

UNDERGRADUATE

Student Handbook 2016-2017



This handbook has been prepared for the undergraduate students, faculty, and staff of Saint Mary's College of California, and others wishing to know more about College policies, procedures, programs, and activities. While every effort has been made to make certain that the information contained herein is accurate as of September 2016, please refer to www.stmarys-ca.edu/studenthandbook for the current version of this handbook. Saint Mary's College of California reserves the right to correct errors and to make changes in policies, procedures, programs, and/or activities (without prior notice) as it deems appropriate and in the best interest of the College.

TABLE OF CONTENTS

Saint Mary's College Mission Statement	5
Student Life Mission Statement	5
Undergraduate Student Code of Conduct.....	5
Preamble.....	5
Article I: Definitions.....	5
Article II: Code of Conduct Authority.....	7
Article III: Proscribed Conduct.....	8
Jurisdiction of the Code of Conduct.....	8
Conduct – Rules and Regulations.....	8
Violation of Law and College Discipline.....	12
Article IV: Code of Conduct Procedures.....	12
Reports of Conduct and Student Discipline Hearings.....	12
Hearing Process.....	13
Confidentiality/Student Privacy.....	18
Sanctions.....	18
Interim Suspension/Stay Away Directive.....	20
Appeals.....	21
Article V: Interpretation and Revision.....	22
Article VI: Record Retention.....	22
College and Student Life Policies	24
Alcohol and Other Drugs Policy.....	24
Alcohol Regulations - Prohibited Conduct.....	28
College Responses for Alcohol.....	28
Illegal Drug Regulations - Prohibited Conduct.....	30
College Responses for Illegal Drugs.....	30
Guidelines for Events Where Alcohol Will Be Available.....	31
Amorous Relationships.....	34
Behavioral Intervention Team.....	35
Bias Incident Response.....	37
Cohabitation Policy.....	40
Community Assembly.....	40
FERPA Policy (Family Educational Rights and Privacy Act of 1974)	41
Film Policy	44
Good Neighbor Policy.....	44
Good Samaritan Policy.....	45
Health and Wellness Center Policies.....	46
Medical History and Immunizations.....	46
Health Insurance Coverage.....	46
“Think About It” Online Training.....	46
Intramural Field Noise Limitations from Specific Sources.....	46
Library Quiet Hours Policy.....	47
Missing Student Procedure.....	47
Non-Discrimination Disclosure.....	48
Parental Notification.....	49
Pregnant and Parenting Student Resources.....	49
Public Safety Policies.....	50
Traffic & Parking.....	50

Clery & Sex Offender Notice.....	51
Impounding of Prohibited Materials or Equipment.....	51
Residential Living Policies and Procedures.....	52
Balconies & Breezeways.....	52
Checking In.....	52
Checking Out.....	52
Cooking & Microwaves.....	52
Damage/Loss to Personal Property.....	53
Fire Safety.....	53
Furniture.....	53
Garbage.....	53
Gender Inclusive Housing.....	53
Housing over Breaks and Holidays.....	54
Housing Assignments.....	54
Exemption Policy/Process for On Campus Residency Requirement.....	55
Eligibility for Room Selection.....	55
Hall Sports/Recreation.....	55
Keys.....	55
Noise.....	55
Noxious Odors.....	56
Prohibited Items.....	56
Reassignment.....	56
Right of Entry.....	57
Room Changes.....	57
Room Condition Reports.....	57
Room Decorations.....	57
Room Occupancy.....	57
Smoking.....	58
Visitation & Overnight Guests.....	58
Responsible Hosting Policy.....	58
Social Events Policy.....	59
Social Media Statement.....	59
Solicitation, Distribution and Advertising Policies.....	60
Copyright/Use of College Name & Logo.....	60
Posting Policy.....	60
Painting the SMC.....	62
Solicitation & Commercial Activity.....	63
Fundraising Policy.....	63
Student Complaints Policy and Procedure.....	63
Student Disability Services.....	65
Service and Assistance Animal Policy.....	65
Student Services Policies.....	67
ID Cards.....	67
Media Policy.....	67
Technology Use Policy.....	68
Title IX: Prohibiting Gender-Based Discrimination.....	81
Policy Prohibiting Discrimination, Harassment, Sexual Assault, Sexual Misconduct, and Retaliation.....	81
Abusive Conduct Policy (Dating Violence, Domestic Violence, Sexual Harassment, Stalking).....	81
Sexual Assault & Sexual Misconduct Policy.....	86
Reporting Procedures and Resources for Addressing Complaints of Discrimination and Harassment.....	87
Retaliation and/or Violation of Interim Protections.....	88

College and Community Resources	89
Sexual Assault and Sexual Misconduct Educational and Prevention Activities	91
Risk Reduction Tips	91
Discipline Process	93
Tobacco	99
Whistleblower Policy	99
Withdrawals and Leaves of Absence from the College	102
Academic Policies	107
Academic Standing	107
Academic Honor Code	108
Pledge	109
Principles of Action	109
Violations	109
Oversight and Sanctions	111
Honor Review Boards	113
Sanctions	113
Procedures for Suspected Violations	115
Final Responsibility	118
Turnitin Policies and Procedures	118
Class Attendance	120

WELCOME TO SAINT MARY'S COLLEGE OF CALIFORNIA

Saint Mary's College Mission Statement

- To probe deeply the mystery of existence by cultivating the ways of knowing and the arts of thinking.
- To affirm and foster the Christian understanding of the human person which animates the educational mission of the Catholic Church.
- To create a student-centered educational community whose members support one another with mutual understanding and respect.

Student Life Mission Statement

Student Life provides integrated learning experiences that empower students to become engaged, global, and ethical persons.

Undergraduate and Graduate Student Code of Conduct

PREAMBLE

As a community that celebrates its Catholic, Lasallian, and Liberal Arts traditions and receives inspiration in the life of our Founder, Saint John Baptist de La Salle, Saint Mary's College expresses these values in specific and intentional ways. The five Lasallian Core Principles of Faith in the Presence of God, Respect for All Persons, Inclusive Community, Quality Education, and Concern for the Poor and Social Justice give direction to and find expression among the College community. These five Lasallian Core Principles provide the framework through which our students conduct themselves and are consistent with College policies.

The general principles governing community life at Saint Mary's College are guided and informed by the Mission Statement of the College. All members of the College community are expected to read and have a working knowledge of its principles. The *Code of Conduct* and student discipline process are intended to:

- Create a responsible, civil, and intellectual educational community;
- Promote the respect of College and individual property;
- Create an environment in which all members of the community are treated with dignity, care, and respect; and
- Provide an environment that facilitates intellectual, personal, and spiritual development.

By voluntarily choosing to affiliate with the College, students are presumed to have knowledge of and have accepted the responsibilities outlined in the *Code of Conduct*, other College policies and the student discipline process. Claiming not to know the *Code of Conduct*, other College policies and the student discipline process is not considered a legitimate excuse or defense for violations of the *Code of Conduct* or other College policies.

ARTICLE I: DEFINITIONS

1. **"Administrative Hearing Officer,"** means a College official authorized on a case-by-case basis by the Dean of Students, or designee, to impose sanctions upon any student(s) found to have violated the Code or other College policy. The Dean of Students, or designee, may authorize an Administrative Hearing Officer to serve simultaneously as an Administrative Hearing Officer or one of the members of a Disciplinary Hearing Board.

2. **"Appeal Board"** means any person(s) authorized by the Dean of Students, or designee, to consider an appeal from a student discipline process determination as to whether a student has violated the Code or from the sanctions imposed by the Administrative Hearing Officer, Peer Conduct Council or Disciplinary Hearing Board.
3. **"Bystander"** means anyone who observes an emergency or a situation that looks like someone could use some help, and they must then decide if they are comfortable stepping in and offering assistance.
4. **"Campus"** includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College.
5. **"Campus Security Authority"** means any campus officials with significant responsibility for student and campus activities.
6. **"Code," "Code of Conduct," or "Student Code of Conduct"** means the Undergraduate Code of Conduct. The Code means to set forth the community standards and procedures necessary to maintain and protect an environment conducive to learning and in keeping with the educational objectives of Saint Mary's College.
7. **"College"** means Saint Mary's College of California.
8. **"College official"** includes any person employed by the College and who is acting within the course and scope of his or her College employment or leadership role (e.g., Resident Advisor).
9. **"Complainant"** means any person who submits, either orally or written, a report of conduct alleging a violation of the Code and/or College Policy. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this Code as are provided to the Complainant, even if another member of the College community submitted the report of conduct itself.
10. **"Confidentiality"** means ensuring that information is accessible only to those authorized to have access. Confidentiality refers to the agreement between the investigator and participant in how data will be managed and used.
11. **"Dating Violence"** means violence that is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
12. **"Day"** means a day when the College is open for business, regardless of whether classes are in session. In determining deadlines as set forth in the student discipline process, reference to number of "days" prior to or after an occurrence of an event shall not include the day of the event.
13. **"Disciplinary Hearing Board," or "DHB,"** means any person(s) authorized by the Dean of Students, or designee, to determine whether a student has violated the Code or other College policy and to recommend sanctions that may be imposed when a rules violation has been committed.
14. **"Domestic Violence"** means a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner.
15. **"Handbook"** means the 2016-17 Undergraduate Student Handbook and is also synonymous with *Code of Conduct* and *Code*.
16. **"Investigation"** means the act or process of investigating or the condition of being investigated, a detailed or careful examination for ascertaining facts related to an allegation of violation(s) of the Code of Conduct.
17. **"Organization"** means any number of persons who have complied with the formal requirements for College recognition.
18. **"Peer Conduct Council," or "PCC"** means any student(s) authorized by the Dean of Students, or designee, to determine whether a student has violated the Code or other

College policy and to recommend sanctions that may be imposed when a rules violation has been committed.

19. **"Policy"** means the written regulations of the College as found in, but not limited to, the Code, Undergraduate Student Handbook, the College Catalog, the College web page and Technology Use policy, and Undergraduate Catalogs.
20. **"Privacy"** means the control over the extent, timing, and circumstances of sharing oneself (physically, behaviorally, or intellectually) with others. Privacy refers to persons and their interest in controlling the access of others to themselves.
21. **"Possession"** is interpreted as being in the known presence of articles. Students encountered in locations where drugs, alcohol, weapons or explosives, or other misconduct is evident will normally be considered in violation, even if they do not have the prohibited items on their person at the time they are encountered.
22. **"Respondent"** means any student accused of engaging in conduct in violation of this Code or other College policy.
23. **"Responsible Employee"** is any employee who has the authority to take action to redress sexual violence; or whom a student could reasonably believe has this authority or duty.
24. **"Retaliation"** means threats or other forms of intimidation against a student or employee for bringing forth a complaint of any alleged discrimination, harassment (including sexual) or of any other violations of College policies including, but not limited to, the Student Code of Conduct.
25. **"Sexual Assault"** means non-consensual penetration of the anus, or vagina, however slight, with an object or body part.
26. **"Shall"** and **"will"** are used interchangeably in this Handbook, and are intended to have the same meaning, i.e., to express a certainty of outcome, a requirement, or an absence of discretion or choice.
27. **"Stalking"** means a course of conduct directed at a specific person that would cause a reasonable person to feel fear. A course of conduct is a pattern of behavior composed of two or more acts over any period of time.
28. **"Student"** includes any person participating in the traditional undergraduate or graduate program by taking courses at the College, either fulltime or part-time, taking credit/no credit classes, or having resident or non-resident status, including when studying abroad in connection with a College-sponsored program. Persons who withdraw after allegedly violating the Code, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered students.
29. **"Title IX"** means the Education Amendments of 1972 that prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Title IX is enforced by the Department of Education through the Office of Civil Rights.

