Coordinator has credible evidence that the positive finding resulted from the student-athlete's unintentional use of the banned drug, such as through use of a supplement containing a banned ingredient without knowledge of the contents, the Drug Testing Coordinator shall so notify the Committee. Unless the Committee determines by a preponderance of the evidence that the positive finding resulted from the student-athlete's

unintentional use of the banned drug, the Department of Athletics representative shall issue the written confirmation and notice of appeal described in Positive Finding Sanctions section, paragraph 1.B.1.a. If the Committee does make such a determination, it shall suspend the one-year ban on intercollegiate competition. In the event the Committee suspends the one-year ban on intercollegiate competition, the student-athlete may engage in practice and conditioning but shall not compete until a negative re-test confirms the banned drug has left the student-athlete's system. A subsequent positive finding for a performance-enhancing drug shall be treated as a second positive.

Failure to Appear; Refusal to Submit; Failure to Cooperate; Failure to Provide Adequate Specimen; Manipulation or Tampering. For purposes of the schedule of sanctions, a failure to appear for or refusal to submit to a required drug test, a failure to cooperate with the test, a failure to provide an adequate specimen, the manipulation of or tampering with a test sample or an attempt to sabotage the collection process or to materially affect the results will be deemed a positive finding for performance-enhancing drugs.

Application for Fifth Year of Athletics Eligibility. A student-athlete who is banned from intercollegiate competition for a whole or part of any season as part of a sanction under this Program shall not be permitted to assert inability to compete during the ban as a basis for seeking a fifth year of athletics eligibility at St. Mary's University.

Permanent loss of Athletics Eligibility; Termination of Grant-in-Aid. When a student-athlete incurs a permanent loss of athletics eligibility at St. Mary's University under this Program, the student-athlete is banned from conditioning, practicing, competing and engaging in any other participation on any intercollegiate team at St. Mary's. In addition, the University will terminate the student-athlete's grant-in-aid at the earliest point consistent with NCAA, conference and University rules.

Appeals

Grounds for Appeal. Within five business days of receiving the written confirmation, the student-athlete, through a written submission to the Faculty Athletics Representative (Chair of the Appeals Board), may appeal a positive finding or sanction under this Program on one of the following grounds:

- a procedural irregularity or defect materially affected the outcome of the test on which the positive finding was based;
- a positive finding was otherwise in error, as demonstrated by compelling evidence;
- an exercise of discretionary authority expressly conferred under this Program was arbitrary and capricious; or
- a determination concerning use prior to a student-athlete's initial enrollment or unintentional use of a performance-enhancing drug was in error, as demonstrated by compelling evidence.

Consideration of Appeal. The Appeals Board shall have the authority to establish the procedures, rules and limitations under which the student-athlete may present evidence and the authority to establish other procedural elements of the appeal. The Appeals Board may require a student-athlete to undergo a drug test before making its decision. Except in cases in which the Appeals Board is awaiting the results of an additional drug test, the Appeal Board shall notify the student-athlete in writing of the disposition of the appeal within five business days of receiving the review request. In cases in which the Appeals Board

is awaiting the results of an additional drug test, the Appeals Board shall notify the student-athlete in writing of the disposition of the appeal within five business days of receiving the results of the test.

Remedies. If the Appeals Board concludes that a procedural irregularity or defect materially affected the outcome of the test on which the positive finding was based or that the positive finding was otherwise in error, the Appeals Board shall set aside the positive finding. If the Appeals Board concludes that an exercise of discretionary authority expressly conferred under this Program was arbitrary and capricious, the Appeals Board shall set aside the positive finding, reduce or set aside the sanction, as appropriate. If the Appeals Board concludes that a determination upon use of a banned drug prior to the student-athlete's initial enrollment at St. Mary's University was in error, the Appeals Board shall at a minimum refer the student-athlete for drug counseling assessment and treatment, and it may in addition void the positive finding, reduce the sanction and/or place the student-athlete on probation for the length of time corresponding to probation for a first positive for the drug in question.

If the Appeals Board concludes that a determination on unintentional use of a performance-enhancing drug was in error, the Appeals Board shall suspend the one-year ban on competition.

Finality. Decisions of the Appeals Board are final.

Appendix A: Consequences of Positive Finding

	First Positive	Second Positive	Third Positive	Fourth Positive
Use of Street Drugs Other than Marijuana and Other Substances	<p>No participation in, or being present for athletically related activities for a 30-consecutive day period</p> <p>20 hours of community service</p> <p>Self-arranged retest showing substance has left student athlete's system</p> <p>Must attend Substance Abuse Counseling (as prescribed by University's counseling center)</p>	<p>One-year ban or permanent loss of athletics eligibility and athletically related aid as St. Mary's University</p> <p>40 hours of community service</p> <p>Self-arranged retest showing substance has left student athlete's system</p> <p>Approved reinstatement request from Drug Test Oversight Committee</p>	<p>Permanent loss of athletics eligibility and athletically related aid at St. Mary's University</p>	N/A
Use Street Drug-Marijuana	<p>No participation in, or being present for, athletically related activities for a 14-consecutive day period</p> <p>20 hours of community service</p> <p>Self-arrange retest showing substance has left system</p>	<p>No participation in, or being present for, athletically related activities for a 30-consecutive day period (no less than 3 contest/dates of competition)</p> <p>40 hours of community service</p> <p>Self-arranged retest showing substance has left student athlete's system</p> <p>Approved reinstatement request from Drug Test Oversight Committee</p>	<p>One-year ban or permanent loss of athletics eligibility and/or athletics aid at StMU</p>	<p>Permanent loss of eligibility at StMU</p>

