
SAINT MARY'S
COLLEGE
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STUDENT
HANDBOOK

2019-20
ACADEMIC YEAR



The Student Handbook is a guide to student life for all undergraduate and graduate students at Saint Mary's College and contains the policies, procedures, rules and regulations that govern life on our campus. These standards apply to all Saint Mary's students, undergraduate and graduate, both on and off campus. All students are responsible for the contents of this Handbook and should conduct themselves according to the standard of responsible behavior expected of members of the Saint Mary's community. This Handbook is not a contract between the students and the College. Saint Mary's College reserves the right to modify or revise the contents of this Handbook at any time in the event that a policy contained in *The Student Handbook* is contradicted elsewhere.

Equal Opportunity and Nondiscrimination Policy

All College policies, practices, and procedures are administered in a manner consistent with our Catholic identity. With the foregoing understanding, Saint Mary's College will not engage in discrimination based on sex, race, color, national origin, religion (except where religion is a bona fide occupational qualification), age, disability, citizenship status, genetic information, veteran status, or any other characteristic protected by law. Based on our Catholic values, the College also prohibits discrimination based on sexual or political orientation. In the areas of undergraduate admission, academic year housing, and varsity athletics, Saint Mary's College will remain exclusive in respect to sex, but not as to any of the other above-mentioned characteristics.

Student complaints regarding discrimination should be filed using the following reporting mechanism: <https://cm.maxient.com/reportingform.php?SaintMarysCollege> . Reports will be directed to the appropriate vice president for review.

Title IX Coordinator

All inquiries concerning the application of Title IX and its implementing regulations may be referred to the College's Title IX Coordinator. The College's Title IX Coordinator is:

Gloria Jenkins
Dean of Students and
Title IX Coordinator
214 Student Center
(574)284-4777
titleix@saintmarys.edu

THE SAINT MARY'S COLLEGE MISSION STATEMENT

Saint Mary's College Mission Statement

Founded by the Sisters of the Holy Cross in 1844, Saint Mary's College promotes a life of intellectual vigor, aesthetic appreciation, religious sensibility, and social responsibility. Saint Mary's is a Catholic, residential women's college in the liberal arts tradition offering undergraduate degrees and co-educational graduate programs.

A pioneer in the education of women, the College is an academic community where students develop in their talents and prepare to make a difference in the world. All members of the College remain faithful to this mission and continually assess their response to the complex needs and challenges of the contemporary world.

Statement of Philosophy and Purpose

As a center of higher education, Saint Mary's fosters an academic climate of scholarship and learning for faculty and students alike. Through excellence in teaching and the example of its own active scholarship, the faculty challenges students to expand their horizons and supports them in their intellectual pursuits. A broad-based course of study invites students to think critically and creatively about the natural world and human culture. Acknowledging the need to prepare women for an array of careers, the College insists on a liberal arts foundation for all its students.

Through their years at Saint Mary's students acquire depth and breadth of knowledge, competence in quantitative skills and modern languages, the ability to think clearly about complex problems, and the capacity to communicate with precision and style.

As a Catholic college, Saint Mary's cultivates a community of intellectual inquiry, liturgical prayer, and social action. The College creates an open forum in which students freely and critically study the rich heritage of the Catholic tradition, raising the questions necessary to develop a mature religious life. The celebration of liturgy encourages students to explore the fullness of life and its mysteries. The College nurtures awareness and compassion for a troubled world and challenges students to promote human dignity throughout their lives. In preparing women for roles of leadership and action, Saint Mary's pays particular attention to the rights and responsibilities of women in the worlds of work, church, community, and family.

Dedicated to the personal and social growth of its students, Saint Mary's cultivates a community of students, faculty, and staff, which responds to the needs of women. In order to offer the richest educational experience possible, the College strives to bring together women of different nations, cultures, and races. It provides a residential environment where women grow in their appreciation of the strengths and needs of others. Through a host of co-curricular programs on campus and in the local community, Saint Mary's initiates students in the habits of civic responsibility. Engaging in all aspects of the college experience, students acquire the hallmarks of a liberally educated woman: keen self-knowledge, lively imagination, lifelong intellectual and cultural interests, and the ability to make socially responsible choices about the future.

CORE VALUES

Founded and sponsored by the Sisters of the Holy Cross, named for the Mother of God, Saint Mary's College is committed to the education of women. Saint Mary's is a Catholic college, rooted in Gospel values and lives according to Catholic principles.

- **LEARNING**

We commit ourselves to academic excellence and foster an environment where all members of the community learn with and from each other. The liberal arts form the foundation for learning.

- **COMMUNITY**

We sustain a vital community where each member is valued and where all are bound by a common purpose. In an atmosphere of mutual respect, we are called to share responsibility for the success of the College's mission.

- **FAITH/SPIRITUALITY**

We commit ourselves to meeting the spiritual needs of members of all faith traditions. We encourage and support members as they grow spiritually and as they lead lives of faith.

- **JUSTICE**

We respect all persons because of their God-given dignity. We act as responsible stewards of resources both on and beyond the campus. We advocate social action and practice principles of justice and compassion.

Discerning Questions

Four questions will be constant themes throughout your experiences at Saint Mary's College:

Why am I here?

At Saint Mary's, we want you to understand our rich heritage and what has led you to pursue a liberal arts education at a women's Catholic college in Indiana. This will provide you with a strong foundation to discern both your passions and the impact you want to make on the world.

What are my gifts and passions?

Saint Mary's challenges and immerses you in both academic and personal exploration. Through these experiences, you will grow in understanding your talents and what brings you joy.

What do my community and the world need from me?

At Saint Mary's, we are committed to cultivating awareness, appreciation and responses to the ever-changing needs of a diverse world. We prepare and provide you opportunities to respond to the needs of the local, national and global communities.

How will I make a difference in the world?

Saint Mary's empowers you to learn, grow and discern the endless possibilities of life, opening you to choose those paths that positively influence the world.

SAINT MARY'S COLLEGE CODE OF STUDENT CONDUCT

COMMUNITY STANDARDS

As a Catholic residential college, Saint Mary's holds its students to a high standard of ethical and moral conduct. Consequently, there is a strong emphasis on self-awareness and a distinct consideration for the lives and feelings of others. The College commits itself to maintaining a safe and welcoming environment where each individual's dignity is upheld and differences are celebrated. As a community, we reject and condemn all forms of harassment, wrongful discrimination, and disrespect. The College has developed procedures to respond to such incidents through the Discriminatory Harassment Policy and other policies.

Saint Mary's College is committed to maintaining a safe and productive learning environment. To accomplish this goal, the College has developed a Code of Student Conduct that reflects the values and standards of the community. Saint Mary's philosophy of discipline is one of education. While there are consequences for violations of community standards of behavior, our goal is to help students grow and learn from their mistakes. In those instances where violations of behavioral standards do occur, Saint Mary's College has developed policies and procedures to protect the rights of members of the College community, individually and collectively.

The College recognizes that all members of an academic community, individually and collectively, have the right to express their views publically on any issue; however, the College insists that all such expressions be peaceful and orderly and be conducted in a manner consistent with the College's values and in such a way that the learning environment is not disrupted. The atmosphere in residence halls, classrooms and laboratories must be free from any sort of disruption. Furthermore, students must follow the reasonable directions of College's officials.

APPLICABILITY

A "student" is defined as any person who is admitted and deposited, enrolled or registered for study at Saint Mary's College for any academic period or any person who is attending post-secondary educational institutions other than Saint Mary's College while residing in a Saint Mary's College residence hall. Students who are not officially enrolled for a particular term but who have a continuing student relationship with, or an educational interest in, Saint Mary's college are considered "students." A person shall also be considered a student during any period while they are under suspension or dismissal from the institution or when they are attending or participating in any preparatory activity prior to the academic year. Students are expected to adhere to all college policies and procedures, all local state and federal laws. Students are also expected to adhere to the policies and procedures of institutions that they may visit, as well as study abroad programs in which they may participate in. The college reserves the right to adjudicate any case in which a student is alleged to violate any of the above-mentioned policies, procedures or laws regardless of location. Further, the college may proceed with a hearing despite pending civil or criminal proceedings. In some circumstances, the college may refer a case for criminal investigation.

This section details certain policies to which all students and registered student organizations are expected to adhere. A student organization and its officers may be held collectively or individually responsible for violations of the Code when members or those associated with the group or organization have received the tacit or overt consent or encouragement of the leaders, officers, or spokespersons. In complaints involving collective responsibility of individuals for group violations, Saint Mary's College will make individual findings with respect to the involvement of each accused student. Collectively, the student organization may face consequences that affect the status of their organization.

Students should be aware that the student conduct process is quite different from criminal or civil court proceedings. Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Fair process, within these procedures, assures a written notice, a hearing before an objective decision-maker or board and an opportunity to appeal, as described below. No student will be found in violation of a College policy without information showing that it is more likely than not that a policy violation occurred. Any sanction will be proportionate to the severity of the violation.

AUTHORITY

Violations of the Code of Student Conduct are addressed by the Director of Residence Life and Community Standards. In exceptional circumstances, where imminent harm may result to persons or property, the Vice President of Student Affairs or his/her designee may modify procedures outlined under the Code of Student Conduct.

Any question or interpretation or application of the Code of Student Conduct shall be referred to the Vice President of Student Affairs or his/her designee for final determination.

Violations of the Academic Honesty Policy are handled through the Office of Academic Affairs and generally are not covered under the Code of Student Conduct.

The Code of Student Conduct will be reviewed periodically under the direction of the Vice President for Student Affairs or his/her designee. Modifications of the Code of Student Conduct may be made any time effective upon notice to students to comply with federal, state and/or local law.