ARTICLE II: CODE OF CONDUCT AUTHORITY

1. The authority to enforce the Code and other College policies is delegated by the President to the Provost and by the Provost to the Vice Provost for Student Life and then to the Dean of Students, who, is charged with overseeing and administering the student discipline process. The Dean of Students, or designee, shall determine the composition of the pools of the Peer Conduct Council, Administrative Hearing Officers, Disciplinary Hearing Board, and Appeals Board. The Dean of Students, or designee, determines which Administrative Hearing Officers, Peer Conduct

Council members, Disciplinary Hearing Board members or Appeals Board members shall be authorized to hear each matter.

2. The Dean of Students, or designee, shall develop policies for the administration of the student discipline system and procedural rules for the conduct of Administrative Hearings, Peer Conduct Council panels, Disciplinary Hearing Board panels, and Appeals Boards that are consistent with provisions of the Code and/or other College policies.
3. Decisions made by an Administrative Hearing Officer, Peer Conduct Council, and/or Disciplinary Hearing Board shall be final, pending the conclusion of the normal appeal process.

ARTICLE III: PROSCRIBED CONDUCT

A. Jurisdiction of the Code of Conduct

The Code shall apply to conduct that occurs on campus, at College sponsored activities, and to off-campus conduct that adversely affects the College environment and/or the pursuit of the College community's objectives. Each student shall be responsible for his/her conduct from the time of enrollment for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Dean of Students, or designee, shall decide whether the Code shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

Students of the College living off-campus are expected to conduct themselves as mature and responsible members of the city/town of where they reside. As such, they are responsible for upholding all state and city/town laws and ordinances, especially those relating to noise, traffic, parking, zoning, and consumption of alcohol. Students may also be found in violation of the Good Neighbor Policy as listed in this Handbook. In addition, students are expected to foster an atmosphere which nurtures positive educational pursuits and the development of understanding and tolerance of all persons.

Discipline may be imposed if: 1. The off-campus conduct is specifically prohibited by law or the Code of Student Conduct; 2. The off-campus conduct demonstrates that the continued presence of the student on campus presents a danger to the health, safety, or welfare of the campus community, is disruptive to the orderly conduct, processes and functions of the College, or is intimidating or threatening to the campus community or member of the campus community; or 3. The off-campus conduct is of such a serious nature that it adversely affects the students' suitability to remain a part of the campus community.

B. Conduct—Rules and Regulations

Students are subject to disciplinary sanctions when acting contrarily to the general principles outlined in the Code's Preamble. Included are violations of any College policy, rule, or regulation published in hard copy or available electronically on the College website or violation of any federal, state or local law. The commission, aiding, abetting, attempting, inciting, and/or complicity in of any of the following constitutes an offense for which a student or student organization may be subject to the student discipline process. This list does not define misconduct in exhaustive terms and may not describe all potential violations. Examples of specific incidents of contrary action are

outlined below.

1. Dishonesty

Acts of **dishonesty**, including but not limited to the following:

- a. Furnishing false information to any College official, staff or faculty member, or department.
- b. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
- c. Possessing or distributing unauthorized College keys.

2. Disruptive Conduct

All members of the College community are entitled to be a part of and are responsible for maintaining an environment of civility that fosters respect, peace, self- dignity, tolerance, and freedom of expression. Therefore, the community expects that students will avoid **disruptive conduct** that includes, but is not limited to action that impairs, interferes with or obstructs the orderly conduct, processes and functions of the College and covers acts and attempted acts, regardless of whether the act or attempt was deliberate and whether the potential outcome was intended.

- a. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities either on or off campus.
- b. Self-destructive conduct that may endanger not only the person acting in that manner, but also impacts the entire community. The College will take into account factors that impact or cause such conduct including, but not limited to, suicidal ideation, threats or attempts, eating disorders and cutting and other self- mutilation.
- c. Interference with the freedom of movement or speech of any person or guest of the College.
- d. Interference with the rights of others to enter, use or leave any College facility, service or activity, or inappropriate or disruptive behavior in the classroom.
- e. Intentional misuse, disabling of or tampering with any fire alarm, firefighting or safety equipment or issuing, falsely or not, a bomb threat or other warning of impending disaster is prohibited.
- f. Hindering another's exit or failing to exit during an alarm or evacuation or intentionally starting or attempting to start a fire on campus is prohibited.

3. Disorderly Conduct

The College endeavors to be a community that nurtures the growth and development of all of its members, demonstrates respect for one another, is sensitive to differences, and engages in interactions based on a standard of fairness. Therefore, the community expects that students will avoid conduct that is **disorderly** in nature which subsequently threatens, harms or interferes with members of the College community, including but not limited to, conduct such as:

- a. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
- b. Violence, being unruly, disturbing the peace and/or fighting.
- c. Public intoxication.
- d. Indecent or obscene conduct, whether on or off campus, including, but not limited to, in person communication, third party communication, and/or electronic communication.
- e. Hosting guests who act in a disorderly or disruptive manner.
- f. Aiding, abetting, or procuring another person to breach the peace on campus or at functions sponsored by, or participated in by, the College or members.

- g. Conduct toward another student and/or employee that has the observable effect of unreasonably interfering with that individual's ability to work or to participate in the educational benefits at the College.

4. Damage to Property, Vandalism and Unauthorized Use

College community members are expected to respect College property, the private property of other members of the College community and the property of the larger community in which we live. **Damage to property, vandalism and unauthorized use** includes, but is not limited to:

- a. Damaging, vandalizing or tampering with property owned, operated or controlled by the College or one of its members (i.e. students, faculty, staff or visitor) is prohibited. The theft, attempted theft, or the unauthorized use or possession of property or services owned or controlled by an individual or the College regardless of location.
- b. The entry of, or attempt to enter, any College owned or operated building or facility without authorization or a legal right to do so, or except with such authority or right, against the will of the occupant or the individual in charge of the building or facility. Unauthorized presence on, in or within any building or property owned or operated by the College, including roofs, balconies or other areas that are not designated as acceptable.
- c. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College campus.

5. Illegal Drugs

The sale, use, possession, manufacturing, or distribution of **illegal drugs**, or being under the influence of controlled substances or illegal drugs, and/or the sale, use, manufacturing or distribution of drug paraphernalia, except as permitted by law or College policy (refer to Alcohol & Other Drugs Policy).

6. Sale, Use, Possession, Distribution, or Under the Influence of Alcohol

The sale, use, possession, or distribution of alcohol or being under the influence of **alcohol**, except as permitted by law or College policy (refer to Alcohol & Other Drugs Policy).

7. Non-Consensual Sexual Conduct

Engaging in **non-consensual sexual conduct** with another person as defined in the Student Sexual Assault and Sexual Misconduct Policy and in the College's Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation. Such non-consensual sexual conduct (which can be verbal, visual or physical) is a form of discrimination prohibited by not only by these policies, but, also, by the law.

8. Hazing

Defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The expressed or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.

9. Weapons and Explosives

Knowledge of or the possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item in a manner that harms, threatens or causes fear to others.

- a. **Weapons** include, but are not limited to, studded wristbands, nunchakus, firearms, replica weapons, knives, swords, air-powered guns (including, but not limited to, paintball guns, BB guns, and CO₂ guns), Stun guns, Tasers or any object that normally would not be considered a weapon, but by alteration, modification or redesign, or by intended use, would be readily recognized or considered as a weapon by any reasonable and prudent person.
- b. **Explosives** include, but are not limited to, firecrackers, ammunition, and fireworks.
- c. All weapons and explosives will be impounded and are subject to forfeiture without reimbursement or return to the person from whom they were confiscated.

10. Illegal Gambling

Engaging in illegal **gambling** activities as defined by federal, state, or local law, is prohibited. Using College owned or controlled technology equipment for gambling is prohibited.

11. Abuse of Technology

Any abuse of computer facilities and resources, including but not limited to any violation of the College's **Technology Policy**.

12. Failure to Comply

Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

13. Misuse of the Student Discipline Process

Misuse of the discipline process may result in additional disciplinary fines and include, but are not limited to:

- a. Failure to comply with notice from a College official to appear for a meeting or hearing as part of the student discipline process.
- b. Falsification, distortion, or misrepresentation of information before any College official.
- c. Disruption or interference with the orderly conduct of a student discipline hearing proceeding.
- d. Institution of a Code proceeding in bad faith.
- e. Attempting to discourage an individual's proper participating in, or use of, the Code process.
- f. Attempting to influence the impartiality of a College official, a Disciplinary Hearing Board panel member, or a Peer Conduct Council panel member prior to, and/or during the course of, the student discipline hearing proceeding. Harassment (verbal or physical) and/or intimidation of a College official, a Disciplinary Hearing Board panel member, or a Peer Conduct Council panel member prior to, during, and/or after a student conduct code proceeding.
- g. Failure to comply with the sanction(s) imposed under the Code.
- h. Influencing or attempting to influence another person to commit an abuse of the student discipline process or other College policy.

Violation of Law and College Discipline

The College's student discipline process is applicable to conduct which occurs on College owned or controlled premises or at activities which the College sponsors or recognizes (including, but not limited to, off-campus sanctioned events, sporting activities, study abroad, and travel), off-campus conduct between or among the College's students, or any activity of which the Dean of Students, or designee, has notice and in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred. Therefore, the student discipline process may be activated, at the discretion of the College, for alleged violations which occurs off-campus and when such actions by its students might adversely affect other students enrolled at the College or individuals visiting the College campus, the interests of the College community, the pursuit of College objectives and/or the surrounding community.

When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his/her status as a student. If the alleged offense is also being processed under the Code, the College may advise off-campus authorities of the existence of the Code and of how such matters are administratively handled within the College community. The student discipline process is separate from, and will proceed without regard to, any criminal or civil proceedings. Consistent with the College's obligations under applicable law, the College will attempt to cooperate with law enforcement and other agencies in their enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus policies or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

ARTICLE IV: CODE OF CONDUCT PROCEDURES

The following procedures are designed to offer a fair process in determining, and when appropriate, sanctioning violations of the Code and other College policies, but should not be confused with standards or procedures that apply in civil, criminal, or external administrative legal settings. The student discipline process governing reports of conduct that is alleged to or may be violations of the Sexual Assault and Sexual Misconduct Policy and/or violations of the sexual harassment section of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation can be found in this Handbook. (See sections on Sexual Assault and Sexual Misconduct Policy and the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation).

