COMMUNITY STANDARDS

As a Catholic women’s 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 Harassment Policy, which can be found in the Student Handbook.

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.

Students are cautioned that behavior conducted online, such as harassment by e-mail, can constitute a violation of this Code of Student Conduct. Students are reminded that blogs, webpages, myspace, Facebook entries and similar online postings are in the public sphere, and are not private. These postings can subject a student to allegations of conduct violations. 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.

Applicability

The Saint Mary's College Student Code of Conduct applies to all Saint Mary’s students, including those enrolled through the Holy Cross Linkage program. The Code applies to behaviors that occur on College premises, at College sponsored activities and to off-campus conduct that adversely affects the College. Each student is responsible for her conduct from the time she accepts the offer of admission, through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, during the summer, as
well as during the academic year, including during intra-semester breaks and between semesters, and during periods between terms of actual enrollment and participation in study abroad programs. Furthermore, the Code of Student Conduct applies to guests of community members, whose hosts may be held accountable for the misconduct of their guests.

All Saint Mary’s College students are expected to adhere to all College policies. These include, but are not limited to those outlined in the Student Handbook, and 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. The College reserves the right to process any case in which a student is alleged to have violated any of the above mentioned policies or laws. Furthermore, the College may proceed with the student conduct process despite pending civil or criminal proceedings. The College reserves the right to process a case even if a student withdraws from school while a conduct matter is pending. The College may inform police or other appropriate authorities when a student’s behavior appears to violate criminal law.

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 within these procedures. 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. Attorneys, parents or guardians are not permitted to sit in conduct hearings. A member of the Saint Mary’s College community, serving as an advisor, may attend the hearing to provide emotional support to the charged student. An advisor may not speak or participate in the process.

Student organizations may be charged with violations of the Code for behavior occurring on or off campus. 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.

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

Violations of the Code of Student Conduct are handled through the Department of Residence Life and Community Standards (DRLCS). 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.
Standards of Conduct

Saint Mary's College reserves the right to notify parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. Saint Mary's College also reserves the right to designate which College officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act. Additional Information on FERPA can be found at the Registrar’s website (http://www.saintmarys.edu/~regoff/FERPA2.html).

What follows 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. The use of alcohol or drugs will not be considered a mitigating circumstance for any violation of the Code of Student Conduct. In addition to the original violation(s), individuals will be charged with the appropriate alcohol or drug violation except as outlined in the Medical Amnesty and Good Samaritan Policies, found in the Code of Student Conduct.

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.

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. Forgery, alteration, or misuse of College documents or records (academic records are handled through the Office of Academic Affairs);
   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 (this may include any violation of the College’s Acceptable Computer Usage Policy);
   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. Abuse of the campus conduct system, including but not limited to harassment (verbal or physical) and/or intimidation of those involved in the process; and
   f. Causing or encouraging acts of dishonesty.

   Academic acts of dishonesty are handled through the Office of the Vice President and Dean of Faculty.

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;
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; or computer systems (this may include any violation of the College’s Acceptable Computer Usage Policy).

**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. Vandalism to or destruction of College property or another person’s property.
2. Excessive noise in the residence halls, campus, or neighborhood.
3. Inappropriate, disorderly, or disruptive conduct that is unbecoming of a Saint Mary’s student. Examples include, but are not limited to:
   a. Yelling, cursing, or causing a disturbance;
   b. 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 opportunities of the members of the Saint Mary’s College community;
   c. Leading or inciting others to disrupt scheduled and/or normal activities in the classroom or in any campus building or areas.
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. Examples of misuse include, but are not limited to:
   a. Use of computing facilities to send harassing or abusive messages; illegally downloading or sharing copyrighted materials or possession of restricted software;
   b. Unauthorized access to a file, personal, or group account;
   c. Use of computing facilities to interfere with normal operation of the College computer system;
   d. Unauthorized transfer of a file;
   e. Unauthorized use of another individual’s identification and password.

5. Possession of weapons, including, but not limited to guns, knives, tasers/stun gun, fireworks, ammunition, or explosive devises with or without a license on College property or without a license off College property, except under official supervision as part of a recognized student activity.