COLLEGE AS CONVENER

The College is the convener of every action under this code. Within that action, there are several roles:

A “**3rd party reporter**” is defined as a student or community member that submits a written report alleging a student or organization violated the Code of Student Conduct but is not the recipient of the alleged unwelcome or harassing behavior.

A “**reporting party**” is defined as the individual who submitted a written report alleging a student violated the Community Standards and is the recipient of the alleged unwelcome or harassing behavior.

A “**respondent**” is defined as the responding student or organization who is alleged to have violated the Community Standards.

GATEKEEPING

No report will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a victim’s statement. A report wholly unsupported by any credible information will not be forwarded for a hearing.

JURISDICTION

Students at the College are provided a copy of the Code of Student Conduct annually in the form of a link on the College website. Hard copies are available upon request from the Office of the Vice President for Student Affairs. Students are responsible for reading and abiding by the provisions of the Code of Student Conduct.

The College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll, obtain official transcripts and/or graduate and all sanctions must be satisfied prior to clearing that hold. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the College may invoke these procedures and should the former student be found responsible, the College may revoke that student's degree.

The Code of Student Conduct applies to behaviors that take place on the campus, at College-sponsored events and may also apply off-campus when the Vice President for Student Affairs or designee determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the College;

The Code of Student Conduct may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The College does not regularly search for this information but may take action if and when such information is brought to the attention of College officials. However, most online speech by students not involving College networks or technology 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";
- Speech posted online about the College or its community members that causes a significant on-campus disruption.

The Code of Student Conduct applies to guests of community members whose hosts may be held accountable for the misconduct of their guests.

There is no time limit on reporting violations of the Code of Student Conduct; however, the

longer someone waits to report an offense, the harder it becomes for College officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous reporting is permitted, doing so may limit the College's ability to investigate and respond to a reporting party. Those who are aware of misconduct are encouraged to report it as quickly as possible.

College email is the College's primary means of communication with students. Students are responsible for all communication delivered to their College email address.

VIOLATIONS OF THE LAW

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

The College reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint. Interim suspensions are imposed until a hearing can be held, typically within two weeks. This hearing may resolve the allegation, or may be held to determine if the interim suspension should be continued. The interim suspension may be continued if a danger to the community is posed and College may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, the College will only delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will be no longer than two weeks from notice of the incident unless a longer delay is requested in writing by the complaining victim to allow the criminal investigation to proceed before the College process.

Students accused of crimes may request to take a leave from the College until the criminal charges are resolved. In such situations, the College procedure for voluntary leaves of absence is subject to the following conditions:

- The responding student must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding student must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- The responding student must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed.

STANDARDS OF CONDUCT

Outlined below is a listing of the College's policies and rules that prescribe standards of conduct the College expects of its students. They are not intended to define misconduct in exhaustive or exclusive terms. In most circumstances, Saint Mary's College will treat attempts to commit any of the violations listed in the Code of Student Conduct as if those attempts had been completed.

The use of alcohol or drugs will not be considered a mitigating circumstance for any violation of the Code of Student Conduct.

INTEGRITY

We expect Saint Mary's College students to exemplify honesty, integrity and a respect for truth in all of their dealings. Behavior that demonstrates a lapse of integrity includes, but is not limited to:

1. Acts of dishonesty, including but not limited to the following:
 - a. Engaging in forgery, alteration, misuse, unauthorized use or fraud involving college documents, records, instruments of identification.
 - b. Inappropriate use of identification, including possession of false identification or one that belongs to someone else; providing ID or personal passwords to someone else without authorization;
 - c. Knowingly providing false information to any College official, faculty, or staff member;
 - d. Selling athletic or non-athletic tickets when expressly forbidden to do so by policy or a College official. This includes policies of the University of Notre Dame;
 - e. Causing or encouraging acts of dishonesty.
2. Theft, including but not limited to the following:
 - a. Forcible access to property;
 - b. Theft of property or identity, including possession of stolen property and electronic identity;
 - c. The use of another's property without proper authorization; and
 - d. The unauthorized use of ATM, phone, or credit cards; checks; Saint Mary's College ID cards; keys or computer systems.
3. Making comments on social media platforms about members of the community either in a specific or nonspecific way which negates the culture of civility on campus and/or claim or imply that they are speaking on behalf of the college.
4. Possessing, duplicating, using or loaning keys to any college facility or room without authorization by appropriate college officials.
5. Engaging or participating in an act of unauthorized entry into or use of any college facility.
6. Engaging or participating in the abuse of the conduct process, including but not limited to:
 - a. Falsifying or misrepresenting information before a conduct body;
 - b. Disrupting or interfering with the orderly conduct of a conduct proceeding;
 - c. Harassment, intimidation, discouragement, or retaliation of those involved in the conduct process;
 - d. Failure to comply with or violation of the terms/ sanctions imposed under the

- Code of Student Conduct; and
 - e. Attempting to influence the impartiality of a member of the conduct body;
 - f. Influencing or attempting to influence another person to commit an abuse of the conduct system.
7. Failure to meet financial responsibilities to the institution, including, but not limited to:
- a. Knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.
 - b. Incurring financial obligations on behalf of a person, organization or the College improperly or without consent or authority.

COMMUNITY

We expect Saint Mary's College students to honor and value their community. Behavior that violates this value includes, but is not limited to:

1. Engaging or participating in acts or attempted acts of unauthorized possession, use, removal, defacing, tampering, damage, or destruction of property of the college, property of a community member or other personal or public property. This includes postings approved by Saint Mary's College.
2. Excessive noise in the residence halls, campus, or neighborhood. This includes but is not limited to:
 - a. Excessive attendance beyond what is reasonable; and
 - b. Disruption to others which prevents individuals from continuing with their activities.
3. Inappropriate, disorderly, or disruptive conduct. Examples include, but are not limited to:
 - a. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of Saint Mary's College and/or infringes on the educational opportunities of the members of the Saint Mary's College community;
 - b. Leading or inciting others to disrupt scheduled and/or normal activities in the classroom or in any campus building or areas; and
 - c. Engaging in disorderly, lewd or indecent conduct or breaches of the peace.
4. Engaging or participating in unauthorized possession or use of explosives, firearms, dangerous weapons or other hazardous objects or substances as determined by a College official. This includes, but is not limited to guns, knives, tasers/stun gun, fireworks, ammunition, or explosive devices.
5. Conducting, organizing, or participating in any activity involving games of chance or gambling except as permitted by law.
6. Violations of federal, state or local law otherwise not specifically stated in this Code of Student Conduct.
7. Possession, carrying, and use of firearms, ammunition or other dangerous weapons or explosives is prohibited on College-owned or controlled property. The only exception is for safety and security department officers authorized by the College
8. Unauthorized surveillance, video, audio or photographic images of a person in a location in which that person has a reasonable expectation of privacy, including, but not limited to, shower/locker rooms, residence hall rooms and restrooms. Also, prohibited is the storing, sharing and/or other distribution of such unauthorized images by any means.
9. Using skateboards, roller blades, roller skates, bicycles, and similar wheeled devices are not permitted inside College buildings, residence halls or on tennis courts. Hoverboards

and electric scooters are not permitted on campus. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to College property caused by these activities.

10. Using drones are not permissible for individual students, staff or outside entities to operate unmanned aircraft/drones on or over any part of Saint Mary's College unless permission is granted in advanced.
11. Engaging in or soliciting a romantic and/or sexual relationship (consensual or otherwise) with a Saint Mary's College faculty or staff member unless the partner are legally married.
12. 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.

RESPECT

We expect Saint Mary's College students to show respect for self, for each other, and the community and its values. The college reserves the right to take action when it believes the standards of human dignity have been violated. Behavior that violates this value includes, but is not limited to:

1. Endangering behavior that is harmful or potentially harmful to self, to others or to the proper functioning of the College. This includes but is not limited to:
 - a. The use of any item in such a way as to cause fear and intimidation to another or to cause injury;
 - b. Threatening or causing physical harm or other conduct which threatens or endangers the health or safety of any person(s);
 - c. Acts of verbal, written, graphic or electronic abuse or defamation; and
 - d. Bullying and/or cyberbullying that 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.
2. Engaging in harassment behaviors that are repeatedly or pervasively directed at a person or group on the basis of their actual or perceived membership in a protected class including sex, race, color, national origin, religion (except where religion is a bona fide occupational qualification, age, disability, citizenship status, genetic information, veteran status, or any other characteristic protected by law. Based on our Catholic values, the College also prohibits discrimination based on sexual or political orientation.
3. Acts of sexual intimacy outside of marriage are considered inappropriate and contrary to the values of the Catholic Church and the mission of the College.
4. Engaging in or being in the presence of hazing behaviors. The expressed or implied consent of the victim will not be a defense. Behaviors including to but not limited to acts that;
 - a. Creates or produces emotional or physical discomfort, harassment, humiliation or ridicule;
 - b. Endangers the mental or physical well-being or safety of a student; and
 - c. 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.

5. Failure to follow the reasonable directions of College officials (including law enforcement agents, College safety officials, and faculty and staff of Saint Mary's and other colleges and universities).
6. Possession or distribution of any obscene materials, as defined by the standards of Saint Mary's College.
7. Stalking that is:
 - a. A course of conduct, directed at a specific person, on the basis of actual or perceived membership in a protected class that is unwelcome, and would cause a reasonable person to feel fear; or
 - b. Repetitive and menacing behavior that is in pursuit, following, harassing and/or interfering with the peace and/or safety of another person.
8. Behavior that is inconsistent with the mission and core values of the College.

