

# Saint Mary's College Code of Student Conduct

## COMMUNITY STANDARDS

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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. Further, 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, discrimination, and disrespect. The College is committed to maintaining a safe, welcoming 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 community standards is one of *education*. While there are consequences for violations of community standards, our goal is *to help students grow and learn from their mistakes*. In those instances where violations of 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.

## APPLICABILITY

A "student" is defined as:

- Any person who is admitted and has deposited money to attend the College, enrolled or registered for study at Saint Mary's College for any academic period, including both undergraduate and graduate students;
- Individuals visiting Saint Mary's College or residing for a period of time in a Saint Mary's College residence hall;
- Students not officially enrolled for a particular term but who have a continuing student relationship with, or an educational interest in, Saint Mary's College;
- A student during any period while they are under suspension, on a leave 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, and all local, state and federal laws. Students are also expected to adhere to the policies and procedures of institutions they visit, including study abroad programs in which they participate. The College reserves the right to adjudicate any case in which a student is alleged to violate any College policy, procedure or law regardless of location except as otherwise prohibited by law. Further, the College may proceed with a hearing while civil or criminal proceedings are pending against the student. In some circumstances, the College may refer a case for criminal investigation.

The Code of Student Conduct 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 club or organization engage in conduct in violation of the Code for which they have received the tacit or overt consent or encouragement of the organization's leaders, officers, or spokespersons. Saint Mary's College will make individual findings with respect to the involvement of each respondent. Collectively, the student organization may face consequences that affect the status of its 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 herein. No student will be found in violation of a College policy without information showing by a preponderance of evidence that a policy violation occurred. Any sanctions imposed are intended to be proportionate to the severity of the violation.

## **AUTHORITY**

Violations of the Code of Student Conduct are addressed by an authorized student conduct officer. In exceptional circumstances, where imminent harm may result to persons or property, the Vice President for Student Enrollment and Engagement or their designee may modify or make exceptions to the procedures outlined under the Code of Student Conduct.

Any question, interpretation or application of the Code of Student Conduct for undergraduate and graduate students shall be referred to the Dean of Students or their designee for final determination.

The Code of Student Conduct will be reviewed periodically under the direction of the Vice President of Student Enrollment and Engagement or their designee. Modifications to the Code of Student Conduct may be made at any time effective upon notice to students.

Violations of the Academic Honesty Policy are handled by the Dean of Student Academic Services and generally are not covered under this Code of Student Conduct.

## **COLLEGE AS CONVENER**

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

A “**complainant**” which means the College or a student, employee, or third party who alleges misconduct by a Student; and

A “**respondent**” which is defined as the responding student or organization who is alleged to have violated community standards.

## **DEFINITION OF TERMS:**

- **“Alleged”** means that reports or accusations of violations of College policy are asserted but have not yet been proven by a preponderance of the evidence.
- **“Amnesty”** will be granted where students come forward and report violations of the law and/or Code violations notwithstanding their choice to have consumed alcohol or drugs or where students seek help for themselves or someone else who is in need of medical attention due to their consumption of alcohol or illegal drugs.
- **“Appeal”** is the internal administrative process provided by the College for the charged student to ask for reconsideration of a finding that the student violated College rules.
- **“Bullying and Cyberbullying”** is repeated conduct and/or unwanted aggressive behavior that is meant to intimidate or intentionally harm or control another person physically or emotionally. These behaviors are not protected by freedom of expression.
- **“Business Day”** means Monday through Friday, except for College designated holidays.
- **“College”** refers to Saint Mary’s College and all of its departments, programs, divisions, and offices.
- **“College Official” and “College Administrator”** include any person engaged or employed by the College (as an employee, volunteer, or independent contractor, including Resident Assistants) to perform assigned administrative or professional responsibilities.
- **“College Premises”** means buildings or grounds owned, leased, operated, controlled, or supervised by the College (including adjacent streets, sidewalks, and off-campus locations).
- **“College Sponsored Activity”** means any activity on- or off-College Premises that is initiated, supervised, and/or sanctioned by the College.
- **“Complainant”** means the College or a student, employee, or third party who alleges misconduct by a student.
- **“Conduct Hearing or Administrative Hearing”** refers to the process of investigation and the determination of outcome and, if appropriate, sanctions as the result of an alleged violation of College policies.
- **“Consent”** is a knowing, voluntary, and mutual decision among all participants to engage in an activity. The ability to give consent may be impacted by mental or physical incapacitation, including that from the use of alcohol or other drugs.