Please refer to www.stmarys-ca.edu/studenthandbook for the most current version of conduct procedures.

A. Reports of Conduct and Student Discipline Hearings

1. Any member of the College community, including but not limited to students, staff or faculty, may make a report of conduct involving a student or student organization that may be a violation(s) of the Code and/or other College policies. A report of such conduct can be made either orally or in writing and shall be directed to the Dean of Students, or designee. All reports of conduct must be made prior to the actual physical receipt by the respondent of the terminal degree from the College.

A report of conduct should include:

- a. The name of the student(s), or student organization, alleged to have violated the Code or other College policy;
 - b. A clear factual statement describing the nature of the conduct (date, time, place, witnesses); and
 - c. The name(s), address(es) and telephone number(s) of those filing the report.
2. The Dean of Students, or designee, will review all reports of conduct to determine which sections of the Code and/or other College policies were allegedly violated and refer the case to the appropriate hearing process.

B. Hearing Process

1. There are three hearing options to determine responsibility in student discipline matters for alleged violations of the Code and/or other College policy:
 - a. A hearing between an Administrative Hearing Officer (AHO) and the student(s) individually;
 - b. A hearing before Peer Conduct Council (PCC); or,
 - c. A hearing before a Disciplinary Hearing Board (DHB).

The Dean of Students, or designee, will decide which option will be used.

2. Burden of Proof - The burden of proof shall be on the complainant, who must establish that the violation was committed by the charged student or group by a preponderance of the evidence. In other words, the complainant must prove that it was more likely than not that the student committed the alleged violation.
3. Students are expected to participate in the student discipline process when they are called to an Administrative Hearing, Peer Conduct Council, or Disciplinary Hearing Board as a complainant, respondent or witness. Should a student fail to appear when proper notification has been given or should the student fail to provide a statement during the hearing, the hearing will proceed without benefit of that student's input. Meetings with Administrative Hearing Officers, Peer Conduct Council, and Disciplinary Hearing Boards will be scheduled taking into consideration the student's regular academic schedule only.
4. Students have the option of choosing an advisor to accompany them through the discipline process. The advisor is not an advocate for the student in the proceedings and may not address the hearing body or speak on behalf of the student. The advisor may speak with the student privately and in a manner that is not disruptive to the hearing or student discipline process. The respective student's advisor may be present at any time at which the student they are advising is meeting with the hearing body or other member of the College staff regarding the disciplinary matter and at which the student wishes for them to be present. The advisor is obligated to maintain the confidentiality of the nature of the allegation(s), the content of the student discipline process, and the privacy of the complainant, respondent, and any witnesses known to the advisor. Students are strongly encouraged to choose an advisor to assist them in the discipline process; however, it is the student's decision as to whether to seek an advisor and, if so, who that advisor will be.

5. Civil or criminal rules of evidence shall not apply, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless it is demonstrated by the student alleging the deviation that there is significant prejudice to the final outcome of the discipline proceeding as it affects the student sanctioned or the College.
6. The results of lie detector tests will not be accepted in student discipline investigations or proceedings. Tape recordings are not made or permitted in any phase of the discipline process. Student discipline documents (including, but not limited to, contact reports, Public Safety reports and statements) may be reviewed on site at the College by the complainant and/or the Respondent but may not be duplicated or photographed.

Hearings

1. Any trained faculty or staff member may serve as a hearing officer. The Dean of Students or designee determines membership from applications submitted. The Dean of Students, or designee, will provide training and orientation sessions as needed.
2. Students charged with a violation of the Code or other College policy who are directed to meet with a hearing officer or panel will receive either oral or written notice generally twenty-four (24) hours prior to the meeting time.

The hearing officer will meet with the student(s) to:

- a. Discuss the report of alleged conduct,
 - b. The hearing officer investigates the case thoroughly and asks questions of the complainant, and if deemed appropriate to the case, may ask questions of the respondent and witnesses identified by either the complainant and/or respondent.
 - c. Determine an appropriate finding:
 - i. It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for a violation of the Code or College policy; or
 - ii. It is more likely than not that the alleged conduct occurred and the respondent is responsible for a violation of the Code or College policy. If the respondent is found responsible, the hearing officer will impose appropriate sanctions.
 - d. After a decision has been rendered, the respondent will receive a letter summarizing the outcome and sanctions as appropriate, generally within seven (7) business days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.
3. If a sanction has been imposed, it is the responsibility of the student to ensure that Community Life receives notice of completion of the sanction in writing. Failure to complete a sanction may result in the assessment of additional sanctions without another hearing.

Peer Conduct Council

1. The Peer Conduct Council pool consists of approximately fifteen (15) students. The Dean of Students, or designee, determines membership from applications submitted by students.
2. It is required that Peer Conduct Council members exhibit the highest ethical standards, disqualify themselves if they believe they cannot be impartial and/or fulfill their obligation to maintain the confidentiality of the process and dignity and privacy of the complainant, the respondent, and any witnesses before, during, and after the process consistent with applicable laws and College policy governing student privacy rights. In addition, the Dean of Students, or

designee, is charged with deciding, at his/her sole discretion, whether a Peer Conduct Council member can be impartial or respectful of the confidentiality of the process and the privacy of the individual(s) involved. The decision of the Dean of Students, or designee, is final.

3. The Dean of Students, or designee, will provide the Peer Conduct Council members training and orientation sessions as needed.
4. Three (3) members of the Peer Conduct Council pool will generally be called to sit on a Peer Conduct Council panel based on availability and experience. Each panel will identify a chair, whose role is to facilitate the hearing and ensure compliance with the process and procedures outlined below.
5. Students charged with a violation of the Code or other College policies who are directed to meet with the Peer Conduct Council will receive oral or written notice generally twenty-four (24) hours prior to the meeting time.
6. Student discipline hearings shall be conducted by a Peer Conduct Council panel according to the following general guidelines:
 - a. The Chair of the Peer Conduct Council panel will explain the procedures.
 - b. The Chair will read (if written) or explain (if oral) the alleged violation(s) of the Code or other College policy and the report of conduct.
 - c. The complainant (if available) and respondent will be asked to make a statement regarding the allegation(s) of the complaint.
 - d. Peer Conduct Council individually asks questions of the complainant (if applicable) and the respondent. As the Peer Conduct Council deems appropriate to the case, they may ask questions of witnesses identified by either the complainant and/or respondent.
 - e. After all questions have been asked, and if they choose, the complainant and the respondent may make a closing statement to the Peer Conduct Council.
 - f. Peer Conduct Council will then meet in private and, based on their investigation and interviews, will deliberate on the information provided and determine an appropriate finding:
 - a. It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for a violation of the Code or College policy; or
 - b. It is more likely than not that the alleged conduct occurred and the respondent is responsible for a violation of the Code or College policy and imposes appropriate sanctions.
 - g. The chair will notify in writing to the Dean of Students, or designee, of the hearing's outcome within twenty-four (24) hours of its completion. The Dean of Students, or designee, will communicate the finding of the Peer Conduct Council to the respondent in writing generally within seven (7) business days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.
7. If a sanction has been imposed, it is the responsibility of the student to ensure that Community Life receives notice of completion of the sanction in writing. Failure to complete a sanction may result in the assessment of additional sanctions without another hearing.

Disciplinary Hearing Board

1. The Disciplinary Hearing Board (DHB) consists of a pool of trained faculty and staff. The Dean of Students, or designee, determines membership from faculty nominated by the Chair of the Faculty Senate, and other staff of the College as recommended to the Dean of Students, or designee.
2. It is expected that DHB will exhibit the highest ethical standards, disqualify themselves if they believe they cannot be impartial and/or fulfill their obligation to maintain the confidentiality of the process and the dignity and privacy of the complainant, the respondent, and any witnesses before, during, and after the process consistent with applicable laws and College policy governing student privacy rights. In addition, the Dean of Students, or designee, will decide, at his/her sole discretion, whether a DHB member can be impartial and will remove anyone whom he/she determines is unable to be impartial or respectful of the confidentiality of the process and the privacy of the individual(s) involved. The decision of the Dean of Students, or designee, is final. The Dean of Students, or designee, will provide training and orientation sessions for the DHB pool as needed.
3. Three (3) members of the DHB pool will generally be called to sit on a DHB panel based on availability and experience.
4. Prior to a DHB proceeding, the investigation process will take place. A reasonable investigation is a vital part of a fair disciplinary procedure. Taking time to establish the facts behind disciplinary allegations can help to ensure a fair process for the respondent and complainant. Both the respondent and the complainant will have the opportunity to identify potential witnesses and to provide information to the investigator. The investigator shall have the discretion to interview any potential witnesses as needed, including witnesses the investigator identifies through the course of his/her investigation. The investigator may determine that not all identified witnesses need be interviewed if the investigator determines that he/she has sufficient information to complete his/her report or if the investigator determines that information that would be provided by additional witnesses would merely be cumulative. The Investigation Report will include information and witness statements that the investigator has determined to be relevant to the allegations, including information that may have been provided by the respondent, the complainant or otherwise developed through the investigation process. Both respondent and complainant will have the opportunity to review the report in advance of the hearing. This report is also shared with the DHB in advance of the hearing.
5. In addition to the three voting members identified above, each DHB proceeding will consist of a facilitator whose role is to facilitate the hearing and to guide compliance with the process and procedures outlined below.
6. Students charged with a violation of the Code or other College policies who are directed to meet with a DHB will receive oral or written notice generally twenty-four (24) hours prior to the meeting time.
7. Student discipline hearings shall be conducted by a Disciplinary Hearing Board according to the following general guidelines:

- a. DHB panel proceedings are closed to all parties except the individual student(s), the DHB panel, the facilitator, the investigator, witnesses, the respective students' advisor(s), and a recorder.
- b. The facilitator will convene the DHB panel.
- c. The facilitator will introduce the DHB panel to the complainant/respondent and explain the hearing process.
- d. The facilitator will read the alleged violation(s) of the Code or other College policy and will read (if written) or explain (if oral) the report of conduct.
- e. The complainant (if available) and respondent will be invited separately to the DHB, regarding the allegation(s) of the complaint.
- f. The facilitator will ask the investigator to read the investigation report aloud and/or will read aloud any changes that have been made since the DHB's receipt of the written report, if requested by the participating student.
- g. The facilitator will then ask the DHB panel if they have any additional questions of the investigator about the report or if they would like to direct clarifying questions to the complainant (if appropriate) / respondent. If the DHB wants to ask the complainant/respondent clarifying questions directly, the facilitator will first ask the complainant/respondent if they are comfortable responding directly to the DHB or if they prefer to defer to the investigator. As the DHB panel deems appropriate to the case, the panel may invite and ask clarifying questions of witnesses identified by either the complainant and/or respondent. All participants (complainant, respondent, and their respective advisors) must be available for recall by the DHB panel for additional questioning until the facilitator excuses them.
- h. After all questions have been asked by the DHB panel, and if the party chooses, the complainant and the respondent may each make a closing statement to the DHB panel. The purpose of the closing statement is to provide the DHB with information that the complainant or respondent would like the DHB to consider in making its decision regarding responsibility. Statements may be oral, written, or both.
- i. The facilitator excuses the respondent from the proceedings after they make their closing statement to the DHB panel.
- j. The facilitator excuses the complainant from the proceedings after they make their closing statement to the DHB panel.
- k. The DHB panel will then meet in private and, based on the investigation and interviews, will deliberate on the information provided and determine an appropriate finding:
 - i. Using a preponderance of the evidence standard, it is more likely than not that the alleged conduct did occur, but the respondent is not responsible for a violation of the Code or College policy; or
 - ii. Using a preponderance of the evidence standard, it is more likely than not that the alleged conduct did not occur, and the respondent is not responsible for a violation of the Code or College policy; or
 - iii. Using a preponderance of the evidence standard, it is more likely than not that the alleged, conduct did occur and the respondent is responsible for a violation of the Code or College policy and imposes appropriate sanctions.
- l. The DHB will notify the Dean of Students, or designee, in writing of the hearing's outcome within twenty-four (24) hours of its completion. The Dean of Students, or designee, will communicate the finding of the DHB panel to the respondent and the complainant in writing generally within seven (7) business days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.

8. If a sanction has been imposed, it is the responsibility of the student to ensure that Community Life receives notice of completion of the sanction in writing. Failure to complete a sanction may result in the assessment of additional sanctions without another hearing.

C. Confidentiality/Student Privacy

Reasonable and appropriate effort is taken by the Dean of Students, or designee, and all other involved staff to protect the privacy of all individuals who may be involved in a student discipline proceeding as well as the confidentiality of the details and content of the student discipline process, including, but not limited to, an investigation, an Administrative Hearing, Peer Conduct Council, or Disciplinary Hearing Board proceeding, and, except where permitted by College policy and consistent with applicable law, the sanctions imposed and on whom. However, the College cannot guarantee absolute confidentiality. Individuals involved in the student discipline process, either directly or as a witness, are expected to maintain the confidentiality of the process and be mindful of the privacy of others involved.

D. Sanctions

Sanctions are assessed in response to the specific conduct, the student discipline history of the respondent and in keeping with the policies and procedures described in this handbook so that the student's educational growth and personal development may take place. The assessment of sanctions within the student discipline process is itself part of the College's educational mission and process, even in the case of the sanction of Expulsion.

1. The following sanctions may be imposed upon any student found to have violated the Code (more than one of the sanctions listed below may be imposed for any single violation):
 - a. **Warning:** A notice in writing to the student or student organization that the student is violating or has violated the Code or other College policy.
 - b. **Loss of Privileges:** Denial of specified privileges for a designated period of time. Examples include, but are not limited to, guests, computer use, housing selection, dining, participation in athletics, student government, co-curricular activities, on- campus student employment, recreational and/or social activities.
 - c. **No Contact Directive:** A no contact directive, specific to a person and/or location, prohibits a student from having direct or indirect communication or contact with a specified person; including, but not limited to in person communication, electronic communication, mail, and/or third party communication.
 - d. **Loss of Recognition:** The College may de-recognize student organizations for a specific time period or permanently. In the case of the former, the time period and conditions for reapplying for recognition and resumption of the associated privileges will be outlined.
 - e. **Fines:** As appropriate to the violation, a fine may be imposed.
 - f. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - g. **Parental Notification:** Parents/guardians of a student who is under the age of 21 and found responsible for an alcohol or other drug violation may be notified by the Dean of Students, or designee, in the form of a letter under certain circumstances. Please refer to the Parental Notification Policy for further explanation.
 - h. **Programs/Projects/Activities:** Programs/Projects/Activities that help the student understand the inappropriateness of the conduct and designed to help the student become

more aware of the Code and other College policies. Examples include, but are not limited to, reflection papers or assignments, online programs, letters of apology, service to the College or an off- campus resource, or other related educational assignments.

- i. **Health/Counseling Assessment:** Referral to the Health and/or Counseling and Psychological Services and completion of assessment and any recommended treatments.
- j. **Restricted Access:** Conditions imposed on a student that specifically dictate and limit his/her future presence on the campus and/or participation in College sponsored activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on the campus or a no contact order forbidding the student from contact with another member of the community.
- k. **Residence Hall Relocation:** A student may be relocated to another College residence hall or room.
- l. **Residence Hall Suspension:** The removal of the student from College housing (without refund) for a defined period of time after which the student is eligible to apply for readmission to College housing. During the period of Residence Hall Suspension, the student shall not enter any College residence hall except to conduct College related business with an office located within a residence hall.
- m. **Stayed Residence Hall Suspension:** When the nature of the violation is serious enough that Residence Hall Suspension is warranted but there may be factors and/or conditions that support allowing the student to remain in College housing, without endangering the health or safety of the student or other student(s), the sanction of Residence Hall Suspension may be placed in stayed status for a defined period of time. If the student is found in violation of the Code or other College policy during the time of stayed status, removal from College housing (without refund) takes effect immediately without further review. The student is also subject to additional sanctions appropriate to the new violation.
- n. **Residence Hall Expulsion:** The student is permanently removed from College housing (without refund) and may not enter any College residence hall except to conduct College related business with an office located within a residence hall.
- o. **Probation:** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
- p. **College Suspension:** Separation of the student from the College (without refund) for a defined period of time, after which the student is eligible to apply for readmission. Readmission is not guaranteed. During the suspension period, the student is not permitted on campus and shall not participate in any off- campus College sponsored /affiliated activity.
- q. **Stayed College Suspension:** When the nature of the violation is serious enough that College Suspension is warranted but there may be factors and/or conditions that support allowing the student to remain in the College, without endangering the health or safety of the student or other student(s), the sanction of College Suspension may be placed in stayed status for a defined period of time. If the student is found in violation of the Code or other College policy during the time of stayed status, removal from the College (without refund) takes effect immediately without further review. The student is also subject to additional sanctions appropriate to the new violation. A stayed College suspension is not available when a mandatory minimum sanction is required under College policies (see e.g., the Sexual Assault and Sexual Misconduct Policy.).
- r. **College Expulsion:** Permanent separation (without refund) of the student from the College

prior to the actual physical receipt of the College diploma. A student who is expelled will not be eligible to receive an academic degree from the College at any time. The student is not permitted on the campus and shall not participate in any off-campus College sponsored/affiliated activity. The College may rescind a College degree following the awarding of a College diploma, or may withhold the awarding of a degree pending the outcome of the student discipline process for a violation of the Code or other College policy, that does, or would have the potential to, result in the sanction of Expulsion. The sanction of Expulsion is noted on the student's academic transcript. Expulsion is not considered to be punitive or a deterrent in the criminal or civil sense, but rather a determination by the College that the student has demonstrated by his/her conduct that he/she is unqualified to continue as a member of the College community.

- s. **Withholding Degree:** The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the completion of all sanctions imposed, if any.

E. Interim Suspension/ No Contact Directive

In certain circumstances, the Dean of Students, or designee, may impose an interim suspension of College privileges and/or a no contact directive.

1. Interim suspension and/or a no contact directive may be imposed:
 - a. In instances where it is determined that a student poses a potential threat to another;
 - b. To ensure the safety and wellbeing of members of the College community or preservation of College property;
 - c. To ensure the student's own physical or emotional safety and wellbeing; or
 - d. If the student poses a threat of disruptions or interference with the normal operations of the College.
2. Every attempt will be made by the Dean of Students, or designee, to meet as soon as possible with the student before implementing an interim suspension and/or a no contact directive. The decision will be communicated in writing to the student.
3. During the interim suspension, a student may be denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Dean of Students may determine to be appropriate.
4. The no contact directive, specific to a person and/or location, prohibits a student from having direct or indirect communication or contact with a specified person; including, but not limited to in person communication, electronic communication, mail, and/or third party communication.
5. The interim suspension or no contact directive does not replace the regular student discipline process, which shall proceed on the normal schedule, if required.
6. The interim suspension and/or no contact directive shall remain in effect until the Dean of Students, or designee, determines that the reason for imposing the suspension or no contact directive no longer exists.

F. Appeals

1. The decision of the Disciplinary Hearing Board regarding responsibility may be appealed by the Respondent or Complainant within five (5) business days of the decision. The decision of a Peer Conduct Council or Administrative Hearing regarding responsibility may be appealed by the accused student within five (5) business days of the decision. The purpose of the appeal is not to rehear the underlying student discipline case. The sole purpose of an appeal is to determine if there is, in the first instance, sufficient information based on the written record before the appeal officer or Appeal Board to establish its jurisdiction to consider and decide the appeal and, if so, thereafter, to determine whether the information submitted by the student states sufficient grounds (see below) to grant the appeal and take any of the actions described below.
2. Only one appeal is permitted. Such appeals shall be submitted in writing, signed by the student and shall be delivered to the Dean of Students, or designee. The appeal may only be submitted by the student and shall consist of:
 - a. A completed Appeal Request Form (available in the Office of the Dean of Students and the Office of Community Life or on the Community Life website), and
 - b. A statement outlining and supporting the specific basis upon which the student is appealing.
3. An appeal must be based on one or more of the following grounds or it will not be accepted and considered:
 - a. A process or procedural error was made that was significantly prejudicial to the outcome of the hearing as it affects the student appealing.
 - b. New information that was not available or known to the student appealing at the time of the hearing has arisen which, when considered, may materially alter the outcome. NOTE: Information that the appealing student chose not to present at the time of the hearing is not considered new information.
 - c. The severity of the sanction imposed was not appropriate based on the section of the Code or other College policy which the student was found to have violated.
4. Any person who is a member of the Disciplinary Hearing Board may also serve on the Appeal Board or as an Appeal Officer, but may not be one of the three (3) original DHB panel members or facilitator. The Dean of Students, or designee, determines who will serve on the Appeal Board or as an Appeal Officer. An Appeal Board shall be composed of two members of the DHB pool and the Vice Provost of Student Life, or designee.
5. For Peer Conduct Council or Administrative Hearing Appeals, the Dean of Students or designee will serve as the appeal officer.
6. The Appeal Board or Appeal Officer will not meet with the student or re-hear the case. The Appeal Board or Appeal Officer will consider the merits of an appeal on the basis of the information provided in the Appeal Request form, the student's written statement, character testimonies, the written record of the case, and the student's entire discipline record.
7. For the sanction of College Expulsion, the Appeal Board is composed of the Dean of Students, or designee, as chair and two (2) members of the DHB pool. If a DHB panel delivered the sanction

of College Expulsion, those DHB panel members who delivered the sanction are not eligible to serve on that Appeal Board.