RESPONSIBILITY

Saint Mary's College students are given and we expect them to accept a high level of responsibility as role models and representatives of the College. Behavior that violates this value includes, but is not limited to:

1. Breaching campus fire safety or safety through:
 - a. Misusing, tampering with or damaging fire safety equipment (including alarm systems, alarmed fire safety doors, smoke detectors, or fire extinguishers);
 - b. Setting a fire (including charring, burning, lighting of papers or any other act that could cause a fire);
 - c. Reporting or creating a false alarm, threat or condition;
 - d. Intentional or reckless conduct that causes harm or fear to persons or property;
 - e. Failure to vacate a building after a fire alarm;
 - f. Entering or re-entering a building during a fire alarm without permission;
 - g. Creating a fire hazard; and
 - h. Interfering with the response of college and/or responding emergency personnel.
2. Using, possessing, manufacturing, or distributing alcohol beverages except as expressly permitted by law or college policy including, but not limited to:
 - a. Possession or consumption of alcoholic beverages by a person under the age of twenty- one. This includes possession of empty alcoholic containers;
 - b. Manufacturing, sale or distribution of alcohol, including but not limited to the sale of cups and/or any form of container for the distribution of alcohol, even to one person;
 - c. A person under the age of twenty-one is prohibited from being in the presence of alcoholic beverages in the residence halls, with the following exception: an individual under the age of twenty-one who has a roommate of legal drinking age may be in the presence of an open container of alcohol in the room only if the roommate of legal drinking age is also present. Non-roommates who are under the age of twenty-one may not be in the room when alcohol is being consumed by the of-aged resident;
 - d. On-campus possession of a keg, beer ball, trash-can punches, or other common source, or other unauthorized quantities of alcohol is prohibited. Drinking games or items commonly used for drinking games (i.e. funnel, beer pong tables) are

- prohibited. Students 21 years of age or older may possess alcohol for their own personal use but the quantity is limited to one twelve-pack of beer (144 ounces/4.26 liters) or one-half gallon (64 ounces/1.89 liters) of wine or one pint (16 ounces/470 milliliters) of hard liquor;
- e. Excessive consumption of alcohol where behavior becomes aggressive, destructive, disruptive, or engaging in any behavior which may endanger oneself or others;
 - f. Attending campus functions intoxicated is prohibited regardless of age; and
 - g. Consuming alcohol or possession of an open alcoholic container in public spaces regardless of age.
3. Using, possessing, transferring, manufacturing, or distributing drugs, controlled substances, narcotics or any hallucinogen except as expressly permitted by law or college policy including, but not limited to: **(Please note the possession or use of marijuana is not legal in the state of Indiana).**
- a. Manufacturing, selling, distributing, sharing illegal drugs or drug paraphernalia;
 - b. Consumption or possession of illegal drugs;
 - c. Possession or use of another's prescription medication;
 - d. Abuse or misuse of prescription or over the counter medication;
 - e. Being in the presence of a controlled substance;
 - f. Possession of drug paraphernalia;
 - g. Promotion of illegal drugs; and
 - h. Emanating the scent of marijuana.
4. Violations of the Saint Mary's College ResNet Acceptable Use Policy, misuse of College computing facilities, equipment, network, passwords, accounts or information. Students who connect their personal computers to the campus network will be held responsible for any violation of this policy that originates from that computer.
5. Violation of the Saint Mary's College Policy on Sex/Gender-Based Harassment, Discrimination and Misconduct against Students.
6. Violation of any Saint Mary's College policy, rule or regulation published in hard copy or available electronically on the Saint Mary's College website.
7. Violation of the Saint Mary's College Policy on Harassment, Discrimination and Misconduct against Students.
8. Violation of the Saint Mary's College Guide for Residence Hall Living.

Students who wish to report a crime may contact Campus Safety at 574-284-5000.

MEDICAL AMNESTY and GOOD SAMARITAN POLICY

A student needing medical assistance during an alcohol or other drug-related emergency will not face disciplinary action for the mere possession or use of alcohol and/or drugs if they contact the police, College safety or a member of the residence life staff for help. No student seeking medical treatment for alcohol or drug use will be subject disciplinary action for the sole violation of using alcohol or other drugs so long as the student completes all educational and counseling programs required by the College. This policy extends to a student seeking help for another student. In the event that the student fails to meet a counselor in the time allotted, or fails to complete the required directives, they will be referred through the normal conduct process and a record of the incident will be on file.

When there is a question of sexual abuse or assault in a situation involving alcohol or drugs, the student who was sexually abused or assaulted or a student that intervenes to prevent a sexual assault or otherwise assists a victim or potential victim of sexual assault, will not be subject to discipline under the College's alcohol and drug policies.

Saint Mary's College seeks to foster a culture in which reporting crimes, violations, or problems are encouraged. Our Medical Amnesty Policy is a policy which removes potential barriers to seeking help for oneself or for others.

STUDENT CONDUCT PROCEDURES

PROCESS OVERVIEW

This overview gives a general idea of how the College's campus conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of Code of Student Conduct.

Any College administrative official, faculty, staff member, College security, aggrieved member of the community or student may submit an incident report detailing a potential student violation of the Code of Student Conduct. All incident reports must be submitted online at <https://cm.maxient.com/reportingform.php?SaintMarysCollege>

CONSIDERATION AND INVESTIGATION

Once notice is received from any source, the College may proceed with a preliminary investigation and/or may schedule an initial meeting with the student(s) involved to explain the conduct process and gather information.

The College conducts a preliminary inquiry into the nature of the incident, the evidence available and the parties involved. The preliminary inquiry may lead to:

1. A determination that there is not a preponderance of evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Code of Student Conduct, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code);
2. A more comprehensive investigation, when it is clear more information must be gathered;
3. A formal hearing with the responding student.

STUDENT RIGHTS IN THE CONDUCT PROCESS

1. To have prior knowledge of the allegations and have the allegations explained clearly and fully at every level of the conduct process.
2. To be given the opportunity to be present throughout the hearing but not during the deliberation process of the hearing officers or boards.
3. To hear and/or see all information concerning the allegations.
4. To refute oral and/or written information provided by witnesses.
5. To be advised of the final appeal process.

NOTICE TO THE RESPONDENT

A letter of allegation will be sent to the respondent through the Saint Mary's College's email system detailing:

1. The nature of the conduct in question; the time, date, and place the incident allegedly occurred; and the college policies allegedly violated;
2. The nature of the student conduct procedures;

3. Hearing information including the type of hearing, location, date, time and hearing officer's or board advisors' name and contact information.

HEARING TYPES

There are three types of hearings (explained in detail below); administrative, community standards board and critical issues board. It is at the discretion of the Director Residence Life and Community Standards as to which hearing is the most appropriate for the alleged violation(s).

Administrative Hearing

Most student conduct cases are resolved through an administrative hearing. An administrative hearing is managed by a hearing officer who is responsible for the processing of the case. An administrative hearing officer is assigned by the Director Residence Life and Community Standards.

Administrative Hearing Format

The administrative hearing officer assigned to the case shall proceed in the following format:

1. Explain the student conduct process including the student's rights;
2. Discuss privacy;
3. Describe to the student as completely as possible the nature of the conduct in question and the college policies allegedly violated;
4. Provide the student with an opportunity to inspect all documents relevant to the case available at the time of the hearing; and
5. Allow the student to respond to the allegations.

Decision by the Hearing Officer

After the hearing, the hearing officer will issue a decision about each individual involved. Each allegation will result in one of the following three outcomes:

1. **Not Responsible:** If the hearing officer concludes that it is more likely than not that the student did not violate college policy, or if there is not sufficient information available to warrant a determination of Responsible, the hearing officer will issue a finding of Not Responsible and will dismiss the allegation. No sanction will be assigned.
2. **Responsible:** If the hearing officer concludes that it is more likely than not that the student violated college policy, or if the student admits to violating college policy, the hearing officer will issue a finding of Responsible and assign appropriate sanction(s).
3. **Referral to a Hearing Board:** If the student does not admit responsibility and the hearing officer believes there is sufficient information to warrant a board hearing, the hearing officer may refer the case to a hearing board.

If a student fails to appear for the scheduled administrative hearing or fails to contact the hearing officer no later than twenty-four (24) business hours prior to the scheduled hearing, the hearing officer may make a determination of the case based on the available information.

The hearing officer shall confirm his or her decision of the case by sending a student an administrative hearing outcome letter via email usually within three business days. Students may appeal any decision of responsibility or sanction (see "Appeals"). Students may not file a review for the decision of a hearing officer to refer a case to a hearing board.

Board Hearing

Pre-Hearing Meeting

A student whose case has been referred to a board hearing will have an opportunity to attend a pre-hearing meeting with the Board's advisor. This meeting shall proceed in the following format:

1. Explain the student conduct process including the student's rights;
2. Discuss privacy;
3. Describe to the student as completely as possible the nature of the conduct in question and the college policies allegedly violated;
4. Provide the student with an opportunity to inspect all documents relevant to the case available at the time of the hearing; and
5. Allow the student to respond to the allegations.
 - a. The student can either elect to accept responsibility for the charge(s) or choose to appear before the board, who will determine responsibility for the charge(s).
 - b. Students who *accept responsibility* for the charge(s) may choose to appear or not appear before the board to take responsibility. If a student chooses to appear before the board, they will be given the opportunity to share their perspectives on the incident. If a student chooses not to appear before the board relative to their acceptance of responsibility, the case will be presented to the board who will recommend appropriate sanction(s). The student's choice of whether or not to appear before the Board may not be used as a determinant factor for sanctions.