- **“Designee”** refers to a staff member who is designated by an appropriate College official to carry out a responsibility, in part in whole, under the Student Conduct Code.
- **“Harassment”** includes verbal, physical, or visual conduct when the conduct creates an intimidating, or hostile educational environment for a student, employee, or third party.
- **“Hearing Officer”** means a College Official designated by the Office of Community Standards to determine whether a student has violated the Code and to recommend sanctions when a violation of the Code is found to have occurred.
- **“Investigation”** is a process that determines if a student has violated the College’s Student Code of Conduct and what action should be taken.
- **“Member of the College Community”** includes any person who is a student, faculty member, College official or any other person employed by the College. The Dean of Students or their designee shall determine a person’s status in a particular situation.
- **“Organization”** means a student organization, group, or club that has satisfied all College requirements for registration as managed by the Division of Student Engagement and/or the Department of Athletics.
- **“Plagiarism”** is portraying another’s work or ideas as your own, or not citing or improperly citing references within the text or references of a paper.
- **“Policy”** means the written regulations of the College as found in, but not limited to, the Student Handbook, the Bulletin, and other published College policies.
- **“Preponderance of the Evidence”** means more likely than not that an alleged fact occurred.
- **“Reckless”** means conduct that a person should reasonably be expected to know would create a substantial risk of harm to persons or property.
- **“Registered Student Organization”** is a group of students who have complied with the formal requirements for College recognition or who are members of clubs that are recognized and supported by the College.
- **“Respondent”** is a responding student or organization that is alleged to have violated the Community Standards.
- **“Retaliation”** is any adverse action against someone who exercises their right to make a complaint, or against any individual who provides information related to any such complaint.
- **“Sanction”** is disciplinary action associated with findings and outcome of responsibility in conduct hearings.

- **“Student”** is any person who is admitted and has deposited, enrolled or registered for study at Saint Mary’s College for any academic period, including both graduate and undergraduate students. This definition also includes individuals attending other post-secondary educational institutions while residing or visiting 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, on a leave from the institution or when they are attending or participating in any preparatory activity prior to the academic year.
- **“Threat”** is conduct which a reasonable person would interpret as a serious expression of intent to endanger any person or persons including, but not limited to, physical violence, abuse, intimidation and/or coercion.
- **“Will”** or **“Shall”** are used in the imperative sense.
- **“Witness”** refers to any person called upon to provide information related to an incident or matter who is not the complainant or respondent.
- **“Written Notice”** includes paper copy and/or email.

## INITIAL REVIEW OF REPORT

No incident in which a person is accused of violating the Student Code of Conduct will proceed to 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 member of administration from the Dean of Student’s Office (or their designee) will conduct the initial review.

## 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 and during the enrollment process. Hard copies are available upon request from the Office of the Dean of Students. Students are responsible for knowing and understanding the Code of Student Conduct and must acknowledge having done so through the required enrollment process at the beginning of each term.

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 re-enrollment eligibility. 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, if it deems appropriate, take civil action or report the student to law enforcement.

The Code of Student Conduct applies to behaviors that take place on the campus and at College-sponsored events. It may also apply to behavior that occurs off-campus. The Vice President of Student Enrollment and Engagement or designee, in their sole and complete discretion, is responsible for determining whether off-campus conduct will be subject to the Code. Factors considered include, but are not limited to:

- Whether the student involved was acting as a representative of the College;
- Whether the conduct has a detrimental impact on the educational mission and/or interests of the College; and/or
- Whether the conduct negatively impacts the local community.