8. During the consideration of a request for an appeal, sanctions assessed by the hearing officer, Peer Conduct Council or DHB shall not be in effect. However, the Dean of Students, or designee, may impose conditions or continue existing conditions governing the respondent's continued relationship with the College during the appeal process.
9. Based on the information provided in the Appeal Request form, the student's written statement, character testimonies, the written record of the case, and the student's entire discipline record, the Appeal Board or Appeal Officer will:
 - a. Reject the appeal if it finds the basis for appeal unsubstantiated; or
 - b. Reject the appeal if it finds that any procedural errors were minor in nature and would not have altered the outcome of the hearing or the sanctions imposed; or
 - c. Modify the sanction(s) if they are found to be inappropriate; or
 - d. Return the case to the hearing officer, Peer Conduct Council or DHB for further consideration (which may include but does not require a rehearing of the entire matter) if a procedural error or new information, as defined above, has arisen. In such cases, the same hearing officer, Peer Conduct Council or DHB who originally heard the case shall reconvene as soon as possible. If the hearing officer or a member of the original Peer Conduct Council or DHB is no longer available, the Dean of Students, or designee, will appoint another hearing officer, or in the case of the unavailability of one or more of the Peer Conduct Council or DHB members, he/she will select additional Peer Conduct Council members or DHB members from the Peer Conduct Council and DHB pools.
 - e. Reverse the decision of the hearing officer, Peer Conduct Council or DHB or remand the case to a new hearing officer, Peer Conduct Council or DHB for further consideration where substantial procedural error is determined to have unfairly influenced the hearing.
10. If an appeal is not upheld, the matter shall be considered final and binding upon all involved.
11. The appeal decision will be communicated to the respondent in writing once a decision has been reached. The decision of the Appeal Board or Appeal Officer is final and no further appeals are permitted.

ARTICLE V: INTERPRETATION AND REVISION

1. Any question of interpretation or application of the Student Code shall be referred to the Dean of Students, or designee, for final determination.
2. The Student Code shall be reviewed every two (2) years under the direction of the Dean of Students.

ARTICLE VI: RECORD RETENTION

Discipline records are maintained by the Dean of Students, or designee, and are kept for four (4) years after the student earns a degree or withdraws from the College. After four years, student discipline records are purged. Student discipline files involving sexual assault, sexual misconduct or sexual harassment are kept in the Office of the Dean of Students. For those students who are

separated from the College, records will be maintained until four (4) years after their scheduled degree completion date. The College permanently maintains the records of those students who are expelled from the College in the Office of the Dean of Students. Students are responsible for updating directory information, including address, with the Office of the Registrar.

College & Student Life Policies

Alcohol and Other Drugs

Saint Mary's College is an educational and social community within which students, faculty, staff, alumni, and their guests interact in a wide variety of activities. The Saint Mary's College Alcohol and Other Drugs Policy is intended to allow the responsible and legal use of alcohol under certain conditions (noted below) for those 21 years of age and over, and to prohibit the use of illicit and illegal drugs. This Policy seeks to promote an atmosphere conducive to the pursuit of learning, and applies to all individuals associated with the College including students, faculty, staff, alumni, and guests. Additionally, private sponsors and their guests who use the College facilities are required to comply with this Policy.

Health Risks Associated with the Use of Alcohol and Other Drugs

Some of the health risks associated with alcohol and other drug use are specified below.

1. **Alcohol:** Contrary to popular belief, most college students do not drink alcohol excessively. Many have never consumed alcohol and others choose to drink moderately, or not at all. Individuals should consider the consequences and make responsible decisions when it comes to the use of alcohol.

You do not have to be an alcoholic to have a drinking problem. One night of excessive drinking can result in alcohol poisoning. On the average, your body can only process one ounce of alcohol per hour (approximately one regular-sized drink). Drinking too much too quickly raises your blood alcohol content to the point where your body cannot effectively process the alcohol, leading to overdose and possibly coma or death.

When you drink too much, your capacity to process information and make safe decisions is impaired. This places you at an increased risk for sexual assault and other violent behavior, exposure to sexually transmitted diseases, driving under the influence, and physical injury. Misusing alcohol can also have a negative impact on academic success, work performance, friendships and family relationships.

Numerous health risks are associated with drinking. Alcohol intensifies the effects of over-the-counter medications or other drugs, which may cause physical damage to the body. Long-term excessive drinking can lead to a variety of health problems such as: decreased brain function; impaired sensation, perception, coordination, reflexes, and judgment; memory lapses or blackouts, organ damage, and addiction. Research indicates that adult children of alcoholics have as much as a four to six times greater risk of becoming an alcoholic or having a problem with other drugs.

2. **Marijuana:** Immediate effects of THC (marijuana's active ingredient) vary greatly with the person, setting, dose, and expectation of the user. Marijuana can make it harder to function and succeed in an academic setting particularly when tasks require close attention and thoughtful decision-making. Using marijuana may impair your short-term memory, reading comprehension, and capacity to solve verbal and mathematical problems. Uncomfortable feelings such as paranoia and panic are often experienced with marijuana. Additionally, regular use may lead to a motivational syndrome consisting of listlessness, fatigue, inattention, withdrawal and apathy making it rather difficult to achieve your academic and personal goals.

Coordination is greatly affected by marijuana use since it slows reflexes and impairs visual perception. Driving while under the influence (or being driven by someone else under the influence) can be as dangerous as driving under the influence of alcohol. Regular use can lead to a variety of health problems such as elevated blood pressure and decreased body temperature; irritation of the mouth, throat, and lungs, and aggravation of asthma, bronchitis, and emphysema; chronic lung disease and cancer. Additionally, marijuana can lead to a positive drug test for as long as three months after your last use.

3. **Tobacco:** The ingestion of nicotine through cigarette smoking is highly toxic, addictive, and can result in emphysema and cancer. Emphysema destroys the lung's capacity to expand and contract which causes decreased oxygen intake leading to organ damage. Smoking has been linked to cancers of the lung, mouth, throat, pancreas, cervix, kidney, and bladder. Smoking cigarettes can also affect the health of non-smokers. Environmental tobacco smoke contains many of the toxic substances the smoker inhales. Chewing tobacco and snuff are **not** safe alternatives to cigarettes. They are highly addictive, contain more nicotine than cigarettes, and cause rapidly-spreading cancers of the mouth, head, and neck.
4. **Ecstasy (MDMA):** Although Ecstasy (MDMA) has been publicized as a "feel good" designer drug, it is actually a hallucinogenic-amphetamine that can lead to a variety of physical problems such as cardiac difficulties, dangerously high body temperature, severe thirst and heat exhaustion, sensory distortion and heightened arousal. Even with limited use, it can permanently alter serotonin levels in your brain, which can increase the risk of chronic depression.
5. **Steroids:** Anabolic steroids are synthetic versions of the male hormone testosterone. Used medically to supplement normal hormonal levels after injury or disease, others use steroids to increase muscle mass, reduce body fat, and enhance endurance. Steroid use can lead to a variety of health problems such as: liver disease and cancer; testicular atrophy, breast reduction, failure of secondary sex characteristics, sexual dysfunction, sterility, impotence, or fetal damage; acne, growth problems, or bone fusion. Psychological problems include aggression, violence, and uncontrolled anger ("road rage"), rapid mood swings, and psychotic episodes.
6. **Cocaine:** Cocaine is a potent drug with effects that begin almost instantly. Cocaine use can lead to many health problems, such as damaged nasal tissues, kidney damage, or stroke; diseases of the lung, heart, and blood vessels; malnutrition, cardiac arrhythmia, convulsions, seizures, suppression of respiration, or sudden death. Psychological difficulties include intense anxiety and anger, restlessness, fear, paranoia, depression, and hallucinations. The effects of increased adrenaline fade fast resulting in a desire for more which increases the risk of repeated use and addiction.
7. **LSD:** LSD dramatically alters normal mental and emotional processes. Initial effects are mostly physical: dilated pupils, muscular weakness, rapid reflexes, decreased appetite, and increased blood pressure and body temperature. Subsequently, LSD scrambles your brain chemistry, significantly distorting thought and sensation which results in unusual or frightening hallucinations. LSD can trigger more serious problems for individuals with a history of

emotional difficulties or psychological problems. Effects may recur days or weeks later without further use (flashbacks).

8. **Amphetamines:** Amphetamines speed up the brain and nervous system. Even limited use can lead to many physical and emotional effects including increased heart rate and blood pressure; heart, brain, and lung damage, chronic fatigue and malnutrition. Psychological effects include anxiety, depression, mood swings, hallucinations, paranoia and psychosis.
9. **Heroin:** In recent years the potency of heroin has increased making it easier to achieve similar effects without injection. This has led to more individuals experimenting by snorting and smoking heroin. Regardless of the type of use, tolerance increases quickly resulting in a rapid addiction process as well as heightened physical cravings. Heroin use can lead to many physical effects such as: drowsiness and loss of appetite, addiction with severe withdrawal symptoms, impaired mental functioning, slowing of reflexes and physical activity; infection, hepatitis, and HIV (from needle sharing), or death from overdose.
10. **Predatory Drugs:** These drugs are given to another person without their awareness of it, usually by slipping them into a drink. Rohypnol, better known as roofies, is a potent tranquilizer that is notorious for its use in sexual assaults. It is usually slipped into a drink, rendering the person helpless and immobile. Sedation occurs 20 to 30 minutes after administration and leaves the person feeling drowsy, dizzy, and disoriented. In addition to these sedative effects, impaired balance and/or speech, and memory loss are common.

Like rohypnol, GHB has also been associated with sexual assault. In its clear liquid form, it can easily be slipped into someone's drink undetected. Effects of the drug can be felt in 15-20 minutes and also include dizziness, heavy drowsiness, and confusion. Some people use GHB to enhance the effects of alcohol or other drugs. This combination can be especially life-threatening. GHB use can lead to a variety of physical problems such as dizziness, nausea, breathing problems, memory loss, seizures, unconsciousness, and in some cases, death.

Originally used as an animal tranquilizer, ketamine is now used as a club drug due to its hallucinogenic effects. Many serious negative effects can result from use including vomiting, numbness, loss of muscle control, paranoia, and aggression. In larger doses, effects may include convulsions, decreased oxygen to the brain, coma and even death. Individuals who use ketamine are at increased risk for sexual and physical assault since their loss of muscle control and mental state make them unable to combat assault.