Types of Boards

The following boards hear cases of alleged violations of the Code of Student Conduct:

1. **Community Standards Board:** The Community Standards Board (CSB) hears cases that have a substantial impact on the Saint Mary's College community. This board is composed of students who have been selected and extensively training. The board has a chairperson and is advised by a conduct hearing officer. When quorum of three (3) board members is not met, the respondent may choose to proceed with the hearing if she wishes. The board recommends to the Assistant Vice President for Student Affairs their decision as to the student(s) responsibility and suggested sanctions. The Assistant Vice President for Student Affairs will uphold all recommendations made by the board unless they are inconsistent with college's mission or practices. Students may appeal any decision of responsibility or sanction (see "Appeals").
2. **Critical Issues Board:** The Critical Issues Board (CIB) hears cases that are sensitive in nature such as sexual and physical assault, stalking, relationship violence, harassment, etc. This board is composed of staff and administrators who have been selected and extensively trained by the Vice President of Student Affairs. The board has a chairperson and is advised by the Director Residence Life and Community Standards. When quorum of three (3) board members is not met, the respondent may choose to proceed with the hearing if they wish. The board will determine the student(s) responsibility and will recommend sanctions. Students may appeal any decision of responsibility or sanction (see "Appeals").

Scheduling the Board Hearing

The scheduling of a board hearing differs from an administrative hearing in that the time and date of the hearing is coordinated by the board's advisor based on availability of all parties involved. The board's advisor will communicate notice of the hearing to the respondent.

Board Hearing Format

Board hearings proceed in the following format:

1. Introductions of all present parties (including witnesses if applicable);
2. Opening statement explaining the hearing format and questioning process;
3. Witnesses are excused;
4. Explanation of the alleged policy violations and the opportunity for the respondent to respond to the allegations;
5. All parties will have the privilege of questioning all present parties and witnesses as directed by the Chair. Questions must pertain to the records, exhibits, and written statements submitted prior to the hearing;
6. The respondent and reporting party (if applicable) are each given an opportunity to provide a closing statement;
7. The respondent is excused and the board begins deliberation;
8. A hearing outcome letter, detailing the decision of responsibility and any related sanctions, is sent to the respondent(s) via e-mail, typically within three business days of the hearing.

If a student fails to appear for the scheduled board hearing or fails to contact the board advisor no later than twenty-four (24) business hours prior to the scheduled hearing, the board may make a determination of the case based on the available information.

Deliberations

The deliberations of the board will be closed to all parties except members of the hearing board who served during the hearing and the board advisor. Deliberations will be conducted unhurriedly, and all points of view will be expressed and considered. The board will attempt to reach its decision and deliver that decision to the respondents within a reasonable amount of time. If the board feels extended discussion or further investigation is necessary, they will inform the respondents of the anticipated conclusion time.

Each board member will register his/her belief as to whether the respondent was responsible. A majority of board members, using the standard of more likely than not, must conclude that a respondent is responsible in order to be found responsible.

Decision by the Hearing Board

After the hearing, the hearing board will issue a decision about each individual involved. Each allegation will result in one of the following two outcomes:

1. **Not Responsible:** If the hearing board concludes that it is more likely than not that the respondent did not violate college policy, or if there is not sufficient information available to warrant a determination of Responsible, the hearing board will issue a finding of Not Responsible and will dismiss the allegation. No sanction will be assigned.

2. **Responsible:** If the hearing board concludes that it is more likely than not that the respondent violated college policy, or if the respondent admits to violating college policy, the hearing board will issue a finding of Responsible and recommend appropriate sanction(s).

Disqualification of Members

If a member of a hearing board believes that he/she is not able to serve on the board for personal or official reasons, that member may disqualify him/herself. A student whose case is before the board may not object to the membership of the board except for reasons of official or personal conflict of interest. When an objection arises, the Board advisor will determine the validity of such objections and his/her determination shall be final.

BOARD ADVISOR

The board advisor is a non-voting board member whose primary responsibility is to ensure that the hearing process as outlined in this document is followed.

ADDITIONAL HEARING ELEMENTS

ADVISOR

A student is invited to bring one (1) advisor with them to any conduct meeting and/or hearing. An advisor is a support person who provides assistance to either the reporting party or respondent during the process. An advisor may not speak for the student nor actively participate during the hearing. The advisor may not speak on behalf of the student in the hearing proceedings. A person who is a primary material witness or party to the incident may not be permitted to serve as an advisor. The eligibility will be determined by the Director Residence Life and Community Standards.

PRIVACY

Privacy applies to respondents, reporting party, witnesses, advisors, hearing officers, and members of the hearing boards. These individuals are expected to adhere to the regulations set forth by the Family Educational Rights and Privacy Act (FERPA) of 1974, as Amended, regarding the dissemination of information pertaining to the student conduct process. All proceedings are private and unauthorized recording by any means is prohibited. All notes taken during student conduct proceedings by any party present will be gathered and destroyed. Only the hearing officer or board chair may include notes in the case file. The college reserves the right to share information regarding the case with other appropriate parties on a need-to-know basis. The college retains the right to record any hearing. Any hearing recording is sole property of the college. No other recordings of the hearing or investigation are permitted.

WITNESSES

A witness is an individual who can give a firsthand account of something seen, heard, or experienced relating to the alleged incident. "Character witnesses" and/or other witnesses deemed to be irrelevant by the investigator, the administrative hearing officer /board advisor

are not permitted. Unduly repetitive witnesses can be limited at the discretion of the administrative hearing officer /board advisor

Witnesses are permitted at hearings however the administrative hearing officer, board advisor or chairperson may limit the number of witnesses permitted to attend the hearing. A list of witnesses and their contact information must be submitted at least two business days before the hearing to the administrative hearing officer/board advisor. If a witness is unable to attend a hearing, the witness may provide a signed written statement at least two business days before the hearing to the administrative hearing officer/board advisor.

SANCTIONS

When a student or student organization is found in violation of the Code of Student Conduct, any of the following types of student disciplinary action may be imposed. Any sanction imposed should be appropriate to the violation, taking into consideration the context and seriousness of the violation and the respondent's prior conduct history. In cases of board hearings, a majority of board members must agree on the sanction in order to impose it. The College reserves the right to create other sanctions based on the nature of the misconduct. It is important to note that sanctions are given on the severity of the incident and not necessarily in this order.

1. Letter of warning—a written reprimand for violation of College standards, including a warning that continuation or repetition of prohibited conduct may result in further disciplinary action.
2. Disciplinary Probation—a formal warning for a violation of College policy that places limitations on the student's good standing with the College. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions to be imposed if the student is found in violation of any College policies during the period of probation.
3. Letter of apology—a request to submit a letter of apology to a reporting party/victim.
4. Loss of privileges—denial of specified privileges for a designated period of time, this includes the loss of guest privileges on campus or in residence halls.
5. Restitution—when the student is required to make payment to the College or to specified individuals, groups, or organizations for costs incurred as a result of violation of College policies.
6. Fines—monetary fines billed to the student's account.
7. Discretionary Sanctions—work assignments, essays, community service, or other related discretionary assignments.
8. Loss of ability to hold any office or position, either by election, petition, or appointment, in any recognized student organization or group for a specified amount of time.
9. Loss of organization membership status or selected rights and privileges for a specified period of time—in case of a student organization.
10. Residential Relocation—the student no longer has the privilege of residing in the current housing assignment and is relocated to another room.
11. Residence Hall Suspension—separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
12. Residence Hall Expulsion—permanent separation of the student from the residence halls.

13. College Suspension—separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
14. College Expulsion—permanent separation of the student from the College.
15. Revocation of admission—admission to the College may be revoked for fraud, misrepresentation, or other violation of the College standards.
16. Revocation of degree—a degree may be revoked for fraud, misrepresentation, or other serious violation of the College standards and for facts which, if known at the time of the awarding of a degree, would have resulted in a decision not to award the degree.
17. Withholding Degree—the College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code of Student Conduct, including the completion of all sanctions imposed.

The College reserves the right to consider mitigating and aggravating circumstances in determining sanctions. More than one of the sanctions listed above may be imposed for any single violation.

Students who are suspended or expelled are subject to the Refund Policy outlined by the Business Office.

SPECIAL CIRCUMSTANCES

In some circumstances it may be necessary to take any of the following actions:

1. Emergency Administrative Action- The Vice President for Student Affairs or his/her designee shall have the authority to immediately suspend a student from the college, classes or residence halls, relocate an individual within the residence halls, and/or restrict activities of the individual on-campus, pending disciplinary procedures, when it is believed that the presence of the student would seriously disrupt the college or constitute a danger to the health, safety, or welfare of the college, to property, to others or to the student. The student will be notified in writing of the emergency administrative action.
2. No Contact Directive- The Vice President for Student Affairs or his/her designee, hearing officer or board may direct a student or organization to have no contact with another individual for a specific period of time. The student or organization will be notified of this directive in writing. This may be a result of or after a hearing. In some cases, this directive may be in effect outside of the initiation of any hearing proceedings. The person(s) who is protected by this directive may receive a written statement detailing the directive as permitted by applicable law.
3. Temporary Order of Restraint- The Vice President of Student Affairs or her/his designee may issue a temporary order of restraint to a student or organization to prevent the continuation of, the commitment of an act, or from assuming or exercising privileges granted to them that is deemed harmful.

APPEALS

GUIDELINES

Students may appeal the decision of an administrative or board hearing for one or more of the following reasons:

1. **New Information:** New, significant or relevant information that is sufficient to substantially affect the outcome or sanction regarding the case becomes available that could not have been discovered at the time of the hearing. Information is not considered new if the student did not attend the original hearing or voluntarily withheld information during the original hearing.
2. **Procedural Error:** A specified procedural error or error in interpretation of college conduct procedures may have substantially affected the hearing outcome or sanction.
3. **Disproportionate Sanction:** The sanction appears to be significantly incongruent with the violation, given either the student's prior record or the usual action for his or her offense.