Behavior subject to the Code of Student Conduct includes behavior conducted online, via email, or other electronic medium. Students should be aware that online postings in blogs, web postings, chats, podcasts, and/or all social media sites are in the public sphere and are not private. Students should be aware that if such postings potentially violate the Code of Student Conduct, the College may take action under this policy. 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.

Saint Mary's students and community members are responsible for the behavior of their guests and 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 and official means of communication with students. Students are responsible for addressing and, if appropriate, responding to all communication delivered to their College email address.

## **MEDICAL AMNESTY and GOOD SAMARITAN POLICY**

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### **Medical Amnesty**

Saint Mary's College seeks to foster a culture in which the health, safety, and well-being of individuals is of primary concern for all members of the Saint Mary's community. As such, Saint Mary's students are expected to report all health and safety emergencies, even where violations of the College's policies regarding alcohol and drug use may have occurred.

A student needing medical assistance during an alcohol or other drug-related emergency will not face disciplinary action for the 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, provided they complete all educational and counseling programs required by the College. No student seeking help for another student will be subject to discipline for their possession or use of alcohol and/or drugs either, provided they comply with all educational and counseling programs mandated by the College. Students who fail to comply with all mandated educational and counseling programs will be referred to the normal conduct process.

### **Good Samaritan Policy**

Saint Mary's College strongly encourages students to report violence, including but not limited to sexual abuse or assault or other forms of interpersonal violence, including those in which drug or alcohol use is involved. Victims of such abuse or those who intervene to prevent such abuse or otherwise assist a victim of abuse or potential abuse, will not be subject to discipline under the College's alcohol and drug policies, provided they comply with all mandated educational and counseling programs.

## **VIOLATIONS OF THE LAW**

The College reserves the right to investigate and address all alleged violations of federal, state, and local laws per the Code of Student Conduct. The College generally will move forward with the student conduct process notwithstanding any criminal investigation/prosecution that may arise from the same incident.

The College may suspend a student upon notification that they have been accused of a crime. The suspension will remain in effect either until the conduct process is complete and a determination as to whether the student has violated the Code of Student Conduct is reached or earlier if the College determines, upon request by the student, that the suspension is no longer necessary. The College reserves the right to continue or terminate the suspension in its sole and complete discretion. Factors considered by the College in making this determination include whether the alleged conduct may pose a danger to the community, including person or property, and/or whether the College has sufficient information, either from its own investigation or that of law enforcement, to make this determination. The College may continue the suspension in the event it is requested to do so, in writing, by the alleged victim to allow the criminal investigation to proceed before the conduct process begins.

Students accused of crimes may request to take a leave from the College until the criminal charges are resolved. A voluntary leave of absence may be granted, 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;
- 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***

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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 of AI, plagiarism;
  - b. Unauthorized use or fraud involving College name, logo, documents, records, instruments of identification, networks or equipment;
  - c. Inappropriate use of identification, including possession of false identification or of identification that belongs to someone else;
  - d. Providing ID or personal passwords to someone else without authorization;
  - e. Knowingly providing false information to any College official, faculty, or staff member;
  - f. 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; and/or
  - g. 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. Posting comments, either express or implied, on social media platforms about members of the community that are slanderous, defamatory or otherwise violate the Code of Conduct.
4. Posting comments on social media platforms that claim or imply to be made on behalf of the College.
5. Possessing, duplicating, using or loaning keys and/or student ID cards to any College facility or room without authorization by appropriate College officials.
6. Engaging or participating in an act of unauthorized entry into or use of any College facility.
7. 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 of, or retaliation against those involved in the conduct process;
  - d. Failure to comply with or violation of the terms/sanctions imposed under the Code of Student Conduct;
  - e. Attempting to influence the impartiality of a member of the conduct body; and
  - f. Influencing or attempting to influence another person to commit an abuse of the conduct system.
8. 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; and
  - 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.
2. Excessive noise in the residence halls, campus, or neighborhood. This includes but is not limited to:
  - a. Exceeding the occupancy standards (The maximum capacity of any two-bedroom apartment or residence hall suite is eight (8) persons, including both residents and guests. A one-bedroom apartment or residence hall suite has a maximum capacity of four (4) persons, including both residents and guests); 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 on College-owned or controlled property or at College-sponsored events. This includes, but is not limited to guns, knives, tasers/stun guns, 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. Unauthorized surveillance, video, audio or photographic images of a person or other identifying information in a location in which that person has a reasonable expectation of privacy, including, but not limited to, shower/locker rooms, residence halls, rooms and restrooms. Also prohibited is the storing, sharing and/or other distribution of such unauthorized images by any means.
8. Using skateboards, roller blades, roller skates, bicycles, and similar wheeled devices inside College buildings, residence halls, or on tennis courts and athletic fields. Hoverboards are not permitted on campus and only UL listed electric scooters are

