

Saint Mary's College Code of Student Conduct

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 Discriminatory Harassment Policy.

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 she is under suspension or dismissal from the institution or when she is 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 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.

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 this Code of Student Conduct.

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

MAINTENANCE OF DISCIPLINARY RECORDS

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

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 (FERPA). Additional Information on FERPA can be found at the Registrar's website (<http://www.saintmarys.edu/~regoff/FERPA2.html>).

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. 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 (explained in detail below).

INTREGITY

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;
 - 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. Engaging in forgery, alteration, unauthorized use or fraud involving college records, documents or instruments of identification.
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.

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.
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 neighbors to the point of preventing individuals from continuing with their activities.
3. Inappropriate, disorderly, or disruptive conduct that is unbecoming of a Saint Mary's student. 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 conduct. This includes but is not limited to behavior that breaches the peace, is lewd or is indecent.
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.

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 herself, 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 in 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, intimidating, harassing or coercing an individual or group, either directly and/or indirectly.
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 (gender, race, age, religion, ethnicity, etc).
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 security 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.

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. Reporting or creating a false alarm, threat or condition;
 - d. Tampering with fire safety equipment;
 - e. Intentional or reckless conduct that causes harm or fear to persons or property;
 - f. Failure to vacate a building after a fire alarm;
 - g. Entering or re-entering a building during a fire alarm without permission;
 - h. Creating a fire hazard; and
 - i. 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 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, 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 of age 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:
 - 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; and
 - g. Promotion of illegal drugs.

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 sexual misconduct, relationship violence and stalking policy.
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.

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.

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 a member of the Office of Residence Life and Community Standards staff within five (5) College business days of notification 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.

STUDENT CONDUCT PROCEDURES

The following procedures that may be employed to reach a resolution in cases of alleged misconduct by students or organizations at Saint Mary's College. Questions regarding these procedures should be addressed to the Office of Residence Life and Community Standards. Each case of alleged misconduct is handled individually and therefore some of the procedures outlined below may not be necessary in every case. In this section any references to "student" or "students" can also be understood to mean "student organization" or "student organizations," when applicable.

A "respondent" is defined as a student or organization who is alleged to have violated the Community Standards.

A "complainant" is defined as the individual who submitted a written report alleging a student violated the Community Standards. 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.

Proceedings conducted pursuant in this document shall be informal, fair and expeditious. The procedures of criminal and/or civil courts shall not govern or invalidate conduct proceedings unless significant prejudice to a student or to the college may result.

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.

CASE REFERRAL

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 <http://www3.saintmarys.edu/residence-life/community-standards-code-of-conduct>.

JURISDICTION OF CASES

In general, the location of an incident determines the jurisdiction of the case. All complaints will be reviewed by the Assistant Vice President for Student Affairs and Director of the Department of Residence Life & Community Standards (AVP&DRLCS) and he/she will make the final determination as to how the case will be adjudicated.

CONSIDERATION AND INVESTIGATION

Upon receipt of an incident report, a case file is generated. The AVP&DRLCS will consider information acquired from a complainant and may augment that information through further investigation in order to determine if there is a reasonable suspicion to believe that a violation may have occurred.

In cases in which the AVP&DRLCS determines that there is not a reasonable suspicion to believe that a violation may have occurred, he/she may decide not to pursue the case.

If there is credible information suggesting that a violation may have occurred, the AVP&DRLCS or his/her designee will then determine which allegations to apply to the case.

When more than one student is involved in an incident, the matter may be handled as a single case.

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:
 - a. Administrative hearings: the location, date, time and hearing officer's name and contact information.
 - b. Board hearings: the location, date, time of a pre-hearing conference with the Board's advisor.

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 AVP&DRLCS 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 AVP&DRLCS.