PROCESS

A student has five (5) business days from the date the hearing outcome letter was sent to write and submit an appeal letter to the Vice President for Student Affairs. This appeal letter must be made in according to the applicable process. The student's request should explain in detail why they are contesting the results of the hearing based on one or more of the guidelines detailed above. Copies of any documents that will substantiate or clarify the appeal request should be attached to the appeal letter. In rare circumstances, the Vice President for Student Affairs may review written documentation, interview the reporting party, respondent or witness, etc. Decisions made by the Vice President for Student Affairs are final.

REVIEW AND OUTCOME

The Vice President will take one of the following actions:

1. Affirm the original decision and uphold the original sanction(s);
2. Remand the case for a rehearing in the same format as the original hearing but with a different hearing officer or board members;
3. Remand the matter back to the original hearing officer/board to consider new evidence. The original decision maker, charged student(s), reporting party, and if required witnesses, may be reconvened to review only the new evidence; or administrator/board will then render a decision based on the new evidence.

PARENTAL NOTIFICATION

The college reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The college may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the college will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The college also reserves the right to designate which college officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act.

NOTIFICATION OF OUTCOMES

The outcome of a campus 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. As allowed by FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or forcible or non-forcible sex offense, the College will inform the alleged victim/party bringing the reporting party in writing of the final results of a hearing regardless of whether the College concludes that a violation was committed. Such release of information may only include the alleged student’s/responding student’s name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, only, the rationale for the outcome will also be shared with all parties to the complaint in addition to the finding and sanction(s).

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

1. Arson
2. Assault offenses (includes stalking)
3. Burglary
4. Criminal Homicide—manslaughter by negligence
5. Criminal Homicide—murder and non-negligent manslaughter
6. Destruction/damage/vandalism of property
7. Kidnapping/abduction
8. Robbery
9. Forcible sex offences
10. Non-forcible sex offences

MAINTENANCE OF DISCIPLINARY RECORDS

All conduct records are maintained by the College for seven (7) years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, which are maintained indefinitely.

APPROVALS

Approved by President's

Cabinet-

Ratified by the Student Affairs

Council- In effect-August 1, 2017

Previously:

Approved by President's Cabinet-February 8, 2012

Ratified by the Student Affairs Council-March 26, 2012

In effect- June 1, 2012

**Saint Mary's College Policy Prohibiting Discriminatory Harassment Against
Students
November 16, 2014**

Saint Mary's College is committed to upholding standards that promote respect and human dignity in an environment that fosters academic excellence and professionalism. It is the policy of the College to maintain an educational and work environment free from all forms of discriminatory harassment.

Saint Mary's College, founded and sponsored by the Sisters of the Holy Cross, an order of the Roman Catholic Church, was chartered as an institution for women as a Catholic witness in higher education. It has continued to adhere to that focus and mission. As a Catholic institution, the College reaffirms its mission and philosophy which call for a modeling of social justice and Christian principles in our personnel policies and practices.

All College policies, practices, and procedures are administered in a manner consistent with our Catholic identity. With the foregoing understanding, Saint Mary's College will not engage in discrimination based on sex, race, color, national origin, religion (except where religion is a bona fide occupational qualification), age, disability, citizenship status, genetic information, veteran status, or any other characteristic protected by law. Based on our Catholic values, the College also prohibits discrimination based on sexual or political orientation.

In the areas of undergraduate admission, academic year housing, and varsity athletics, Saint Mary's College will remain exclusive in respect to sex, but not as to any of the other above-mentioned characteristics.

The College has separate procedures for complaints of sexual harassment.

All members of the College community are expected to uphold this policy. Engaging in discriminatory harassment will result in appropriate disciplinary action.

The College does not by this non-discrimination statement disclaim any right it otherwise lawfully has to maintain its commitment to its Catholic identity or the teachings of the Catholic Church.

Definitions

Discriminatory Harassment

Harassment includes verbal, physical, or visual conduct when the conduct creates an intimidating, or hostile educational environment for a student based on the student's race, color, religion, national origin, gender, sexual orientation, age, physical disability, or mental disability. Verbal harassment may include but is not limited to epithets, derogatory comments or slurs. Physical harassment may include but is not limited to assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual because of the individual's characteristics as listed above. Visual harassment may include but is not limited to derogatory posters, notices, cards, calendars, bulletins, cartoons, graffiti, photographs, signs, drawings, or protracted staring or gestures.

Complaint Procedure

The College encourages any student, who believes that she/he has been discriminatorily harassed, or observes or is otherwise aware of an incident of discriminatory harassment of another student, to report the incident promptly. To assist in the investigation, the College requires the complainant to submit a grievance form with a detailed description of the facts giving rise to the complaint, the names of any individuals involved, including any witnesses, and copies of any documents that support or relate to the complaint. Complaints should be made as follows:

- Complaints against Administrators or Staff must be directed to:
 - Director of Human Resources*
- Complaints against Faculty must be directed:
 - Senior Vice President/Dean of Faculty
- Complaints against Student must be directed to:
 - Director of Residence Life and Community Standards**

* Staff includes all staff working on the Saint Mary's campus including employees under contract with the College.

** Complaints regarding discrimination and harassment that faculty and staff may have against students are directed to the Director of Residence Life and Community Standards. The procedure handling these complaints is outlined in the Code of Student Conduct available at:

With the consent of the complainant, the College will promptly investigate and make every effort to informally resolve a complaint of discriminatory harassment in a fair manner that ensures respect for the rights of both the complainant and the alleged offender and to conduct all processes, to the extent possible, so as to protect the privacy interests of all parties involved.

Formal Investigation and Corrective Action

If a student chooses to move immediately to a formal investigation or if the attempt to informally resolve the complaint fails, the College will pursue the formal investigation.

Depending on the nature of the allegations, the investigation may include interviews with the reporting party, the individual the complaint is made against and/or witnesses; review of written documentation and relevant policies; and any other steps necessary to thoroughly investigate the allegations. The investigator will attempt to conclude the investigation within 30 working days after notifying the person against whom the complaint was lodged. If the investigation cannot be completed in that time frame, the investigator will contact all parties to provide an estimated time for completion.

If at the conclusion of the investigation it is determined that discriminatory harassment occurred, the College will initiate corrective action, as appropriate under the circumstances and outlined in the Employee Handbook (for staff and administrators) or the Governance Manual (for faculty). A faculty member or staff member who is accused of the discriminatory harassment will be advised of the results of the investigation.

Retaliation

The College prohibits and does not tolerate retaliation against any individual who in good faith files a complaint of discriminatory harassment or is involved as a witness or participant in the complaint or investigation process. Engaging in retaliation can result in disciplinary action, up to and including dismissal from the College.

The College encourages any individual who believes he or she/he has been subject to retaliation, or observes or is otherwise aware of an incident of retaliation in violation of this policy, to report the incident promptly to the Senior Vice President and Dean of Faculty, the Director of Human Resources or the Director of Residence Life and Community Standards as appropriate. The investigation and corrective action procedures set forth above will similarly apply in the case of a complaint of retaliation in violation of this policy.

Bad Faith Complaints

This policy shall not be used to bring a complaint in bad faith. Disciplinary action will be taken against any individual found to have brought a complaint of discriminatory harassment in bad faith for an improper purpose.

Right to Appeal

A faculty or staff member who is found to have engaged in discriminatory harassment or retaliation in violation of this policy shall have the right to appeal the decision.

Administrator/Staff Appeal

An administrator or staff member who is found to have engaged in discriminatory harassment or retaliation in violation of this policy shall have the right to appeal the decision. The appeal must be made to President or the President's designee. The appeal may address the decision of whether discriminatory harassment or retaliation occurred, and it also may address the corrective action imposed.

The appeal must be submitted in writing within ten (10) working days after written notification of the results of the investigation. The appeal should describe with specificity why the finding of discriminatory harassment, retaliation, or corrective action was not reasonably based upon the evidence.

The President or her/his designee may receive or consider additional information if she/he believes such information would aid in the review of the appeal.

The President or her/his designee who is considering the staff appeal will provide the decision to the individual who submitted the appeal within 30 days of receipt of the written appeal. This decision is final.

Faculty Appeal

A faculty member who is found to have engaged in discriminatory harassment or retaliation in violation of this policy may appeal to the Grievance Committee of the Faculty Assembly. This committee acts as a mediating and investigating committee in all ordinary cases in which a faculty member alleges a grievance

Note:

Student to student harassment and discrimination is outlined in the Code of Student Conduct. Similarly faculty or staff who feel they have been discriminatorily harassed by a student should refer those complaints to the Director of Residence Life and Community Standards. The procedure for hearing those complaints is outlined in the Code of Student Conduct.

Faculty should refer to the Governance Manual for complaints they wish to lodge against faculty and staff.

Staff should refer to the Employee Handbook for complaints they wish to lodge against staff and faculty.

Endorsed by the President's Council on
Multicultural Affairs-4/7/10 Approved by
the President of the College -4/8/10
Updated 11/13/2014

Saint Mary's College Policy on Sex/Gender-Based Harassment, Discrimination and Misconduct against Students

INTRODUCTION

Members of the Saint Mary's College community have the right to be free from all forms of sex/gender harassment, discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others and maintain an environment that emphasizes the dignity and worth of all. The college believes in zero tolerance for sex/gender-based misconduct. Zero tolerance means that when an allegation of misconduct is brought to an appropriate administrator's attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a responding party is found to have violated this policy. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and establish a mechanism for determining when those expectations have been violated.

The college's sex/gender harassment, discrimination and misconduct policies are not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject matter of courses or that touch on academic exploration of matters of public concern.