permitted. 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.

9. Using drones without permission. Use of drones is not permitted by individual students, staff or outside entities. Anyone wishing to operate unmanned aircraft/drones on or over any part of Saint Mary's College must receive permission from the College in advance. Due to the proximity of campus to the flight paths for the South Bend International Airport, additional permission might be necessary and requirements might need to be met from the applicable authorities.
10. 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 student and the employee are already legally married.
11. 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 oneself, 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), including:
    - i. Attempting intentional and/or unjustified physical contact with a person including but not limited to: fighting, hitting, pushing, punching, kicking, biting and/or any behavior causing or intending to cause physical harm.
  - c. Acts of verbal, written, graphic or electronic abuse or defamation; and
  - d. Bullying and/or cyberbullying 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, gender, race, color, national origin, religion, age, disability, citizenship

status, genetic information, veteran status, pregnancy status, or any other characteristic protected by law.

3. Use of electronic or other devices to record any person while on the College premises without their prior knowledge or their effective consent.
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 include, but are not limited to, acts that;
  - a. Create or produce emotional or physical discomfort, harassment, humiliation or ridicule;
  - b. Endanger the mental or physical well-being or safety of any individual or group; and/or
  - c. Destroy or remove 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, Campus Safety officials, and faculty and staff of Saint Mary's and other colleges and universities).
6. Possession or distribution of any obscene materials.
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 College's mission and core values.

## **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, 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 the College and/or responding emergency personnel.
2. Using, possessing, manufacturing, or distributing alcoholic 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 alcohol 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. Being in the presence of alcoholic beverages, including open alcohol containers, in the residence halls, by a person under the age of twenty-one, 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 communal source of alcohol, or possession of unauthorized quantities of alcohol. Drinking games or items commonly used for drinking games (i.e. funnel, beer pong tables, wine bottles as decorations, posters/advertisements, shot glasses) 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), 64 ounces/1.89 liters of wine, or 16 ounces/470 milliliters of hard liquor;
  - e. Consuming excessive amounts of alcohol resulting in behavior that is aggressive, destructive, disruptive, or engaging in any behavior which may endanger oneself or others;
  - f. Attending campus functions intoxicated, regardless of age; and
  - g. Consuming alcohol or possession of an open alcoholic container in public spaces, including hallways, bathrooms, elevators, etc., regardless of age.
3. Using, possessing, transferring, manufacturing, or distributing drugs, controlled substances, vaping, narcotics or any hallucinogen except as expressly permitted by law or College policy including, but not limited to:
- a. Manufacturing, selling, distributing, and/or 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 drugs, over the counter medication, or other substances;
  - 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 any Saint Mary's College policy, rule or regulation published in hard copy or available electronically on the Saint Mary's College website, including but not limited to:
    - a. The Saint Mary's College Policy on Sex/Gender-Based Harassment, Discrimination and Misconduct against Students.
    - b. The [Guide to Residence Hall Living Policies and Procedures](#).
    - c. The [Tobacco-Free/Smoke-Free Policy](#).
    - d. The [Parking and Traffic Policies](#).
    - e. The [Peaceful Assembly by Students and Student Organizations Policy](#).
    - f. The student organization policies found in the [Student Org Handbook](#).
    - g. The [Policy on Political Activity](#).
    - h. The [Saint Mary's College Title IX Policy](#).