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 her 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 e-mail 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 must 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, she will be given the opportunity to share her perspectives on the incident. If a student chooses not to appear before the board relative to her acceptance of responsibility, the complainant will present the case 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 by the DRLCS staff. The board has a chairwoman and is advised by a member of the DRLCS staff. 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 AVP&DRLCS their decision as to the student(s) responsibility and suggested sanctions. The AVP&DRLCS 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 complaints of special sensitivity 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 training by the AVP& DRLCS. The board has a chairperson and is advised by the AVP& DRLCS. When quorum of three (3) board members is not met, the respondent may choose to proceed with the hearing if she wishes. 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 DRLCS based on availability of all parties involved. The Board Advisor shall communicate notice of the time and place of the hearing to the student at least three business days prior to the date of the hearing.

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 student to respond to the allegations;
5. The respondent and complainant (if applicable) are each given an opportunity to provide a brief description of the incident;
6. The board questions all appropriate parties (e.g. respondent, complainant, witnesses, etc.);
 - a. 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.
7. The respondent and complainant (if applicable) are each given an opportunity to provide a closing statement;
8. The respondent is excused and the board begins deliberation;
9. 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 her 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 qualified 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.

ADDITIONAL HEARING ELEMENTS

STUDENT ADVISOR

Students are invited to bring one (1) advisor with them to any hearing. An advisor is a support person who provides assistance to either the complainant or respondent during a hearing. Advisors may be any Saint Mary's College faculty, staff or student. An advisor may not speak for the student nor actively participate during the hearing. The advisor may not speak on behalf of the student(s) or function as legal counsel in the hearing proceedings. Parents and attorneys are not permitted to attend hearings.

PRIVACY

Privacy applies to respondents, complainants, 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.

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 administrator hearing officer /board advisor are not permitted.

Witnesses are permitted at hearings and may be invited by a respondent, complainant and/or board chairperson. The hearing may proceed even if all witnesses are not present. The administrator 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 administrator hearing officer/board advisor. It is the responsibility of the respondent/complainant to request his/her witnesses' attendance at the hearing. If a witness is unable to attend a hearing, the witness may provide a signed written statement by the hearing date.

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.

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 complainant/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 her 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. 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.

APPEALS

GUIDELINES

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

1. **New Information of a Substantive Nature:** New, significant or relevant information regarding the case becomes available that could not have been discovered by a diligent respondent 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. **Substantive Procedural Error:** The specified procedural error or error in interpretation of college conduct procedures may have substantially affected the hearing such that the respondent was denied a fair hearing or the error prevented the hearing officer or board from making a fair decision.
3. **Substantive 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.
4. **An Arbitrary or Capricious Finding:** The finding appears to be significantly incongruent with the established facts.

PROCESS

A student has 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 she is 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 complainant, 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. Overturn all or part of the original decision and uphold, modify or remove sanction(s);
3. Remand the case for a rehearing in the same format as the original hearing but with a different hearing officer or board members;
4. Remand the matter back to the original hearing officer/board to consider new evidence. The original decision maker, charged student(s), complainant, and if required witnesses, will be reconvened to review only the new evidence; or administrator/board will then render a decision based on the new evidence.
5. Affirm the original decision but modify the original sanction(s). Students should understand that this option will be exercised only in rare circumstances.

VICTIM NOTIFICATION

The Family Educational Rights and Privacy Act (FERPA) of 1974, as Amended, allows colleges and universities to disclose to an alleged victim the final result of a disciplinary proceeding against an alleged perpetrator of a crime of violence or non-forcible sex offense. The disclosure may be made without the prior written consent of the alleged perpetrator. An alleged victim of any other offense or policy violation may be notified of the final result only if the alleged perpetrator provides his or her prior written consent to do so. The term *crime of violence* includes the alleged commission or the attempt to commit any of the following offenses: arson, assault offenses, burglary, criminal homicide (manslaughter and murder), destruction/damage/vandalism of property, kidnapping/abduction, robbery and forcible sex offenses. The term *non-forcible sex offense* includes the alleged commission of acts that would constitute statutory rape or incest. Definitions of these offenses may be found at 34 CFR Part 99, App. A, which is available at: www.ed.gov/offices/OM/fpco/ferpa.

APPROVALS

Provisionally approved by President's Cabinet-February 8, 2012

Ratified by the Student Affairs Council-March 26, 2012

In effect- June 1, 2012