The college uses the preponderance of the evidence (also known as "more likely than not") as a standard for proof of whether a violation occurred. In campus resolution proceedings, legal terms like "guilt," "innocence" and "burdens of proof" are not applicable, but the college never assumes a responding party is in violation of college policy. Campus resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.

TITLE IX COORDINATOR

The college's Title IX Coordinator oversees compliance with all aspects of the sex/gender harassment, discrimination and misconduct policy. The Coordinator reports to the President of the college. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the college Title IX Coordinator:

Gloria Jenkins

Title IX Coordinator 214

Student Center

574-284-4777

gjenkins@saintmarys.edu Dean of
Students

Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at: www.saintmarys.edu/campus-safety/anonymous-crime-report

Note that these anonymous reports may prompt a need for the institution to investigate.

Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

U.S. Department of Education

Office for Civil Rights

Lyndon Baines Johnson Department of Education Building

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: 800-421-3481

FAX: 202-453-6012; TDD: 800-877-8339

Email: OCR@ed.gov

In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to Martha McCampbell, College Counsel at mmcampbell@saintmarys.edu.

OVERVIEW OF POLICY EXPECTATIONS WITH RESPECT TO PHYSICAL SEXUAL MISCONDUCT

The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous consent does not imply consent to sexual activity in the future. Silence or passivity -- without actions demonstrating permission -- cannot be assumed to show consent. Consent, once given, can be withdrawn at any time. There must be a clear indication that consent is being withdrawn.

The college recognizes that sexual misconduct is an act of violence and not an act of sexual intimacy.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and "Yes" may not always mean "Yes." Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "no."

OVERVIEW OF POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS

Romantic and/or sexual relationships between an employee and a student are relationships between individuals in inherently unequal positions. No employee shall engage in or solicit a romantic and/or sexual relationship (consensual or otherwise) with a student. Romantic and/or sexual relationships between a student and an employee are forbidden as unprofessional conduct and are in opposition to the Mission of the College. An "employee" includes any College staff, administrator, or faculty. A "student" includes any undergraduate or graduate student. The consensual nature of such a relationship does not constitute a defense to a complaint of sexual harassment, sexual assault, or related unprofessional conduct.

SEXUAL VIOLENCE -- RISK REDUCTION TIPS

Risk reduction tips can often take a victim-blaming tone, even unintentionally. Only those who commit sexual violence are responsible for those actions. We offer the tips below with no intention to victim-blame, with recognition that these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Carefully consider the possible ramifications of sharing your intimate content, pictures, images and videos with others, even those you may trust. If you do choose to share, clarify your expectations as to how or if those images may be used, shared or disseminated.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. Your partner's consent should be affirmative and continuous. If there are any questions or ambiguity then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or altered state, even if they willingly consumed alcohol or substances.

- Realize that your potential partner could feel intimidated or coerced by you. You may have a power advantage simply because of your gender or physical presence. Don't abuse that power.
- Do not share intimate content, pictures, images and videos that are shared with you.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence, passivity, or non-responsiveness cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non- verbal communication and body language.

Acts of sexual intimacy outside of marriage is a violation of the Code of Student Conduct.

SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:

- 1. Sexual Harassment**
- 2. Non-Consensual Sexual Contact (or attempts to commit same)**
- 3. Non-Consensual Sexual Intercourse (or attempts to commit same)**
- 4. Sexual Exploitation**

1. SEXUAL HARASSMENT

Sexual harassment is:

- Unwelcome, sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct. Anyone experiencing sexual harassment in any college program is encouraged to report it immediately to the Title IX Coordinator or Deputy. Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- sufficiently severe, or persistent or pervasive, and
- objectively offensive that it:
 - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the college's educational and/or employment, social and/or residential program.

Quid Pro Quo Harassment is:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- By a person having power or authority over another constitutes sexual harassment when
 - Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational and/or employment progress, development, or performance.
- This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational program.

Examples include, but are not limited to: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

Some examples of possible Sexual Harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's or administrator's office or on the exterior of a residence hall door
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her/his class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She/he probes for explicit details, and demands that students answer her/him, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former partner to the clear discomfort of the partner, turning her/him into a social pariah on campus
- Male students take to calling a particular brunette student "Monica" because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, "sexual relations" and Weight Watchers.
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

2. NON-CONSENSUAL SEXUAL CONTACT

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.

3. NON-CONSENSUAL SEXUAL INTERCOURSE

Non-Consensual Sexual Intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Intercourse includes:

- vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.
- Forcing someone to penetrate an orifice (anal, vaginal, oral) with the penis, object, tongue or finger.

4. SEXUAL EXPLOITATION

Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual digital, video or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;

- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

ADDITIONAL APPLICABLE DEFINITIONS:

- Consent:
 - Consent is
 - clear, and
 - knowing, and
 - affirmative, conscious and voluntary,
 - words or actions,
 - that give permission for specific sexual activity.
 - Consent is active, not passive.
 - Silence, in and of itself, cannot be interpreted as consent.
 - Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.
 - Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
 - Previous relationships or prior consent cannot imply consent to future sexual acts.
 - Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
 - In order to give consent, one must be of legal age.
 - Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
 - Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.
 - The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.
 - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction).
- This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the consumption of alcohol and/or drugs. Possession, use and/or distribution of any of these substances, including

Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy.

- Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent (“Have sex with me or I’ll hit you. Okay, don’t hit me, I’ll do what you want.”).
 - Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
 - NOTE: There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
- Use of alcohol or other drugs will never function to excuse any behavior that violates this policy.
- This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity.

Examples

1. Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00pm until 3:00am, Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. He keeps at her, and begins to question her religious convictions, and accuses her of being “a prude.” Finally, it seems to Bill that her resolve is weakening, and he convinces her to give him a “hand job” (hand to genital contact). Amanda would never had done it but for Bill’s incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn’t want it, she could have left. **Bill is responsible for violating the college Non-Consensual Sexual Contact policy. It is likely that campus decision-makers would find that the degree and duration of the pressure Bill applied to Amanda are unreasonable. Bill coerced Amanda into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not valid when forced. Sex without consent is sexual misconduct.**

2. Julie is a junior at the college. Beth is a sophomore. Julie comes to Beth's residence hall room with some mutual friends to watch a movie. Julie and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Julie and Beth are alone. They hit it off, and are soon becoming more intimate. They start to make out. Julie verbally expresses her desire to have sex with Beth. Beth, who was abused by a baby-sitter when she was five, and has not had any sexual relations since, is shocked at how quickly things are progressing. As Julie takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with her, Beth has a severe flashback to her childhood trauma. She wants to tell Julie to stop, but cannot. Beth is stiff and unresponsive during the intercourse. Is this a policy violation? **Julie would be held responsible in this scenario for Non Consensual Sexual Intercourse. It is the duty of the sexual initiator, Julie, to make sure that she has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of consent. Here, Julie had no verbal or non-verbal mutually understandable indication from Beth that she consented to sexual intercourse. Of course, wherever possible, it is important to be as clear as possible as to whether or not sexual contact is desired, and to be aware that for psychological reasons, or because of alcohol or drug use, one's partner may not be in a position to provide as clear an indication as the policy requires. As the policy makes clear, consent must be actively, not passively, given.**
3. Kathy and Jenny are at a party. Kathy is not sure how much Jenny has been drinking, but she is pretty sure it's a lot. After the party, she walks Jenny to her room, and Jenny comes on to Kathy, initiating sexual activity. Kathy asks her if she is really up to this, and Jenny says yes. Clothes go flying, and they end up in Jenny's bed. Suddenly, Jenny runs for the bathroom. When she returns, her face is pale, and Kathy thinks she may have thrown up. Jenny gets back into bed, and they begin to have sexual intercourse. Kathy is having a good time, though she can't help but notice that Jenny seems pretty groggy and passive, and she thinks Jenny may have even passed out briefly during the sex, but she does not let that stop her. When Kathy runs into Jenny the next day, she thanks her for the wild night. Jenny remembers nothing, and decides to make a report to the Title IX Coordinator. **This is a violation of the Non- Consensual Sexual Intercourse Policy. Kathy should have known that Jenny was incapable of making a rational, reasonable decision about sex. Even if Jenny seemed to consent, Kathy was well aware that Jenny had consumed a large amount of alcohol, and Kathy thought Jenny was physically ill, and that she passed out during sex. Kathy should be held accountable for taking advantage of Jenny in her condition. This is not the level of respectful conduct the college expects.**

OTHER MISCONDUCT OFFENSES (WILL FALL UNDER TITLE IX WHEN SEX OR GENDER-BASED)

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender;
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the college community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
5. Bullying, defined as:
 - i. Repeated and/or severe
 - ii. Aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
 - iii. That is not speech or conduct otherwise protected by the 1st Amendment.
6. Intimate Partner Violence, defined as violence or abuse between those in an intimate relationship to each other;
7. Stalking
 - Stalking 1:
 - i. A course of conduct
 - ii. Directed at a specific person
 - iii. On the basis of actual or perceived membership in a protected class
 - iv. That is unwelcome, AND
 - v. Would cause a reasonable person to feel fear
 - Stalking 2:
 - i. Repetitive and Menacing
 - ii. Pursuit, following, harassing and/or interfering with the peace and/or safety of another

a. Examples of Stalking:

- i. A student repeatedly shows up at another student's on-campus residence, always notifying the front desk attendant that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see them, even so far as waiting for them outside of classes and showing up to their on-campus job site requesting that they go out on a date together.
- ii. A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate the gift deliveries to stop. The student then started leaving notes of love and gratitude on the graduate assistant's car, both on-campus and at home. Asked again to stop, the student stated by email: "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything necessary to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. We are meant to be together."

2. Any other college policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

RETALIATION

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for an allegation, for supporting a reporting party or for assisting in providing information relevant to an allegation is a serious violation of college policy and will not be tolerated.