**RESPECT**

We expect Saint Mary’s College students to show respect for self, for each other, and the community and its values. Behavior that violates this value includes, but is not limited to:

1. Threatening or causing physical harm or other conduct which threatens or endangers the health or safety of any person.
2. Intimidation (implied threats) or coercion (pressuring another unreasonably until an act is not truly voluntary) of an individual or group, either directly and/or indirectly.
3. Verbal, written, graphic, or electronic abuse.
4. Harassment defined as offensive conduct, directed repeatedly or perversively at a person or group on the basis of their actual or perceived membership in a protected class (gender, race, age, religion, ethnicity, etc).
5. Possession or distribution of any obscene materials, as defined by the standards of Saint Mary's College.
6. Violation of any Saint Mary's College rule, or regulation published in hard copy or available electronically on the Saint Mary's College website. This includes violation of the Guide to Residence Hall Living. Violations of academic policies are managed by the Office of Academic Affairs.
7. Hazing defined as an act which endangers the mental or physical well-being or safety of a student, or which 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. The express or implied consent of the victim will not be a defense.
8. Lewd or obscene conduct including, but not limited to:
   a. Public urination;
   b. Engaging in consensual sexual contacts or intercourse in public spaces.
9. Sexual misconduct, including, but not limited to:
   a. Non-consensual sexual contact, which is the deliberate touching of another’s sexual parts without consent; or the unwanted touching of a body part that is intended in a sexual manner;
   b. Non-consensual sexual intercourse, which is the oral, anal, or vaginal penetration by an inanimate object or bodily part without consent.

“Consent” means a voluntary agreement to engage in sexual activity proposed by another. Consent requires mutually understandable and communicated words and/or actions demonstrating agreement to participate in proposed sexual activity. “Without consent” may be communicated by words and/or actions demonstrating unwillingness to engage in proposed sexual activity. These acts will be considered unwanted and without consent if the victim was unable to give consent due to a condition the charged student was or should have been aware of (for example, the victim is intoxicated due to the use of alcohol or other drugs, coerced, or threatened verbally, including being threatened with future physical harm).

Students who wish to report a sexual assault may contact Campus Security at 574-284-5000. Students reporting being a victim of sexual assault will not face disciplinary actions for being under the influence of a controlled substance. Please see the Medical Amnesty and Good Samaritan policies, included later in this document.

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 security through:
   a. Misusing 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. Causing or creating a false alarm, tampering with fire safety equipment;
   d. Such 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.
2. Failure to follow the reasonable directions of College officials (including law enforcement agents, College security officials, and faculty and staff of Saint Mary’s and other colleges and universities).
3. Failure to comply with or violation of the terms of an imposed disciplinary sanction.
4. Conducting, organizing, or participating in any activity involving games of chance or gambling except as permitted by law.
5. Endangering behavior, which is defined as conduct demonstrating that the student constitutes a threat to herself, others, or to the proper functioning of the College. This includes threats, possession or use of knives, weapons, paintball guns, bypassing security, propping safety doors open. This also includes the use of any item in such a way as to cause fear and intimidation in another or to cause injury.
6. Violations of the Alcohol 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 her room only if her 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, wine boxes, alcohol by the case, trash-can punches, or other common source of alcoholic beverage, or other unauthorized quantities of alcohol is prohibited. Of-aged students 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. Drinking games or items commonly used for drinking games (i.e. funnel, beer pong tables) are prohibited.
e. Hosting an unauthorized alcohol party on campus. Examples include, but are not limited to: excessive attendance beyond what is reasonable; minors are in attendance or being served alcohol; disruptive to neighbors to the point of preventing individuals from continuing with their activities. This also includes Opus residents failing to properly register their parties with the hall staff.

f. Excessive consumption of alcohol or attending campus functions intoxicated is prohibited regardless of age. Behavioral symptoms frequently associated with excessive consumption or intoxication may include, but are not limited to: impaired motor-skill coordination, difficulty communicating, vomiting, glazed/red eyes, the smell of alcohol on one's breath, verbal and/or physical aggressiveness, destructive and/or disruptive behavior, and engaging in any behavior which may endanger oneself or others.

g. Consuming alcohol or possession of an open alcoholic container in public spaces regardless of age. Examples of public spaces include but are not limited to lounges, hallways, and stairwells.