Alcohol and Tobacco Violations

Alcohol and Tobacco violations will be subject to the regulations governing these substances, pursuant to St. Mary's University Code of Student Conduct, conference bylaws and NCAA regulations. A student-athlete found in violation of the Alcohol and/or Tobacco policy will be subject to consequences outlined in the Code of Student Conduct and local law. Should a student-athlete be found in violation of these policies, the Director of Athletics, in consultation with the Committee, has the discretion to impose additional sanctions.

** The Head Coach, in consultation with the Director of Athletics, can impose additional sanctions, to be served concurrently with those listed in the preceding table. The final decision to impose additional sanctions shall be at the discretion of the Director of Athletics. Coaches are prohibited from imposing any sanctions related to violation of this policy without consulting the Director of Athletics.*

Appendix B: Best Practices for Reporting Reasonable Suspicion

If a St. Mary's University Athletics Department staff member or coach has reason to believe, through observation, that a student-athlete's appearance, behavior and/or conduct indicates the possible use of alcohol or drugs, then the staff member or coach should proceed with a Reasonable Suspicion Form.

Think about the symptoms of drug or alcohol abuse and document unusual behavior, absenteeism or tardiness, difficulty standing or walking, falling asleep during class or team activities or a particular odor, to name a few examples.

When documenting, be as specific as possible. Name the behaviors being observed and causing the reasonable suspicion. For example, Gregg came to practice this morning looking unusually fatigued. He seemed to have difficulty understanding directions given during film session, was slow to respond and appeared very distracted when participating in the practice session. Additionally, his eyes were red and drooping, and he smelled like marijuana.

Have more than one staff member or coach document reasonable suspicion. This will help create an unbiased case.

Staff members and coaches are also advised to familiarize themselves with the following information detailing common behaviors of a person possibly using or abusing alcohol and drugs:

Chronically Withdrawn: isolated; few or no friends; unresponsive; crying spells

Chronically Aggressive: unreasonable aggressive or physical behavior; rage

Oppositional Behavior: inability to follow rules; openly defiant; vandalism

Poor Social Skills or Bizarre Behavior: no or poor peer interaction; abnormal eating habits; talking to self; self-abuse; drug talk

Attendance: chronic absences; frequently ill or oversleeps; headaches; frequently leaves or skips class

Rapid Mood Changes: significant or quick and inexplicable mood change; change in academic grade patterns; shift in level of involvement or detachment

Physical Problems: poor balance; glass, bloodshot eyes; smell of alcohol or drugs; sudden change in hygiene habits; sleepy or lethargic appearance

NCAA Division II Consequences for a Positive Drug Test

A student-athlete who tests positive for a “banned drug” other than a “street drug” shall be withheld from competition in all sports for a minimum of 365 days from the drug test collection date and shall lose a year of eligibility. A student-athlete who tests positive for a “street drug” shall be withheld from competition for 50 percent of a season in all sports (at least the first 50 percent of all contests or dates of competition in the season following the positive test).

A student-athlete who tests positive has an opportunity to appeal the positive drug test.

A student-athlete who tests positive a second time for the use of any drug other than a “street drug” shall lose all remaining regular-season and postseason eligibility in all sports. A combination of two positive tests involving street drugs (marijuana, THC or heroin), in whatever order, will result in the loss of an additional year of eligibility.

The penalty for missing a scheduled drug test is the same as the penalty for testing positive for the use of a banned drug other than a street drug.

If a student-athlete immediately transfers to a non-NCAA institution while ineligible because of a positive NCAA drug test, and competes in collegiate competition within the prescribed penalty at a non-NCAA institution, the student-athlete will be ineligible for all NCAA regular-season and postseason competition until the student-athlete does not compete in collegiate competition for the entirety of the prescribed penalty.

NCAA Drug Testing Appeals Process

If requested to do so, an institution is required to bring an appeal on behalf of a student-athlete who has a positive drug test or who violates an NCAA drug testing protocol. The following information is provided to NCAA institutions that may be considering filing an appeal on behalf of a student-athlete.

At least three members of the Drug Education and Drug Testing subcommittee of the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports hear appeals. The Chair of the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports and other designated members of the Committee may also serve on the subcommittee to hear appeals. In the event that a member institution belonging to the same athletics conference of the appealing institution employs a member of the subcommittee, that subcommittee member will not hear the appeal.