SANCTIONS

The following sanctions may be imposed upon any student/student organization of the community found to have violated the Sex/Gender-Based Harassment, Discrimination and Misconduct Policy. Factors considered in sanctioning are defined in the Code for Student Conduct. The following are the typical sanctions that may be imposed upon students or organizations singly or in combination as stated in the Code for Student Conduct:

Student Sanctions

- Warning
- Disciplinary Probation
- Residential Relocation
- Residence Hall Dismissal
- College Dismissal
- College Expulsion
- Revocation of admission
- Revocation of degree
- Withholding Degree
- Other Actions

Sanctioning for Sexual Misconduct

- Any person found responsible for violating the Non-Consensual Sexual Contact policy (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary violations.*
- Any person found responsible for violating the Non-Consensual Sexual Intercourse policy will likely face a recommended sanction of dismissal or expulsion.
- Any person found responsible for violating the Sexual Exploitation or Sexual Harassment policies will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary violations.*

*The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. All sanctions are subject to review by the Title IX Coordinator. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

CONFIDENTIALITY, PRIVACY AND REPORTING

Confidentiality and Reporting of Offenses under This Policy

All college employees (faculty, staff, and administrators) are expected to immediately report actual or suspected discrimination or harassment to appropriate officials, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting

requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate college officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the two reporting options at college:

Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- Health and Counseling Services(574-284-4805)
- Belles Against Violence (574-284-4081)
- Campus Ministry pastoral ministers (574-284-5391)

All of the above employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. These employees will submit semester anonymous, aggregate statistical information to the Title IX Coordinator for Clery Act purposes unless they believe it would be harmful to a specific client or patient.

Formal Reporting Options

All college employees have a duty to report, unless they fall under the “Confidential Reporting” section above. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator or Deputy Coordinators. Employees must share all details of the reports they receive. Generally, climate surveys, classroom writing assignments, student edited publications, human subjects research, or events such as Take Back the Night marches or speak-outs should not be reported to the Title IX Coordinator by employees.

If a victim does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator or Deputy Coordinators, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the college will likely be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the college to honor that request, the college will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have reports taken seriously by the college when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: Division of Student Affairs, Campus Safety, College Counsel and the Behavioral Concerns Team. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy.

Reports to the Title IX Coordinator can be made via email, phone or in person at the contact information below:

Gloria Jenkins

Title IX Coordinator 214

Student Center

574-284-4777

gjenkins@saintmarys.edu

Dean of Students

Failure of a non-confidential employee, as described in this section, to immediately report an incident or incidents of sex or gender harassment or discrimination of which they become aware, is a violation of college policy and can be subject to disciplinary action for failure to comply with college policies.

Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities - have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus safety regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus safety, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

Federal Timely Warning Reporting Obligations

Victims of sexual misconduct should also be aware that college administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The college will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Additional Policy Provisions

a. Attempted violations

In most circumstances, college will treat attempts to commit any of the violations listed in *this policy* as if those attempts had been completed.

b. False Reports

The college will not tolerate intentional false reporting of incidents. It is a violation of the Code of Student Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

c. Amnesty for Victims and Witnesses

The college community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to college officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to college officials, and that witnesses come forward to share what they know. To encourage reporting, the college pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, as student who has been drinking underage might hesitate to help take a sexual misconduct victim to campus security). The college pursues a policy of amnesty for students who offer help to others in need.

d. Parental Notification

The college reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The college may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the college will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The college also reserves the right to designate which college officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act.

QUESTIONS AND ANSWERS

Here are some of the most commonly asked questions regarding the college's sexual misconduct policy and procedures.

Does information about a report remain private?

The privacy of all parties to a report of sexual misconduct must be respected, except insofar as it interferes with the college's obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. The college will not disseminate information and/or written materials to persons not involved in the resolution process without the consent of both parties. Witnesses are also required to maintain the privacy of information shared with them during interviews and/or hearings. Violations of the privacy of the reporting party or the responding party may lead to conduct action by the college, though both parties are allowed to share their perspectives and experiences. All parties, including witnesses, involved in an allegation are strongly encouraged to maintain the privacy of information and/or written materials.

In all resolutions of sexual misconduct, the complainant and the respondent will be informed of the outcome. In some instances, the administration also may choose to make a brief public announcement of the nature of the violation and the action taken, without using the name or identifiable information of the alleged victim. Certain college administrators are informed of the outcome within the bounds of student privacy (e.g., the President of the college, Vice President for Student Affairs, Director of Campus Safety and College Counsel). [If there is a report of an act of alleged sexual misconduct to a conduct officer of the college and there is evidence that a felony has occurred, local police will be notified. This does not mean charges will be automatically filed or that a victim must speak with the police, but the institution is legally required to notify law enforcement authorities]. The institution also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an "Annual Security Report" of campus crime statistics. This statistical report does not include personally identifiable information.

Will my parents be told?

No, not unless you tell them. Whether you are the reporting party or the responding party, the College's primary relationship is to the student and not to the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. College officials may directly inform parents/guardians when requested to do so by a student, in a life-threatening situation, and/or a student has been dismissed or expelled from the college.

Will the responding party know my identity?

Yes, if the college determines there is reasonable cause to believe a violation has occurred and investigates the matter. The responding party has the right to know the identity of the reporting party. If there is a hearing, the college does provide an opportunity for questioning without confrontation, including closed-circuit testimony, Skype, using a room divider or using separate hearing rooms.

Do I have to name the responding party?

Yes, if you want formal disciplinary action to be taken against the responding party. You can report the incident without the identity of the responding party, but doing so may limit the institution's ability to respond comprehensively.

What do I do if I am accused of sexual misconduct?

DO NOT contact the reporting party. You may immediately want to contact someone who can act as your advisor; anyone may serve as your advisor. You may also contact the Title IX Coordinator, who can explain the college's procedures for addressing sexual misconduct reports. You may also want to talk to a confidential counselor or seek other community assistance. See below regarding legal representation.

Will I (as a victim) have to pay for counseling/or medical care?

Not typically for services provided by the college or when the college makes a referral to an outside provider for treatment on behalf of the student.

What about legal advice?

Victims of criminal sexual assault need not retain a private attorney to pursue criminal prosecution because representation will be handled by the County Prosecutor's office. You may want to retain an attorney if you are considering filing a civil action or are the responding party. The responding party may retain counsel at their own expense if they determine that they need legal advice about criminal prosecution and/or the campus conduct proceeding. Both the responding party and the reporting party may also use an attorney as their advisor during the campus' resolution process. Attorneys are subject to the same restrictions as other advisors in the process as described here in the Code of Student Conduct. The college counsel does not provide legal advice to the parties.

How is a report of sexual misconduct decided?

The college investigates allegations of sex/gender based harassment, discrimination or misconduct to determine whether there is evidence to indicate a policy violation is "more likely than not." This standard, called the preponderance of the evidence, corresponds to an amount of evidence indicating a policy violation is more than 50% likely.

What about changing residence hall rooms?

You may request a room change if you want to move. Room changes under these circumstances are considered emergencies. It is typically institutional policy that in emergency room changes, the student is moved to the first available suitable room. If you prefer that the responding party be moved to another residence hall, that request will be evaluated by the Title IX Coordinator or Deputy to determine if it can be honored. Other assistance and modifications available to you might include:

- Assistance from college support staff in completing a room relocation;
- Arranging to dissolve a college housing agreement and pro-rating a refund;
- Help with finding an off-campus residential alternative;
- Assistance with or rescheduling an academic assignment (paper, exams, etc.) or otherwise implementing academic assistance;
- Taking an incomplete in a class;
- Assistance with transferring class sections;
- Temporary withdrawal;
- Assistance with alternative course completion options;

- Escorts to and from campus locations;
- On or off-campus counseling assistance;
- Transportation assistance or support;
- Other accommodations for safety as necessary.

What should I do about preserving evidence of a sexual assault?

Police are in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the alleged victim's person within 120 hours, though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. If you believe you have been a victim of a criminal sexual assault, you should go to the Hospital Emergency Room, before washing yourself or your clothing. The Sexual Assault Nurse Examiner (a specially trained nurse) at the Saint Joseph's hospital is usually on call 24 hours a day, 7 days a week (call the Emergency Room if you first want to speak to the nurse; ER will refer you). A college employee can also accompany you if requested. Campus Safety can provide transportation. If a victim goes to the hospital, local police will be called, but s/he is not obligated to talk to the police or to pursue prosecution. Having the evidence collected in this manner will help to keep all options available to a victim, but will not obligate him or her to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the victim decide later to exercise it.

For the Survivor: the hospital staff will collect evidence, check for injuries, address pregnancy concerns and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear evidence for the police to collect.

Will a complainant be sanctioned when reporting a sexual misconduct policy violation if he/she has illegally used drugs or alcohol?

No. The seriousness of sexual misconduct is a major concern and the college does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the

reporting of sexual misconduct. The college provides amnesty from any consequences for minor policy violations that occur during or come to light as the result of a victim's report of sexual misconduct.

Will the use of drugs or alcohol affect the outcome of a sexual misconduct conduct resolution?

The use of alcohol and/or drugs by either party will not diminish the responding party's responsibility. On the other hand, alcohol and/or drug use is likely to affect the reporting party's memory and, therefore, may affect the resolution of the reported misconduct. A reporting party must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence and/or witnesses to prove that policy was violated. If the reporting party does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the responding party without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation by a responding party.

Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?

Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present matter.

What should I do if I am uncertain about what happened?