## STUDENT CONDUCT PROCESS

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### PROCESS OVERVIEW

This overview gives a general idea of how the College's 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. All proceedings are private and unauthorized recording by any means is prohibited.

Any College administrative official, faculty, staff member, College security, aggrieved member of the community or student may submit an [incident report](#) detailing a potential violation of the Code of Student Conduct. All incident reports must be [submitted online](#).

The conduct process described herein is equally applicable to both students and student organizations. Therefore, any reference to "student" includes both students and student organizations.

### PROCESS TYPES

Alleged conduct violations are addressed via one of two processes: (1) an administrative hearing; or (2) a Critical Issues Board hearing.

#### Administrative Hearings

Most student conduct cases are resolved through an administrative hearing. Administrative hearings are managed entirely, from beginning to end, by a hearing officer. The hearing officer is responsible for investigating the matter, deciding the outcome, and, if a student is found responsible, issuing sanctions. An administrative hearing officer is assigned by the Dean of Students or designee.

### **Critical Issues Board Hearing**

Alleged conduct violations of a serious and/or egregious nature generally are heard by the Critical Issues Board (“CIB” or “Board”). Such violations may include assault or other violent behavior, drug or alcohol violations, repeat offenses, or other violations of the Code of Conduct the College considers to be a serious or significant violation. This Board is composed of faculty, staff, and administrators who have been selected and extensively trained by the Dean of Students or designee. The Board has a chairperson and is advised by the Dean of Students or designee.

Unlike an administrative hearing where the hearing officer is both investigator and decision maker, the Board serves only as a decisionmaker. Matters that proceed through the Critical Issues Board hearing process are overseen by a Board Advisor and investigated by an investigator independent of the Board. Upon completion of the investigation, the matter is turned over to the Board for a formal hearing. The Board will determine the student(s)’ responsibility and will recommend sanctions.

The standard of proof under both processes is the preponderance of evidence standard. That is, the evidence must prove that it is more likely than not that a conduct violation occurred before a student may be found responsible for violating the Code of Student Conduct.

## **STUDENT RIGHTS IN THE CONDUCT PROCESS**

Regardless of whether the matter proceeds through an administrative hearing or CIB hearing process, respondents have the following rights:

1. To be given notice of the allegations against them and to have them explained clearly and fully.
2. To provide evidence and identify witnesses to substantiate their case.
3. To review and respond to all evidence.
4. To be assisted throughout the conduct process by an advisor.

## **ADVISORS**

A student may have an advisor throughout the conduct process. An advisor is a support person who provides assistance to either the reporting party or respondent. An advisor may not speak for the student nor actively participate during the process, including during any hearing.

Parents, attorneys, or other observers not acting as advisors are not permitted in any conduct hearing or meeting. Students are not required to have an advisor.

A person who is a witness or party to the incident may not be permitted to serve as an advisor.

## **INITIAL REVIEW**

Upon receipt of an incident report, a College Official will review the allegations and determine whether they alone warrant initiation of the conduct process. If the College Official determines that the matter should proceed, they will assign a hearing officer or, if the matter will proceed through the CIB Board process, an investigator.

## **NOTICE TO THE RESPONDENT**

The College Official will notify the respondent of the allegations against them in writing. The Notice will:

1. Describe the alleged conduct;
2. Identify the College policies the alleged conduct may violate;
3. Notify the student that a hearing officer/investigator has been assigned to the matter;
4. Request that the student attend an initial meeting with the hearing officer/Board Advisor and notify them of its date, time, and location; and
5. Notify the student of their right to have an advisor at the initial meeting and throughout the conduct process.

## **INITIAL MEETING**

The hearing officer/Board Advisor will hold an initial meeting with the respondent to explain the charges in more detail, describe the conduct process, and allow the student an opportunity to ask questions.

## **INVESTIGATION**

The hearing officer/investigator will begin their investigation by reviewing the initial report and interviewing the reporting party, if known, and the respondent, both of whom will be asked to identify any witnesses, documents or other information they believe is relevant to the investigation. The hearing officer/investigator will then interview any witnesses. The hearing officer/investigator likewise will review all documents and other information provided by respondent, the reporting party, or any witnesses.