Appeals are conducted by telephone conference arranged by The National Center for Drug Free Sport (Drug Free Sport) for the NCAA. NCAA staff, NCAA drug-testing consultants and NCAA legal counsel are normally present during the telephone conference, but do not participate in subcommittee deliberations or voting.

The subcommittee prefers not to know the identity of the institution requesting the appeal or the identities of any of the institutional representatives, the student-athlete or his or her representatives. Accordingly, during the telephone conference parties should refer to themselves only by title and should not mention the institution’s name.

The institution and the student-athlete may include any party on the telephone conference they wish after reporting their names and telephone numbers to Drug Free Sport. The institution is required to include the student-athlete and the Director of Athletics. The Director of Athletics may designate a senior staff member to participate in his or her absence, subject to approval by the subcommittee chair. The head coach is recommended to be on the call. The NCAA does not restrict the grounds for an appeal, but an institution bringing an appeal must comply with the requirements set forth in Section 8.0. Appeal considerations are outlined below:

Procedural Challenge. Either the institution or the student-athlete may challenge any procedure relating to the collection or testing of the subject samples. If the institution or student-athlete proves it is more likely than not that any substantiated problem with the collection or testing procedures materially affects a sample's integrity, the drug test appeal subcommittee may find that no doping violation has occurred.

Knowledge Challenge. The student-athlete is responsible for all substances consumed. However, if the institution or the student-athletes demonstrates that the student-athlete was not aware they had been administered (defined as placed into the student-athlete's system directly or through food and drink) a substance by another person that later is found to have contained a banned ingredient, then the drug test appeal committee may determine that no violation has occurred. In this situation, the student-athlete must show that her or she both did not know and could not reasonably have known or suspected (even with the exercise of utmost caution) that he or she had been administered by a third party a substance that is later found to have contained a banned ingredient. Or if the institution or the student-athlete demonstrates that the student-athlete asked specific and reasonable questions about a particular substance, medication or product of the appropriate athletics administrator and the athletics administrator assured the inquiring student-athlete the substance does not contain a banned ingredient, then the drug test appeal committee may determine that no violation has occurred. In this situation, the student-athlete must show that he or she both did not know and could not reasonably have known or suspected (even with the exercise of utmost caution) the information provided by staff was erroneous. In the case where the substance, medication or product reviewed and approved for use by the institution does contain a banned substance, this may result in an institutional violation.

Reduction of Penalty Based on Mitigating Factors. The following will not be considered mitigating factors in a drug test appeal: the type or amount of banned substance detected through the drug test; evidence of the student-athlete's good character; the degree of remorse demonstrated by the student-athlete; family hardship or history of family dysfunction; and the degree to which the banned substance may or may not affect athletic performance.

The drug test appeal committee may reduce the current legislative sanction to the first 50 percent of the regular season in all sports if the season of competition has not yet begun for that student-athlete or a minimum of the equivalent of the next 50 percent of a season of competition in all sports if the student-athlete tests positive during his or her season of competition when circumstances might indicate a reduction is warranted.

For example: Where it is shown that the institution's drug education program was inadequate and such shortcomings influenced the student-athlete's judgment regarding the propriety of taking a specific product (a reduction of penalty normally will not be available in the case of admitted street drug use); or A student-athlete's inability to discern he or she was using a banned substance was due to circumstances beyond the student-athlete's control.

Every attempt will be made to disseminate to the subcommittee any written materials submitted by the institution and received by Drug Free Sport regarding the appeal.

The institution, within two business days of the confirmation of the positive drug test, shall submit the request for an appeal. The institution, within 45 days of the confirmation of the positive drug test, must submit required documentation. At least five business days before the scheduled appeal, the institution is required to submit to Drug Free Sport a written summary describing the institution's drug education program and the grounds for the appeal.

The chair of the subcommittee or designee will open the telephone conference appeal by inviting the institution and its representatives and/or the student-athlete and his or her representatives to provide orally any information they wish to have before the subcommittee. The subcommittee prefers the student-athlete present his or her information immediately after any introductory statements made by the Director of Athletics. Opportunity will be given to all parties to have questions asked and answered.

Following the presentation by the institution and the question-and-answer period, the chair will ask the institution and any drug testing consultants to leave the telephone conference and at that time the subcommittee will deliberate and render a decision. The NCAA staff will contact the Director of Athletics to report the subcommittee's decision as soon as possible. It is the institution's responsibility to inform the student-athlete.

In the event the appeal is accepted and the student-athlete is not sanctioned, no further action regarding the student-athlete's eligibility need be taken. In the event the subcommittee denies the appeal and imposes a sanction, the provisions of NCAA Bylaw 18.4.1.5.1 will result in either a one-year loss of eligibility and being withheld from one full season of competition in all sports, or the student-athlete being withheld from the next 50 percent of the season of competition in all sports.