If you believe that you have experienced sexual misconduct, but are unsure of whether it was a violation of the institution's sexual misconduct policy, you should contact the institution's Title IX Coordinator (not confidential), health and counseling services (confidential), BAVO (confidential), or a pastoral minister in Campus Ministry (confidential).

This policy was adapted from the ATIXA sex/gender-based harassment, discrimination and sexual misconduct model policy, 2015.

Updated: 8/11/19

Saint Mary's College Policy on Student Complaints

The policy below outlines how students may file a formal complaint with Saint Mary's College.

Formal Complaint Definition

A complaint directed to senior administrative representatives of Saint Mary's College about the institution and/or its operation that students wish to have formally resolved.

Ways to Initiate a Formal Complaint

1. A written complaint signed by a Saint Mary's College student addressed to the President c/o her/his Special Assistant or Vice Presidents.
2. A complaint sent electronically from a Saint Mary's College email address sent to the President's Special Assistant or Vice Presidents.
3. A complaint initiated through the College's reporting tool (Maxient) will be considered formal and complaints will be forwarded to the appropriate College representative for resolution.

Recipients of Formal Complaints

- Academic complaints may be filed with the Provost and Senior Vice President of Academic Affairs
- Financial Aid complaints may be filed with the Vice President of Enrollment Management
- Student Account complaints may be filed with the Vice President of Finance and Administration
- Student Life complaints may be filed with the Vice President of Student Affairs.
- College Relations complaints may be filed with the Vice President for College Relations
- Mission complaints may be filed with the Vice President for Mission.

Processing and Resolution of Complaints

Each complaint will be reviewed by the appropriate unit of the College and students will be notified in writing of the institution's response to their complaint. All formal complaints received by the President's Special Assistant or Vice Presidents will be entered into the College's incident reporting system (Maxient) which will officially record the complaint in the College's records. Elements related to the complaint that are recorded include (1) the date the complaint was received, (2) a description of the complaint, (3) steps taken to resolve the complaint, (4) any final decision reached by the College on the complaint and (5) any changes made to College process based on what was learned from the complaint. This tracking and record keeping will allow for the College to regularly review complaints it receives in a systematic and thorough manner. This enables the College to integrate what it has learned from the complaint process into improvements in services or in teaching and learning.

Other College Grievance Policies

This complaint policy **is not a substitute** for the more specific discriminatory harassment and sexual misconduct policy outlined in the student code of conduct. It also **does not replace** student academic grievance policies outlined in the College Bulletin such as the policy and process related to academic dishonesty.

Adopted by the President's Cabinet in October, 2014

RESIDENCY REQUIREMENT

Saint Mary's College believes that living on campus gives students the opportunity to be fully engaged in academic and student life and to exercise adult freedoms responsibly with professional and peer support. A diverse community full of various viewpoints, goals and styles prepares students for future relationships, diverse careers and living in a dynamic global society.

As a women's private, Catholic, residential, undergraduate college, Saint Mary's College requires all undergraduate students--starting with the Class of 2011--to reside in college-owned housing(including housing provided during study abroad programs) for six (6) semesters, unless the student meets one of the following exceptions:

1. Resides with a parent or guardian within 30 miles of the campus.
2. Has resided in a college residence hall for at least six (6) semesters prior to making a request for exception.
3. Has reached the age of 23 prior to the term(s) for which the request for exception is made.
4. Is married.
5. Is enrolled in eight (8) or less credit hours.
6. Has received written permission from the Director of Residence Life & Community Standards for special circumstances.

Students must request permission to live off-campus by submitting the circumstances and documentation for request, in writing, to the Director of Residence Life & Community Standards. This includes all students living with a parent or guardian within 30 miles of the campus. Please note that a request for an exemption must be submitted each year.

NOTE: Eligibility for Opus Hall is contingent upon six (6) semesters of on-campus residency.

SAINT MARY'S COLLEGE POLICY ON POLITICAL ACTIVITY

Saint Mary's College encourages its students, faculty and staff to participate in national, state, and local political activities to prepare themselves for active lives as engaged citizens. While all students, faculty, and staff are free to express political opinions and engage in political activities, it is important that they avoid the appearance that they are speaking or acting for the college in political matters.

As a non-profit, private institution of higher education whose activities are regulated in part by Section 501(c)(3) of the Internal Revenue Code, Saint Mary's College may not participate or intervene in the political campaign of any candidate for public office. Federal Elections Commission regulations also prohibit Saint Mary's College from facilitating the making of contributions or funding communications that influence, or are intended to influence, the outcome of federal elections.

Nevertheless, every individual has the right to organize and to join political associations and to advocate and publicize political opinions.

College facilities and funds may be used by political groups on campus so long as the use does not favor one political party over another. Student activities funds may not be used for direct political action, for disbursement to any organization that is not an officially recognized Saint Mary's College organization or contributed to a political campaign or other political fund or organization. Student organizations that use College facilities for political presentations must open such presentations to all members of the campus community. No campaign political rallies may be held on campus.

Permissible activities include (but are not limited to):

- Conducting training programs designed to increase public understanding of the electoral process.
- Annually preparing and distributing a compilation of voting records on major legislative issues that involve a wide range of topics, without political skew and without editorial opinion.
- Circulating unbiased questionnaires to all candidates for office, and tabulating and disseminating the results; provided the questionnaires cover a broad range of subjects and neither reflect political skew nor contain editorial opinion.
- Conducting public opinion polls with respect to issues (rather than candidates), provided the questions are fair and neutral and accepted polling techniques are used.
- Participating in non-partisan voter registration activities.
- Providing access to air time on SMC-TV on an equal basis to all legally qualified candidates for public office.
- Providing opportunities to speak at college events on an equal basis to all legally qualified candidates for public office. An explicit statement should be made as part of the introduction of the speaker and in communications concerning the speaker's attendance that the institution does not support or oppose the candidate. Campus fundraising at the event is prohibited. The institution must make reasonable efforts to ensure that the appearances constitute speeches, Q and A sessions, or similar activities in an academic setting and are not conducted as campaign rallies or events.
- Conducting institution sponsored public forums to which all legally qualified candidates for
- public office are invited and given equal access and opportunity to speak.

- Inviting candidates to appear in a non-candidate capacity, provided that the individual is chosen to speak solely for reasons other than his or her candidacy. No reference to candidacy for office or the election can be made and campaigning is prohibited.
- Establishing genuine curricular activities aimed at educating students with respect to the political process. An example of this is available.
- Rearranging the academic calendar to permit students, faculty, staff and administration to participate in the election process, if the rearranging is done without reference to particular campaigns or political issues.
- Providing financial and administrative support to the student newspaper even though the newspaper published editorial opinions on political and legislative matters.
- Allowing established student groups to use institutional facilities for partisan political purposes, provided that such groups pay the usual and normal charge, if any, for use of institutional facilities by student groups. Administrators and faculty must take special care in relation to any such proposed student activity, to avoid the appearance of institutional endorsement.
- Adopting a voluntary payroll deduction plan that would allow individual employees to direct a portion of their wages to political action committees (PACs) for unions.
- Members of the college community are entitled to participate or not, off-hours, as they see fit, in the election process provided that speaking or acting in the name of the institution is prohibited.
- A faculty member, administrator or other employee may, if permitted by institutional policies and procedures, engage in federal campaign related activity that is:
 - Outside normal work hours;
 - Within ordinary work hours if the time is made up with-in a reasonable period;
 - Charged to vacation time;
 - During a leave of absence taken without pay.
- Senior institutional officials such as the president or vice presidents should ordinarily refrain from campaign activity as there is risk that such activity would be perceived as support or endorsement by the institution.
- Public statements, oral or written, by institutional officials (such as the president, vice presidents and deans) in support of a candidate, political party, PAC or the like, where the institutional officer clearly indicates that his or her comments are personal and not intended to represent the views of the institution.

Non-permissible activities include (but are not limited to):

- Conducting “voter education” activities, such as those involving questionnaires that are confined to a narrow range of issues or skewed in favor of certain candidates or a political party.
- Publishing ratings of candidates, particularly in situations where the ratings could be viewed as reflecting the views of the institution or use of institutional resources in preparing and publishing ratings.
- Endorsing, expressly or implied, a candidate for public office. Examples include placement of signs on college property that support a particular candidate or using college funds to contribute to a political campaign fund. Public statements at college events by an official of the college praising a particular candidate in relation to holding public office.
- Commenting on specific actions, statements or positions taken by candidates including incumbents, in the course of their campaign.
- Promoting action (voting) with respect to issues that have become highly

identified as dividing lines between candidates.

- Coordinating voter education activities with campaign events.
- Coordinating institutional fundraising for a particular candidate for public office, political party or PAC.
- Reimbursing college officials for campaign contributions.
- Providing mailing lists, use of office space, telephones, photocopying or other institutional facilities or support to a candidate, campaign, political party or PAC.
- Using institutional letterhead in support of a candidate, political party or PAC.
- Sponsoring events to advance the candidacy of particular candidates.
- Using message boards or forums affiliated with the institution's website to support particular candidates.
- Providing hyperlinks to the web pages, or other space on the college's website, of one or more candidates for public office in a manner that favors one candidate over another.
- Providing a candidate a forum to promote his or her campaign if other candidates are not treated equally, even if the forum is not intended to assist the candidate.
- Public statements, oral or written, by institutional officials (such as the president, vice presidents and deans) in support of a candidate, political party, or PAC where there is risk that the statements would be perceived as support or endorsement by the institution.
- Remarks at an institutional meeting by an institutional official in support of a candidate, political party, or PAC.

The lists above are taken from the American Council on Education (ACE) *Political Campaign-Related Activities of and at Colleges and Universities*. Additionally, Saint Mary's College does not permit filming for political campaign purposes on campus or in its facilities.

Endorsed by the President's Cabinet-7/17/2012