Upon completion of their investigation, the investigator will prepare an investigation report describing the information gathered. The reporting party, if known, and the respondent will each be given the opportunity to review and respond to the report, including by identifying any additional witnesses or other information.

Upon completion of any additional follow-up, the investigator will prepare a final report. That report will be provided to the reporting party and the respondent.

## ACCEPTANCE OF RESPONSIBILITY

A respondent may choose to accept responsibility at any time prior to or during the investigation. The hearing officer/CIB will determine the appropriate sanctions.

## ADMINISTRATIVE HEARING

Upon completion of the investigation and investigation report, the hearing officer will issue a decision addressing each alleged violation of the Code of Student Conduct. If more than one student is a respondent, the hearing officer will issue a decision for each individual involved. The hearing officer may reach 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 Responsibility, 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 the 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 the Board.

If a respondent refuses or fails to participate in the investigation, the hearing officer will make a determination based upon the available information.

The hearing officer will notify the student of their decision by email, typically within three business days.

## CRITICAL ISSUES BOARD HEARING

The Critical Issues Board Hearing process is overseen by a Board Advisor. The Board Advisor is a non-voting member of the Board whose primary responsibility is to ensure that the hearing process is followed.

### ***SCHEDULING THE BOARD HEARING***

The Board Advisor is responsible for scheduling a CIB hearing and will notify all parties involved of the time and date of the hearing. Generally, a hearing will not commence without a quorum of three (3) Board members. However, the respondent may choose, but is not required, to waive the quorum requirements and proceed with the hearing.

A respondent must notify the Board Advisor at least three business days in advance of the hearing if they are unable to attend. The Board Advisor will, if appropriate, reschedule the hearing. The Board Advisor may choose to proceed with the hearing without the respondent's presence if the respondent has stated their intent not to attend the hearing or if, in the Board Advisor's sole judgment, the respondent is engaging in tactics to delay the hearing.

### ***DISQUALIFICATION OF MEMBERS***

If a Board member believes they are unable to serve on the Board for personal reasons or because they have a conflict of interest, they may ask to be removed from serving on the Board.

A respondent whose case is before the Board may ask that a Board member be disqualified only if they believe the Board member has a conflict of interest.

The Board Advisor will determine whether a Board member shall be disqualified. Their determination is final.

### ***BOARD HEARING FORMAT***

Board hearings proceed in the following format:

1. The Board chairperson introduces all present parties (including witnesses if applicable);
2. The Board chairperson explains the hearing format and questioning process;
3. Witnesses are excused;
4. The Board chairperson explains the alleged policy violations and provides the respondent an opportunity to respond to the allegations;
5. All parties are given the opportunity to question 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; and

7. The respondent and all other parties and persons are excused and the Board begins deliberations.

### ***DECISION BY THE HEARING BOARD***

A majority of the Board members must conclude that a respondent is responsible in order to be found responsible for violating the Code of Student Conduct. The Board will issue a decision for each alleged violation of the Student Code of Conduct. If more than one respondent is involved, separate decisions will be issued for each. Each alleged violation will result in one of the following two outcomes:

1. **Not Responsible:** If the 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).

### **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 CIB hearings, a majority of Board members must agree on the sanction in order to impose it.

Following is a list of possible sanctions. The College, however, reserves the right to impose sanctions not listed here as it, in its sole discretion, deems appropriate. Sanctions are based on the severity of the incident and not necessarily in this order.

- Letter of warning—a written reprimand for violation of Code of Student Conduct including a warning that continuation or repetition of prohibited conduct may result in further disciplinary action.
- 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.
- Letter of apology—a request to submit a letter of apology to a reporting party/victim.