11. **Prescription Drugs:** The misuse or abuse of prescribed medication is illegal and is increasing in our society. This form of drug abuse can have dire consequences, especially when combined with other common recreational/prescribed drugs or alcohol. If you or someone you know has physical pain or emotional suffering, we urge you to see your doctor so that your condition can be accurately diagnosed and properly treated. To use medications outside their intended use can cause unintended damage to health or even death.

Alcohol and Other Drugs Educational Programs and Resources for Assistance

Saint Mary's College strives to create a campus environment that minimizes risks associated with alcohol and other drug use. In order to promote the well-being of the College community, and in compliance with the Drug-Free Schools and Communities Act (34CFR Part 86, Subpart B, 1989),

educational programs regarding alcohol and other drugs are provided. These programs address problems associated with alcohol and other drug misuse, coping with peer pressure, risk reduction, development of healthy lifestyles, stress management, and identifying and helping others with alcohol and other drug problems.

The College offers services to students regarding issues related to alcohol and other drug use.

Those concerned about a person's life and health relative to alcohol and other drug use are urged to seek available resources. Students are encouraged to seek assistance from Counseling and Psychological Services and the Health and Wellness Center for evaluation and/or referral.

Information obtained regarding a student during participation in such programs or services will be treated as confidential, in accordance with federal and state laws.

Information/Referral Services Alcohol and Other Drugs

On Campus

Alcohol and Other Drug (AOD) Program 925-631-4364

Mission and Ministry 925-631-4366

Counseling and Psychological Services 925-631-4364

Dean of Students 925-631-4238

Health and Wellness Center 925-631-4254

Public Safety 925-631-4282

Community Life 925-631-4238

Residential Experience 925-631-4236

Student Involvement and Leadership 925-631-4704

Student Life 925-631-4235

Community Resources

Al-Anon/Alateen 925-932-6770

Alcohol Beverage Control 510-622-4970

Alcoholics Anonymous 925-939-4155

Marijuana Anonymous 510-287-8873

Moraga Police Department 925-376-2515

Legal Statutes

Students, faculty, staff, administration, alumni, and guests of Saint Mary's College are responsible for the observance of applicable laws and local ordinances or codes with respect to alcoholic beverages and illegal drug use. In accordance with the Drug-Free Schools and Communities Act of 1989, the applicable laws are available online.

Federal Statutes: <http://www.usa.gov/Topics/Reference-Shelf/Laws.shtml>.

California Statutes: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Local Statutes:

<http://library.municode.com/index.aspx?clientId=16501&stateId=5&stateName=California>.

Alcohol Regulations - Prohibited Conduct

Whether one chooses to drink alcohol or use other drugs, members of the College community are exposed to the secondhand consequences of others' excessive use. These can range from damaged property, physical and sexual assault, and unwanted sexual advances, as well as disrupted sleep and studying, interruptions in classes, and harassment. High-risk use of alcohol and use of other drugs impacts both the quality and safety of our environment and the student's college experience.

Students and their guests are expected to abide by the Code, this Policy and state and local laws/ordinances relative to the possession, consumption and distribution of alcoholic beverages.

Alleged violations of the following regulations will initiate the student discipline process:

1. Persons who are under 21 years of age may not possess or consume any alcoholic beverage or possess alcoholic beverage containers, full or empty, anywhere on campus, including in a residence hall room for the purpose of decoration. Underage students who are in locations where other underage persons are consuming or possessing alcohol will be considered to be in violation of this policy even if they do not have alcohol on their person.
2. Persons who are 21 years of age or older may possess and consume alcohol in their residence hall room but may not offer, give, provide or otherwise make alcohol available to anyone underage or to an obviously intoxicated person.
3. Alcohol may not be possessed or consumed in any public area of campus unless at a College sponsored activity at which alcohol is served in accordance with guidelines provided for in this Policy. A public area is defined as those areas of the campus that are readily accessible to students, faculty, staff and guests. Public areas include, but are not limited to, lounges, lobbies, stairwells, balconies, hallways, roofs, classrooms, parking lots, and outside areas.
4. The possession of kegs, "party-balls", "beer bongs", "beer pong tables", or similar common-source or oversized containers is not permitted on campus unless at a College sponsored activity at which alcohol is served in accordance with guidelines provided for in this Policy. A common-source of alcohol is also defined as a quantity of alcohol more than can be responsibly consumed by an individual.
5. Violating this Policy, including but not limited to being in an intoxicated state by a student and/or their guest while on-campus or by a student attending or participating in off-campus College sponsored/affiliated events is prohibited.
6. Driving a motor vehicle after having consumed alcohol is prohibited.
7. Disorderly conduct, property destruction, violations of the rights of a roommate, intimidation or other infringements of the rights of others as a result of alcohol use is prohibited. Intoxication or alcohol abuse is not an excuse for unlawful behavior or violations of the Code or other College policies.
8. Alcohol is not permitted at athletic events or in/on College athletic facilities unless at a College sponsored activity at which alcohol is served in accordance with guidelines provided for in this Policy.
9. Students and/or their guests may not furnish or attempt to furnish false information regarding their age and/or identity in order to possess or consume alcohol.

College Responses for Alcohol

Saint Mary's policy on the use of alcohol combines observance of federal, state and local laws, protection of the overall community and reduction of high risk conduct by students. Alleged violations of the Prohibited Conduct will initiate the student discipline process. Sanctions will vary depending on the nature of the offense and these responses are meant to act as minimum sanctions.

In addition to the minimum sanctions, a student may also be referred to Counseling and/or the Health and Wellness Center for an assessment. A student's discipline record is cumulative during his/her enrollment and applies to incidents on and off campus.

1. **Category I** (*Any one of the conditions listed constitute a violation of this section of the Code*):

- a. Underage possession or consumption of alcohol
- b. Possession or consumption in public; being present at a location where alcohol is being consumed and where it is a violation to possess alcohol
- c. Furnishing or attempting to furnish false information regarding age and/or identity
- d. Possession of a "beer bong," "beer pong table"
 - a. **First Offense:** education project or program; and warning.
 - b. **Second Offense:** education project or program; warning or probation; and \$100.00 fine.
 - c. **Third Offense:** education project or program; Health and Wellness Center educational program(s); probation or stayed suspension or suspension; stayed residence hall suspension or residence hall suspension; \$150.00 fine and parental notification*.
 - d. **Fourth Offense:** stayed suspension or suspension; stayed residence hall suspension or residence hall suspension or residence hall expulsion; \$250.00 fine and parental notification*.

2. **Category II:** (*Any one of the conditions listed constitute a violation of this section of the Code*).

Regardless of age, student exhibits any of the following behaviors while under the influence of alcohol:

- a. Intoxication, disorderly conduct, verbally disruptive or abusive, fist fights, vomiting but coherent and conscious
- b. Providing alcohol to an underage or obviously intoxicated person
- c. Possession of kegs or other common source or over-sized containers; use of a "beer bong"
- d. Consumption of large quantities of alcohol regardless of physical appearance
 - a. **First Offense:** education project or program; warning or probation; \$100.00 fine and parental notification*.
 - b. **Second Offense:** education project or program; Health and Wellness Center educational program(s); probation or stayed suspension; stayed residence hall suspension or residence hall suspension; \$150.00 fine and parental notification*.
 - c. **Third Offense:** education project or program; stayed suspension or suspension or expulsion; residence hall suspension or residence hall expulsion; \$250.00 fine and parental notification*.

3. **Category III** (*Any one of the conditions listed constitute a violation of this section of the Code*).

Regardless of age, student exhibits any of the following behaviors:

- a. Vomiting and/or incoherent, unconscious, needed or received medical attention (including treatment by EMTs and/or transport to hospital, and/or including treatment at College sponsored events), loss of control of bodily functions, memory loss
- b. A pattern of alcohol abuse
- c. Driving a motor vehicle after the consumption of alcohol.
 - a. **First Offense:** education project or program; Health and Wellness Center educational program(s); probation or stayed suspension; stayed residence hall suspension or residence hall suspension; \$150.00 fine and parental notification*.

- b. **Second Offense:** stayed suspension or suspension or expulsion; residence hall suspension or expulsion; \$250.00 fine and parental notification*.

**Generally, only the parents/guardians of those students under the age of 21 will be notified in these cases. Please refer to the Parental Notification Policy for further explanation of this policy.*

Illegal Drugs Regulations - Prohibited Conduct

Students are expected to abide by the Code, this Policy and federal, state and local laws/ordinances relative to the illegal possession, use or distribution of controlled substances, illegal drugs and drug paraphernalia.

Although California state law permits the use of medical marijuana, i.e., use by persons possessing lawfully issued medical marijuana cards; federal laws prohibit marijuana use, possession, and/or cultivation at educational institutions and on the premises of other recipients of federal funds. In accordance with the Drug Free Schools and Community Act of 1989, the College does not allow the possession or use of marijuana on campus for any reason. The use, possession, or cultivation of marijuana for medical purposes is therefore not allowed in any College housing or any other College property; nor is it allowed at any College sponsored event or activity off campus.

Alleged violations of the following regulations will initiate the student discipline process:

1. The possession, use, sale, distribution or manufacture of any controlled substance, illegal drug and/or drug paraphernalia or the association with gatherings involving such possession, use or distribution is prohibited. Drug paraphernalia includes, but is not limited to, bongos, pipes, hookahs, water pipes, "whip- it's," and roach clips. Students who are in locations where any controlled substance and/or illegal drug is being used will be considered in violation of this Policy even if they do not have the substance and/or drug on their person.
2. Possession of large quantities and/or the actual or attempted sale, distribution, cultivation or manufacture of any controlled substance, illegal drug and/or drug paraphernalia is prohibited.
3. The illegal use of or misuse/abuse of prescription or other legal drugs is prohibited.
4. Driving a motor vehicle after having used any illegal drugs or controlled substances is prohibited.
5. All illegal drugs or controlled substances and paraphernalia will be impounded and are subject to forfeiture without reimbursement or return to the person from whom they were confiscated.

College Responses for Illegal Drugs

Alleged violations of the Prohibited Conduct will initiate the student discipline process. Sanctions will vary depending on the nature of the offense and these responses are meant to act as minimum sanctions. In addition to the minimum sanctions, a student may also be referred to Counseling and/or the Health and Wellness Center for an assessment. A student's discipline record is cumulative during his/her enrollment and applies to incidents on and off campus.

1. **Category I** (*Any one of the conditions listed constitute a violation of this section of the Code*):
 - a. Possession of drug paraphernalia or objects that could be used as drug paraphernalia
 - b. Being in a location where controlled substances and/or illegal drugs are present.
 - a. **First Offense:** education project or program; warning or probation; and \$50.00 fine.
 - b. **Second Offense:** education project or program; probation or stayed suspension; stayed residence hall suspension or residence hall suspension; \$150.00 fine and parental notification*.