7. Violations of the Drug Policy include, but are not limited to:
   a. Manufacturing, selling, distributing, sharing illegal drugs or drug paraphernalia.
   b. Consumption or possession of illegal drugs or drug paraphernalia. Examples of drug paraphernalia include but are not limited to, pipes, shisha or hookah pipes, bongs, blow tubes or other items used for preparing or consuming illegal drugs.
   c. Possession or use of another's prescription medication.
   d. Abuse or misuse of prescription or over the counter medication.
   e. Promotion of illegal drugs.

MEDICAL AMNESTY 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 she contacts the police, College security or a member of the residence life staff for help. The student receiving medical assistance will be required to meet with a member of the counseling staff for an assessment within five (5) College business days of being notified by the Department of Residence Life and Community Standards. As long as the student complies with all directives, she will not face disciplinary actions for the alcohol and/or drug violations. This policy refers to isolated incidents only.

In the event that the student fails to meet a counselor in the time allotted, or fails to complete the required directives, she will be referred through the normal conduct process and a record of the incident will be on file.

GOOD SAMARITAN POLICY

The Good Samaritan Policy acknowledges that as members of this community, students have a responsibility to each other. We expect students to take active steps to protect the safety and well-being of our community. Therefore, student(s) or student organizations
may directly seek medical amnesty for another person during an alcohol or other drug related emergency. The Good Samaritan student will not face disciplinary action for the mere possession or use of alcohol or drugs provided that she remains with the individual until medical assistance arrives and the person can be assisted. In order to qualify under the Good Samaritan Policy, these individuals or representatives from organizations must contact the police, College security or a member of the residence life staff. They may also need to schedule an appointment with the Director of Residence Life and Community Standards and adhere to specific educational mandate.

The Good Samaritan and Medical Amnesty policies apply only to alcohol or other drug related medical emergencies but do not apply to other prohibited conduct such as assault or property damage. If other prohibited conduct occurs, then a student will be held responsible for those violations. The use and/or abuse of alcohol or drugs will not be considered a mitigating circumstance for any other violation of the Code of Student Conduct. In cases where an individual fails to seek emergency medical assistance when it is clearly needed, disciplinary action may be taken against the individual/organization.

The Good Samaritan and Medical Amnesty apply only to the College’s response to a medical emergency. Criminal/police action may still occur separately from the Department of Residence Life and Community Standards

SEXUAL ASSAULT POLICY

Students who believe they are victims of sexual assault may report such action to the police, College security or a member of the residence life staff without fear of being charged with alcohol/drug policies violations. Students reporting such assault for a friend will also not face conduct proceedings for alcohol/drug policies.

Students who wish to report an act of sexual assault may do so by contacting College Security at (574) 284-5000.

SANCTIONS

The following sanctions may be imposed upon any student found to have violated the Code of Student Conduct. The list of sanctions is meant to be illustrative rather than exhaustive. 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.

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.

1. 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.

2. Letter of apology—a request to submit a letter of apology to a complainant/victim.

3. 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.

4. 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.

5. Fines—monetary fines billed to the student’s account.

6. Discretionary Sanctions—work assignments, essays, community service, or other related discretionary assignments.

7. 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.

8. Loss of organization membership status or selected rights and privileges for a specified period of time—in case of a student organization.

9. Residential Relocation—the student no longer has the privilege of residing in her current housing assignment and is relocated to another room.

10. Residence Hall Suspension—separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

11. Residence Hall Expulsion—permanent separation of the student from the residence halls.

12. 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.

13. College Expulsion—permanent separation of the student from the College.

14. Revocation of admission—admission to the College may be revoked for fraud, misrepresentation, or other violation of the College standards.

15. 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.
16. 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.

**STRUCTURE AND PROCEDURE OF THE CONDUCT PROCESS**

The Director of the Department for Residence Life & Community Standards (DRLCS) will develop procedures for the administration of the conduct system and procedural rules consistent with provisions of the Code of Student Conduct.