- Loss of privileges—denial of specified privileges for a designated period of time including, but not limited to,
  - Attendance or participation in College sponsored events and activities (e.g., Family weekends, Senior Week, Commencement activities, etc.);
  - The holding of any office or position, either by election, petition, or appointment, in any recognized student organization or group.
  - Membership in recognized organizations or clubs;
  - Participation in athletics;
  - Guest privileges on campus or in the residence halls; and/or
  - Use of specific facilities.
- Restitution— payment to the College or to specified individuals, groups, or organizations for costs incurred as a result of violation of College policies.
- Fines—monetary fines billed to the student’s account.
- Discretionary Sanctions—work assignments, essays, community service, or other related discretionary assignments.
- Residential Relocation—the student no longer has the privilege of residing in the current housing assignment and is relocated to another room.
- 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.
- Residence Hall Expulsion—permanent separation of the student from the residence halls.
- 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.
- College Expulsion—permanent separation of the student from the College.
- Revocation of admission—admission to the College may be revoked for fraud, misrepresentation, or other violation of the College standards.
- 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.

- **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.

#### Additional Sanctions for Student Organizations

- **Termination of Recognition:** an order terminating College recognition of a registered student organization for a specific or indefinite period of time.
- **Organization Accountability Plan:** Organizations that accept responsibility or are found responsible may be given an Organizational Accountability Plan, which is designed to educate the members of the organization and encourage their reflection on the organization's campus community role. An accountability plan could include but is not limited the following items:
  - Notification to the organization's National/International office and/or Advisor of the organization's violation of the Student Conduct Code.
  - Fines, fees or restitution for loss, damages, or actual expenses incurred as a result of the organization's behavior.
  - Letter of apology to an individual, an entity, or organization impacted by the organization's behavior.
  - Social event restrictions which may include organizational events, collaborations with other departments and student groups, and partnerships with outside community organizations. Additionally, there may be a loss of fundraising privileges and sponsorship opportunities.
  - Mandatory educational programming or workshops.
  - Loss of privileges for a designated time, including use of College facilities, new member recruitment, activity participation, event attendance, fundraising and sponsorships.
  - Loss of College recognition.

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 Enrollment and Engagement or their 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 Order** - The Vice President for Student Enrollment and Engagement or their designee, the hearing officer or the CIB may direct a student or organization to have no contact with another individual or organization for a specific period of time. All involved parties will be notified of this directive in writing. No Contact Orders may be imposed at any time during the conduct process or as a sanction for a Code of Student Conduct violation. The Vice President for Student Enrollment and Engagement or their designee, the hearing officer or the CIB has the right to modify a No Contact Order at any time.
3. **Temporary Order of Restraint** - The Vice President for Student Enrollment and Engagement or their designee may issue a temporary order of restraint to a student or student organization prohibiting them from engaging in specified conduct, including but not limited to, exercising privileges granted to them that are deemed harmful.
4. **Withdrawal or leave of absence during the hearing process** - if a student withdraws or leaves in the midst of the hearing process, the student is expected to complete the hearing upon return to student status.
5. **Withdrawal after hearing process** – any student found responsible for violating the Student Code of Conduct who then withdraws from the College must complete all assigned sanctions if and when they return to the College.

## PRIVACY

Conduct processes are private. Therefore, all persons involved in the conduct process, including respondents, reporting parties, witnesses, advisors, hearing officers, and members of the hearing Board, are expected to maintain in confidence the identity of the parties and witnesses, the alleged violations, details about the process for the particular case, deliberations, the outcome, the sanctions, and any other matter pertaining to the complaint. All persons 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 (see Notification of Outcomes). The College retains the right to record any hearing. Any hearing recording is the sole property of the College. No other recordings of the hearing or investigation are permitted.

## **VIOLATIONS OF THE HEARING PROCESS**

Students will be held accountable for abuse of the Student Conduct Process such as:

1. The failure to obey a notice from a College official to appear for a conduct meeting or hearing as part of the Student Conduct Process.
2. Falsification, distortion, or misrepresentation in conjunction with the Student Conduct Process. Submitting or corroborating a false incident report or withholding information.
3. Attempting to discourage an individual's proper participation in or use of the Student Conduct Process.
4. Attempting to influence the impartiality of the hearing officer or member of the Critical Issues Board.
5. Harassment or intimidation of a witness, staff member, hearing officer, or member of the Critical Issues Board, prior to, during, or after a conduct meeting or hearing.
6. Failure to comply with a sanction imposed under the Student Conduct Process.
7. Influencing or attempting to influence another person to commit an abuse of the Student Conduct Process.
8. Using electronic devices, including but not limited to cell phones, cameras, and recording devices during any student conduct meeting or hearing.