- c. **Third Offense:** education project or program; stayed suspension or suspension; residence hall suspension or residence hall expulsion; \$250.00 fine and parental notification*.
- 2. **Category II**(*Any one of the conditions listed constitute a violation of this section of the Code*):
 - a. Possession and/or use of any controlled substance or illegal drug regardless of quantity, including seeds and/or residue
 - b. Illegal use of or misuse/abuse of prescription or other legal drugs.
 - a. **First Offense:** education project or program; probation or stayed suspension; stayed residence hall suspension or residence hall suspension; \$150.00 fine and parental notification*.
 - b. **Second Offense:** education project or program; Health and Wellness Center educational program(s); stayed suspension or suspension; stayed residence hall suspension or residence hall suspension or residence hall expulsion; \$250.00 fine and parental notification*.
 - c. **Third Offense:** expulsion and parental notification*.
- 3. **Category III**(*Any one of the conditions listed constitute a violation of this section of the Code*):
 - a. Possession of large quantity and/or the actual or attempted sale, distribution, cultivation or manufacture of any controlled substance, illegal drug and/or drug paraphernalia.
 - b. Driving a motor vehicle while under the influence of illegal drugs or controlled substances.
 - a. **First Offense:** suspension/expulsion, residence hall expulsion, \$250.00 fine and parental notification*
 - b. **Second Offense:** expulsion and parental notification*

**Generally, only the parents/guardians of those students under the age of 21 will be notified in these cases. Please refer to the Parental Notification Policy for further explanation of this policy.*

Guidelines for Events Where Alcohol Will Be Available

All events at which students may be in attendance (sponsored by any campus constituency) and alcohol is served must be registered and/or approved through Student Involvement and Leadership (SIL). Please contact SIL at 925-631-4704 for information.

For Student Sponsored Events

For student-sponsored events, only student organizations chartered by the Associated Students and Responsible Hosts (*see Responsible Host Policy*) may sponsor events where alcohol is served. The sponsoring organization or Responsible Host must submit a request to serve alcohol to SIL a minimum of three (3) weeks prior to the proposed event date (late proposals will NOT be considered). For organization events the sponsoring organization must have the organization's advisor present for the duration of the event to serve as the on-site event manager. This person may not consume any alcohol or other drugs prior to or at the event and is responsible for monitoring compliance with the Alcohol and Other Drugs Policy, obtaining the necessary one-day permit through the California Department of Alcohol Beverage Control, and possessing the permit at all times during the event.

For all student-sponsored events, alcohol must be served by trained bartenders and served and consumed in a specific area designated for persons 21 and older. Anyone who intentionally furnishes false information regarding his/her age shall be subject to disciplinary action. Only one (1) drink may be served at one time. Free alcoholic beverages are not allowed at student organization sponsored events. A minimum of \$1.00 per drink must be charged and all drinks must be dispensed individually in cans or plastic containers by event bartenders.

Only beer or wine may be served at student-sponsored events. Distilled liquor in any form is not permitted. Food and non-alcoholic beverages must be available at the event and a reasonable portion of the budget must be designated for this purpose. Non-alcoholic beverages must be attractive, and displayed with equal prominence as the alcoholic beverages.

No individual under the age of 21, or anyone who is obviously intoxicated may be served, or permitted to consume, alcoholic beverages at any event. Identification must be checked by entry monitors prior to being served alcohol and must consist of a valid driver's license, passport, or official California identification card, and, for Saint Mary's College students, a Saint Mary's College student ID card. Students of legal age are required to wear wristbands during the event.

The amount of alcoholic beverages and food items available at an event is to be appropriate for the expected number of guests and duration of the event as determined by Student Involvement and Leadership. Oversized containers (including, but not limited to, kegs, party balls, or beer trucks) may be allowed at student-sponsored events only with the approval of the Assistant Dean of Student Life for Leadership, Involvement and Diversity.

Alcoholic beverages may not be served during or after the last hour of any student-sponsored event. The hours and timing of the event will be determined in consultation with Student Involvement and Leadership

Student Involvement and Leadership has the right to alter or redefine, as a condition of approval, any of the above regulations as they relate to a specific department or organization. If, at any time, the well-being of the community members is deemed to be threatened, appropriate and prompt action will be taken by the College.

For Faculty/Staff/Administration Sponsored Events

College departments (academic or administrative) may sponsor events where alcohol will be served and where students will be present. The sponsoring department must submit an Alcohol Service Form to Student Involvement and Leadership (SIL) ten (10) business days prior to the event. This document lists the sponsor(s) of the event and requires acknowledgment of understanding and agreement to adhere to College policies and procedures as well as approval from the department chair, dean of the school or appropriate Vice President/Provost.

The sponsoring department must have a faculty or staff member present for the duration of the event to serve as the on-site event manager. This person may not consume any alcohol or other drugs prior to or at the event and is responsible for monitoring compliance with the Alcohol and Other Drugs Policy, obtaining the necessary one-day permit through the California Department of Alcohol Beverage Control (only if alcoholic beverages will be sold), and possessing the permit at all times during the event.

No individual under the age of 21, or anyone who is obviously intoxicated may be served, or permitted to consume, alcoholic beverages at any event. Identification must be checked by entry monitors prior to being served alcohol and must consist of a valid driver's license, passport, or official California identification card, and, for Saint Mary's College students, a Saint Mary's College student ID card. Students of legal age are required to wear wristbands during the event.

If the event involves students under the age of 21, alcohol must be served by trained bartenders and served and consumed in a specific area designated for persons 21 and older. Anyone who intentionally furnishes false information regarding his/her age shall be subject to disciplinary action. Only one (1) drink may be served at one time.

Student Involvement and Leadership has the right to alter or redefine, as a condition of approval, any of the above regulations as they relate to a specific department or organization. If, at any time, the well-being of the community members is deemed to be threatened, appropriate and prompt action will be taken by the College.

Guidelines for Off-Campus Events

Saint Mary's College recognizes the role and importance of off-campus events. Groups associated with the College who participate in and sponsor social, service, and educational events must adhere with the Policy and understand their responsibility as a result of their association with the College. In addition, sponsoring groups must provide supervision of designated College official(s) for the duration of the event. Further, groups must adhere to the College's policies for on-campus events, including submitting an alcohol request form, and additional stipulations depending on the nature of the event. Student Involvement and Leadership reserves the right to modify events in order to meet college policies and procedures.

The following guidelines regarding the availability of alcoholic beverages at off-campus events pertain to all members of the College community. These guidelines in no way relieve any public establishment of their obligation to observe and enforce the law.

1. The sponsoring group must abide by applicable laws and local ordinances or codes regarding alcohol. The group should take appropriate steps to prevent underage drinking and the consumption of alcohol by intoxicated persons.
2. The sponsoring group should promote responsible behavior and the general welfare of the sponsoring group, its individual members, and others participating in or associated with the event during that time.
3. At such events, the behavior of the group, individuals, and guests are governed by the regulations set forth in the Code and other College policies.
4. At no time should faculty and staff serve in the role of bartender, pour or purchase alcoholic beverages for students.

Publicity and Sponsorship for Student Sponsored Events Where Alcohol will be Served

The consumption of alcoholic beverages shall neither be the primary purpose of a student event (including, but not limited to, progressive drinking events) nor be used as an inducement to participate in an event. Promotion and advertising of an event may indicate that alcohol will be available for purchase and must indicate, "ID will be required." Also, the promotion and advertising of an event shall not portray symbols of alcoholic beverage consumption (including, but not limited to, foaming mugs, cans, wine glasses and kegs), excessive consumption (including, but not limited

to, drinking contests and competitions) or emphasize frequency or quantity of alcoholic beverage consumption.

The sponsorship of events by alcoholic beverage companies is limited to cash donations, donated materials for College alcohol educational programs, and donated products (other than those which directly promote or advertise alcoholic beverages) in support of fund-raising or other special events as approved by the Vice Provost for Student Life or the Assistant Dean of Student Life.

Amorous Relationships

Amorous relationships are those romantic or sexual relationships to which both parties appear to have freely consented. When such a relationship involves a power differential between two members of the College community, it is of concern to the College, and such relationships should be avoided due to:

- The potential conflict of interest that arises when an individual supervises, evaluates, coordinates, directs, advises, hires, terminates, instructs, promotes, or grants pay raises or other benefits to another person, or provides professional services (e.g., counseling) to another individual with whom that person has an amorous relationship.
- The potential for unintended consequences that results because these types of relationships may develop or exist solely as a result of the power differential, which may or may not involve sexual harassment as proscribed by the College's policy prohibiting sexual harassment.

Policy

The College discourages amorous relationships where there is a power differential between the parties or where the potential exists for such a power differential in the foreseeable future. Three examples of relationships involving power differentials are (This list is not all-inclusive.):

- That between faculty and student, including those involved in formal instruction, advising and tutoring.
- That between staff and student.
- That between employee and supervisor.
- That between the provider (e.g., staff) and recipient of educationally related College or College- related services (including those involved in counseling, student services such as registration and financial aid, and athletic coaching).

Of special concern to the College are amorous relationships initiated between a faculty or staff member and a student while the former is instructing, advising or mentoring the latter. Such circumstances pose extraordinary risks of compromising or appearing to compromise the College's central mission and of breaching the faculty's commitment to the welfare of its students. Hence, the College expects faculty members and staff employees to refrain from initiating or participating in such a relationship.

Procedures

If an amorous relationship exists or develops between individuals having a power differential within the College, the person with greater power shall report the relationship to an appropriate supervisor or to the Associate Vice President of Human Resources. The supervisor or the Director shall make suitable arrangements:

- To ensure the objective evaluation of that person's performance, and
- To protect affected individuals and the integrity of the College's functioning as well as the confidentiality of all those involved.

Other Considerations

Employees engaged in conduct of the type described in this policy may also violate the College's policy prohibiting sexual harassment. In addition, all faculty members, supervisors, and other employees should understand that there are substantial risks even in consenting amorous relationships where a power differential exists. Even if the conflict of interest issues are resolved, charges of sexual harassment may develop. A faculty member's or supervisor's protection under applicable law, including legal representation provided by the College, may not apply because such relationships may be outside the scope of one's employment. Furthermore, in administrative actions or lawsuits resulting from allegations of sexual harassment, consent may be very difficult to establish where a power differential exists. Even relationships in which there is no direct power differential may cause difficulties because faculty or staff employees engaged in such a relationship may, in the future, be placed in a position of responsibility for the student's or employee's instruction or evaluation.

Sanctions

The process for investigating an alleged violation of the of the College's Amorous Relationship Policy and the sanctions for a violation of this Policy are the same as the process for investigating possible violations of the College's Non-Discrimination (Sexual Harassment) and Retaliation Policies and the sanctions for violation of these Policy, which may include administrative leave without pay, transfer, demotion and termination.