**Initiating a Complaint**

Any College administrative official, faculty, staff member, College security, aggrieved member of the community, or student may file charges against any student or student organization for misconduct. Any person wishing to initiate a complaint regarding a Saint Mary's College student may do so by submitting to the Department of Residence Life and Community Standards, in writing, the following:

- Name(s) of the accused
- Description of the incident
- Names, addresses, and telephone numbers of those filing the complaint
- Names, addresses, and telephone numbers of witnesses

All complaints or incidents referred to DRLCS will be reviewed to determine if it is possible that a violation of the Code of Conduct could have occurred. The office may investigate complaints as deemed necessary. The College reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.

There are three types of hearings at Saint Mary's College. Cases may be heard by a conduct administrator, Student Conduct Board, or a Critical Issues Board. The Director of the Department of Residence Life & Community Standards will determine which form of hearing a case is assigned. The College reserves the right to tape record hearings. In such cases, the record will be the property of the College.
Administrative Hearing

An administrative hearing is held between the accused student and a conduct officer. A conduct officer is an administrator assigned by the DRLCS to hear cases. The administrator makes a decision on responsibility and sanctions.

The accused student is sent an Administrative Hearing Notice, which notifies her of the alleged violation(s), when and/or where they occurred. It also notifies the student of when and where the hearing will take place. The letter will be mailed to the student’s local/campus address as maintained in Banner or/and her Saint Mary’s e-mail address.

Student Conduct Board

Decisions of responsibility and sanctions are made by a Student Conduct Board rather than an administrator. Accused students going before the Student Conduct Board must first attend a pre-hearing meeting with an administrator. The procedures will be as follows:

1. The Accused Student(s) will receive a Pre-Hearing Notice notifying her of the alleged violation(s), when and/or where they occurred. It also notifies the student of when and where the pre-hearing will take place. The letter will be mailed to the student’s local/campus address as maintained in Banner or/and her Saint Mary’s e-mail address.

   a. The Hearing Administrator reviews with the accused student the incident and the charge(s) against her and shares written documentation that forms the basis of the complaint

   b. The student can either elect to accept responsibility for the charge(s) or choose to appear before the Student Conduct Board, which will determine responsibility for the charge(s).

   c. Students who accept responsibility for the charge(s) may choose to appear or not appear before the Student Conduct Board to take responsibility. If a student chooses to appear before the Board, she will be given the opportunity to share her perspectives on the incident. The Board may ask questions that will aid in the determining of sanctions. If a student chooses to not appear before the Board relative to her acceptance of responsibility, the Hearing Administrator will present the case to at least two Student Conduct Board members who determine the 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.

   d. Students electing to appear before the Board to contest the charges will spend the rest of the pre-hearing meeting reviewing the hearing proceedings.
Composition of the Student Conduct Board

1. The Student Conduct Board is made up entirely of students and hears cases of resident and nonresident students that occur both on or off-campus.

2. The chairwoman will be a student. Her responsibilities will be to act as the presiding officer during the hearings and in all voting procedures.

3. A Hearing Administrator (typically a Residence Hall Director) will be present during the hearing and all deliberations. Their role is to ensure the procedures are followed during the hearing and answer whatever questions the Board may have. The Hearing Administrator does not vote on the decision.

4. The Board will consist of no fewer than three members (including the chairwoman).

Critical Issues Board

The Critical Issues Board (CIB) hears complaints of special sensitivity such as sexual and physical assault, stalking, harassment, etc. For purposes of such a hearing, special procedures may apply.

The Director of the Department of Residence Life and Community Standards will schedule a pre-hearing meeting with a charged student prior to her appearing before the Critical Issues Board. The procedures will be as follows:

a. The Accused Student(s) will receive a Pre-Hearing Notice notifying her of the alleged violation(s), when and/or where they occurred. It also notifies the student of when and where the pre-hearing will take place. The letter will be mailed to the student’s local/campus address as maintained in Banner or/and her Saint Mary’s e-mail address.

b. The Director of the DRLCS reviews with the accused student the incident and the charge(s) against her and shares written documentation that forms the basis of the complaint.

c. The student will appear before the Critical Issues Board regardless of her decision to accept or contest the charges. The pre-hearing meeting will be used to help the student understand the hearing proceedings of the CIB.