Any student found in violation of the conduct process is subject to additional disciplinary action and sanctions.

## **APPEALS**

### **GUIDELINES**

Students may **appeal the decision** of an administrative or CIB for one or more of the following reasons:

1. **New Information:** New, significant or relevant information that is sufficient to substantially affect the outcome of the hearing or the sanction(s) imposed 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 procedural error in the College conduct procedures may have substantially affected the hearing outcome or sanction(s).
3. **Disproportionate Sanction(s):** The sanction(s) appears to be significantly disproportionate with the violation given the student's prior record or the nature of the offense.

If a student chooses not to participate in the hearing process and the case is heard without them present, the student may NOT appeal the outcome of the hearing.

**All appeal decisions are final, and no further appeals are permitted.**

## **PROCESS**

A student has five (5) business days from the date of the hearing outcome letter to submit an appeal letter to the Vice President for Student Enrollment and Engagement. The appeal letter must identify one or more of the three grounds for the appeal (i.e., New Information, Procedural Error, and/or Disproportionate Sanctions) and must explain in detail the basis for their appeal. Students should submit copies of any documents relevant to the appeal with the appeal letter. The Vice President for Student Enrollment and Engagement or designee may review written documentation, interview the reporting party, respondent or any witness, or engage in other conduct necessary to rule on the appeal. Appeal decisions made by the Vice President for Student Enrollment and Engagement are final.

## **REVIEW AND OUTCOME**

The Vice President for Student Enrollment and Engagement 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; or
3. Remand the matter back to the original hearing officer/Board to consider new evidence.

The decision on the appeal will generally be made within ten (10) business days of receipt of the appeal, but may take longer during College breaks or in the event of complex cases.

## **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.

## COLLEGE OFFICIAL NOTIFICATION

The College 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/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 Saint Mary's College Title IX Policy, 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 offenses
10. Non-forcible sex offenses

## **MAINTENANCE OF DISCIPLINARY RECORDS**

Student conduct records are part of a student's educational record. The Dean of Students' Office holds educational records regarding incidents of student conduct that have been referred to the student conduct process. Conduct records are not part of the student's academic record.

Student conduct records will be maintained for a minimum of seven years following the incident. The Dean of Students Office may also maintain records for pending or unresolved conduct matters. Students who receive sanctions of Suspension or Expulsion will have their conduct records maintained indefinitely. Those records that fall under Title IX will be maintained by the Saint Mary's College Title IX office. All conduct records are the property of Saint Mary's College and are subject to the data privacy restrictions found in federal and state law.

Third parties generally will not have access to a student's conduct record without written permission provided by the student. Information from student conduct records may be shared with other Saint Mary's College departments and officials, including but not limited to Residential Life, Student Academic Services, and Athletics, at the discretion of the Dean of Students (or their designee). The annual notice statement concerning the implementation of the Family Education Rights and Privacy Act of 1974 (FERPA), describes circumstances under which contents of such records may be disclosed without the student's consent.

## **CODE OF STUDENT CONDUCT REVIEW AND REVISION PROCESS**

Saint Mary's College Code of Student Conduct and Conduct Process are periodically reviewed and updated to reflect the needs and values of our community. Saint Mary's reserves the right to modify or cancel any policy, statement, or procedure at any time. The Code of Student Conduct and Conduct Process are not a contract between the student and Saint Mary's College. The Vice President of Student Enrollment and Engagement or designee is responsible for presenting policy or process revisions to the Student Engagement Council for review and recommendation. The final approval of changes to the Code of Student Conduct will be granted by the College's Executive Leadership Team.

Any questions of interpretation or application of the Code of Student Conduct shall be referred to the Dean of Students (or their designee) at [studentaffairs@saintmarys.edu](mailto:studentaffairs@saintmarys.edu).