Composition of the Critical Issues Board

The Critical Issues Board is comprised of three (3) specially trained staff/administrators/faculty and a non-voting chair appointed by the Department of Residence Life & Community Standards.

The Critical Issues Board has the authority to remove students from the residence hall and/or the College.
Voting

All hearing board decisions will determine, by a majority vote, whether the charged student violated each section of the Code of Student Conduct which the student is accused of violating. The board’s determination will be based on whether it is more likely than not that the accused student violated the Code of Student Conduct.

Self-disqualification on the part of any board member is required whenever a conflict of interest exists. Such proposed withdrawal must be brought to the attention of the board prior to its hearing of the case and will be decided in accordance with procedures established by the DRLCS.

Presentation of Information at Board Hearings:

1. Presentation of complaint
2. Accused student’s opening statement and perspective
3. Questioning of accused student by complainant (if applicable) and board members
4. Statements of complainant’s witnesses (if applicable)
5. Questioning of complainant’s witness by complainant, accused student, and board members
6. Statements of accused student’s witnesses (if applicable)
7. Questioning of accused student’s witness by the accused student, complainant, and board members
8. Final questions from the board
9. Complainant’s closing statement (if applicable)
10. Accused student’s closing statement, including any statement as to mitigating circumstances
11. The board may ask questions at any time during the hearing

A party wishing to challenge the participation of a board member may inform her hearing administrator of this during the pre-hearing. The hearing administrator will determine whether the challenge has merit and reserves discretion to make changes in the panel composition at all times.

During the course of a hearing, all points of clarification will be determined by the hearing administrator or a majority vote of the board.
In cases where more than one student is involved in an incident going before a board, all students involved may be assigned the same hearing.

A failure to respond to questions by any party will not be taken as an admission, but silence or a refusal to answer may be interpreted as an indication that no answer, defense or explanation exists.

Hearing Proceedings

1. During a hearing, an administrator/board reviews the documentation concerning the incident with the student. The student tells her version of the incident. The student is allowed to present statements from witnesses. Based on a review of the information available, the administrator/board determines if the student is responsible for the alleged violation(s). If the student is found responsible, the administrator/board renders a sanction(s). The decision may be delayed if continued review of the incident is required for a decision.

2. Attendance at hearings is limited to parties involved and officials as deemed necessary by the DRLCS. Attorneys, parents, or guardians are not permitted in hearings. The accused at board hearings may be accompanied by one advisor chosen from the College community.

3. The role of the advisor is to:
   a. Provide the advisee with assistance in understanding how the hearing will proceed
   b. Provide assistance with understanding the resolution process
   c. Provide emotional support, before, during, or after the hearing
   d. At no times is the advisor permitted to address the board.

4. A witness is an individual who has firsthand knowledge of the incident in question. Live witnesses may be presented by the complainant or accused student at a board hearing provided that a witness list is provided to the DRLCS within two (2) business days prior to the hearing. It is the responsibility of the accused student/complainant to request the witness to attend the hearing. Hearings will not be scheduled around witnesses’ schedules. Live witnesses are not permitted during administrative hearings; however, a student may present written statements from her witnesses. Students may submit letters of character references, which may be used to determine appropriate sanctions. Live character testimony is not permitted in any hearing proceedings.

5. All records of the case will be kept confidential.

6. If a student fails to appear for her scheduled meeting or fails to contact the DRLCS no later than twenty-four (24) business hours prior to the scheduled meeting, then the administrator/board may make a decision based on the information available.
The Decision Letter

After a hearing, an administrator/board will forward a decision letter to the student’s local/campus address as maintained in Banner and/or e-mail. The letter will include the rationale for the finding, sanction (if applicable), and information on the appeal process (if applicable).

Procedures for Student Appeals

Students may appeal disciplinary actions based on the following:

1. The student asserts a procedural error that impaired her right to a fair opportunity to be heard.

2. Information has arisen that could not reasonably have been made available during the original hearing and may have been sufficient to alter the original board/administrator’s decision.

3. The student requests a review of the sanction because of extraordinary personal circumstances.

The student must write an appeal letter that specifically addresses the reason for the appeal. Students may appeal disciplinary actions as follows:

All appeals must be made in writing, by the accused student, to the Department of Residence Life & Community Standards, no more than five (5) school days after the date of the decision letter. It is the student’s responsibility to obtain a copy of the decision letter.

1. Appeals from hearings heard by a Residence Hall Director or the Student Conduct Board will be heard by the Director of the Department of Residence Life & Community Standards or his/her designee.

2. Appeals from hearings heard by the Director of DRLCS will be heard by the Vice President of Student Affairs or his/her designee.

3. Appeals from hearings heard by the Critical Issues Board will be heard by an Appellate Board. The Appellate Board will consist of three (3) voting members who were not involved in the original decision: chairperson, faculty/staff member, and a student.

4. The appeal officer/board may review written documentation in the course of the deliberations. If necessary, the student or other persons involved in the case may be interviewed.

5. The appeal officer/board will take one of the following actions:

   a. Concur with the original action.
b. Remand the matter to the appropriate hearing body if based on a procedural error. In this case, the entire case may be reheard by another board/administrator, as if it had not been heard before.

c. Remand the matter back to the original hearing officer/board if based on grounds of new evidence. The original decision maker, charged student(s), complainant, and if required witnesses, will be reconvene to review only the new evidence. The administrator/board will then render a decision based on the new evidence.

6. A student who desires a review of the sanctions assigned by a hearing body may document, in writing, extraordinary personal circumstances. Once the determination is made to review the written request, the appeal board/officer then may either:

   a. Concur with the original action, or

   b. Mitigate the sanctions. Students should understand that this option will be exercised only in rare circumstances. The College reserves the right to take any action necessary to corroborate the student’s statement.

7. Decisions made by the appeal officer/board are final.

Decision Making Authority and Mandatory Requests

The Student Conduct Board, Critical Issues Board and designated conduct administrators are authorized to take official disciplinary actions in accordance with the policies, regulations and sanctions contained in the Code of Student Conduct and elsewhere in the Student Handbook. The designated conduct boards or administrators may issue a written request to an individual to appear before them if it is determined that the person’s appearance is necessary to provide information for the board/administrator to make a decision regarding a student’s case.

The Department of Residence Life and Community Standards may issue a No Contact Letter to a student or a Temporary Order of Restraint. Such letters may be issued whether or not a student or student organization is going through the conduct process.

Temporary Orders of Restraint

If a student or student organization is acting in such a way that may prove to be a violation of the Student Code of Conduct, the Vice President of Student Affairs or her/his designee may issue a temporary order of restraint to prevent the continuation of such behavior. A temporary order of restraint may be issued when harm is deemed to be occurring and immediate action is deemed necessary.
1. The Vice President of Student Affairs or her/his designee may also prevent a student or student organization from committing an act that would negatively impact or interfere with conduct proceedings.

2. The Vice President of Student Affairs or her/his designee may restrain a student or student organization from assuming or exercising privileges granted to them by the College, pending action, and may issue a temporary order of restraint until a final decision can be rendered.

3. All temporary orders of restraint will specify an expiration date (which may be extended for cause), the reasons for the restraint, the act(s) that are being restrained, and the parties bound by such restraint.

Temporary Orders of Restraint will be enforced by the Department of Residence Life & Community Standards.

Interim Suspension

The Vice President for Student Affairs or her/his designee may remove or temporarily suspend a student from the residence halls and/or classes pending a hearing, if sufficient facts indicate that the student presents a threat to herself, or to others, or to the normal operations of the Saint Mary's College community.

Interim suspensions and orders of restraint do not replace the hearing process, which will be scheduled at the earliest possible convenience. The College reserves the right to modify the hearing procedures in dealing with such unusual cases.

Maintenance of Disciplinary Records

The College maintains disciplinary records for seven (7) years, which is consistent with federal law.

Interpretation and Revision

Any question of interpretation or application of the Code of Student Conduct will be referred to the Director of the Office of Residence Life or her/his designee for final determination.

The Code of Student Conduct will be reviewed periodically under the direction of the Director of Residence Life & Community Standards Office.

Provisionally approved by President’s Cabinet-7/29/08
Ratified by the Student Affairs Council-9/29/08