Behavioral Intervention Team

The Saint Mary's College **Behavioral Intervention Team (BIT)** assists in addressing situations where students are displaying behaviors that are threatening, or concerning in nature that potentially impede their own or others' ability to function successfully or safely. The BIT is responsible for assessing reports of troubling behavior and initiating interventions for risk mitigation that are in the best interest of the College and the individual. We are committed to providing an environment where individuals are free to work, learn and teach, unencumbered and uninhibited by threats of intimidation or harm.

It is the responsibility of all faculty, staff, and students to immediately report any situation that could reasonably result in harm. Any member of the campus community may become aware of troubling behavior by a person or situation that is causing serious disruption or inability to conduct normal business. However, assessment of behavior that might constitute a threat should not be confused with management of a crisis.*

**A crisis may be defined where a person may pose an active or immediate risk of violence to self or others.*

In these cases, Public Safety should be contacted at (925) 631-4282.

The team is comprised of campus personnel who have decision-making ability in dealing with troubling situations. A collaborative process to assess threats will be used and depending on the situation, personnel with areas of specialization may be called upon to assist the BIT. The team broadens the scope of involvement and includes other faculty and staff members, when appropriate. The following individuals comprise the Saint Mary's College BIT: the Director of the Health and Wellness Center, the Director of Counseling and Psychological Services, the Chief and Director of Public Safety, the Assistant Vice Provost for Student Success, and the Dean of Students,

whom serves as the chairperson. In the absence of any of these individuals, a designee may be appointed by the Vice Provost of Student Life. The Chairperson keeps the Vice Provost of Student Life advised of the situations.

Information from faculty, staff and students is confidentially shared among the team members. The BIT reviews all information on the student's behavior and background, and the team will then determine courses of action/interventions and monitor the student on a case-by-case basis. Any violations of the Code of Student Conduct will be determined by the Dean of Students whom also serves as the Chief Conduct Officer of the College.

The role of the BIT is:

- to lead a collaborative effort to promote optimal health and safety of students and all members of the College community;
- to ensure a systematic response to students' behavior that may be disruptive in the residences, classroom, or other areas of the campus;
- to develop strategies that best utilize campus and community resources to assist students; and
- to support student success.

Actions that BIT may initiate:

- Refer and/or contact other officials/professionals
- Mandate Assessments
- Warning/Recommendation Letters
- Immediate Interim Suspension
- Involuntary Administrative Withdrawals
- Parental Notification

If you are concerned about a student, please let us know. You may report a student of concern by submitting detailed information to: dos@stmarys-ca.edu.

If you have questions, need to submit a report, or need further assistance, contact:

Dean of Students
Ferroggiaro Hall, Room 200
925-631-4238

If you are concerned that someone is in danger of harming themselves or others, contact immediately:

Public Safety
Assumption Hall West
925-631-4282

If someone needs medical attention, contact:

Health and Wellness Center
Augustine Hall, Ground Floor
925-631-4254

If someone needs emotional/psychological attention, contact:

Counseling and Psychological Services
Augustine Hall, Ground Floor
925-631-4364

If there is an academic or classroom concern, contact:

Student Success Office
Filippi Academic Hall, Room 190 or Filippi Hall, Main Floor
925-631-4349

Bias Incident Response

We at Saint Mary's College seek to create a safe living and learning environment where civility and respect are fostered and where people can express themselves without fear. The College respects the individual's right to speak freely and openly while acknowledging the responsibility that comes with this freedom. We encourage all College community members to seek appropriate campus forums, at appropriate times and places, to engage in meaningful dialogue to better understand each other's experiences and values. The ability to disagree or to offer an alternate belief articulated passionately, yet respectfully, will continue to be a cornerstone of meaningful dialogue.

Bias incidents, however, which degrade the identity, needs, and beliefs of others are not acceptable and are inconsistent with the fundamental values of Saint Mary's.

What is a bias incident?

Generally, a harmful act motivated by bias towards a category of people or an individual based on actual or perceived social identification is a bias incident. These social categories include, but are not limited to, the following:

- Age
- Disability
- Ethnicity
- Gender
- National origin
- Race
- Religion
- Sexual orientation
- Socioeconomic status

Bias incidents can include criminal and otherwise illegal conduct, but they may also include violations of College policy(s) regarding civility, professionalism, and/or harassment.

Why is it important to report bias incidents?

Uncivil, hateful, and/or harassing conduct towards others at Saint Mary's is unacceptable. We strongly encourage members of our community to report all bias incidents, no matter how insignificant they may seem. In order to improve the overall campus climate, we need the involvement of every community member. We need to know what happens and how often so that we can take steps to stop hateful and/or harassing behavior and to support those who are targeted.

- Bias incidents, such as name calling, may seem minor at first, but they can escalate. If unchecked, individuals may be emboldened to continue or exacerbate their actions.

- Bias incidents send a negative message not only to the individual(s) on the receiving end but also to all members of the targeted group and to the broader campus community.
- Even if the person engaged in the conduct is unknown or action available to address the incident is limited, reporting allows BIRT to better assess the campus climate and implement appropriate measures. Non-reporting can lead to an environment where bias and prejudice are widely accepted and tolerated.

What is the difference between a bias incident and a hate crime?

Some bias incidents may rise to the level of a hate crime. Under California law, a hate crime is a criminal act committed, in whole or in part, because of the actual or perceived characteristics of the victim(s). Hate crimes are motivated by the offender's bias. They do not only involve offenses against persons, but also include offenses involving damage to property, such as breaking windows of religious institutions, spray painting walls with offensive words and/or symbols, and defacing or burning property. It is a violation of both California law and College policy to commit a hate crime. Incidents determined to be hate crimes are also reported in the Annual Security & Fire Safety Report as required by federal law.

The conduct underlying some bias incidents may violate College policy, even if the conduct does not rise to the level of a hate crime. For example, although some bias incidents may involve protected speech, they are still inconsistent with the College's community values, and in those circumstances, the College may elect to respond through educational and/or disciplinary sanctions.

What is the College's Bias Incident Response Team (BIRT)?

The Bias Incident Response Team (BIRT) was established to promote a safe, hate-free environment where all people can live, work, and learn. BIRT's primary roles are to recommend preventative education as well as report and respond to bias incidents and hate crimes. The responsibilities of BIRT are to:

- Educate the Saint Mary's community about the protocol for reporting bias incidents and hate crimes and determine whether reports are bias-related.
- Support target(s) of bias incidents and hate crimes, including those who are directly involved as well as social identity groups that may be affected.
- Collect and share all bias incidents and hate crime reports with the Saint Mary's community, including BIRT's response to each report without revealing confidential and personal information.
- Monitor the campus climate around issues of diversity and civility.
- Recommend appropriate actions and educational programs that are both preventative and responsive to bias incidents and hate crimes.

What should I do if I witness or am the target of a bias incident?

The College encourages prompt reporting of all bias incidents. Bias incidents should never be written off as "pranks" or "harmless behavior." This type of behavior should not be tolerated in the classroom, residence halls, offices, study areas, social spaces, or anywhere else on campus, online, or as part of any College activity. There are several reporting options:

- **Call Public Safety at 925-631-4282.**

Preserve all evidence and document the incident as thoroughly as possible (graffiti, voicemail, email, letter, etc.) by taking pictures, videotaping, and writing down everything

you can remember and keeping the contact information of the target(s) and any other witness(es).

- **Report the incident online at www.stmarys-ca.edu/BIRT , which can be done confidentially and anonymously.**

- **Report the incident to any of the following administrators:**

For bias incidents committed by a student, contact:

Evette Castillo Clark, Ed.D.
Dean of Students
Ferroggiaro Center 200
Phone: 925-631-4238

For bias incidents committed by an administrator or staff member, contact:

Eduardo Salaz
Assistant Vice President, Human Resources
Filippi Hall 123
Phone: 925-631-4212

For bias incidents committed by a faculty member, contact the respective Dean:

Sheila Hassell Hughes, Ph.D.
Dean, School of Liberal Arts
Dante Hall 109A
Phone: 925-631-4609

Roy Wensley, Ph.D.
Dean, School of Science
Galileo Hall 102A
Phone: 925-631-4409

Zhan Li, Ph.D.
Dean, School of Economics and Business Administration
Galileo Hall 308/309
Phone: 925-631-4743

Chris Sindt, Ph.D.
Dean, School of Education
Filippi Academic Hall 250-2
Phone: 925-631-4088

What will happen once I report the incident?

The College will respond to reported bias incidents in a professional and appropriate manner, taking into consideration the impact on the target and on the Saint Mary's community.

When a report is submitted, BIRT receives and reviews the report, coordinates the College's response and/or referral to the appropriate office and/or administrator for investigation/resolution, and provides support for those individuals involved. BIRT updates report

statistics for monitoring campus climate and patterns of bias incidents as well as recommends opportunities for systemic action. All incidents reported to BIRT and actions taken as a result will be listed on the BIRT website without any personal identifying information.

If a reported incident is one that the College has a duty to formally investigate consistent with specific College policies and/or applicable laws (e.g. discrimination, harassment, or sexual harassment policy), all parties will be notified of this obligation and an investigator will be assigned in line with College protocol. In addition, depending upon the nature of the incident, the report may trigger external reporting requirements (e.g. law enforcement and Annual Clery Report).

Under certain circumstances, the College may have an obligation to act upon the information provided even if there is a request that the College take no action. For example, the College will need to investigate situations that may threaten the safety of anyone mentioned in the report, or that appear to violate the provision of Title IX. Alternatively, if the report is not completed fully or if it is submitted anonymously, the College may be limited in its ability to take action.

The College will respond in accordance with current College policies and procedures. If known, the person who filed the report will be advised of actions taken, unless doing so is prohibited by FERPA or other applicable law.

What happens if someone is found responsible for committing a bias incident?

For students who are found responsible for committing bias incidents, there may be an immediate local and/or educational response in addition to the College response (e.g. residence hall floor meeting, campus program, removal of graffiti, etc.). These students will be subject to the student discipline process as outlined in the Code of Conduct, and sanctions may be imposed. Sanctions are determined in response to the specific conduct and the student's discipline history. The assessment of sanctions, up to and including expulsion, is itself part of the College's educational mission and process.

What are some available resources?

- Dean of Students 925-631-4238
- Community Life 925-631-4238
- Counseling Center 925-631-4364
- Intercultural Center 925-631-8317
- Public Safety 925-631-4282
- Residential Experience 925-631-4236
- Women's Resource Center 925-631-4171

Cohabitation Policy

Saint Mary's College of California, as a Catholic College, does not condone sexual relations by unmarried students and may take disciplinary action when the College has knowledge of such conduct. The College also prohibits the cohabitation by students who are dating partners, regardless of gender, in College-sponsored housing.

Community Assembly

Saint Mary's College is a community dedicated to the intellectual enrichment and personal development of all its members through study, inquiry and continuing communication with one another. Every member of the community bears the responsibility of acting in an orderly and civil

manner in communication with others. Rational discussion is the hallmark of such communication in this educational environment committed to the active pursuit of truth, understanding, and the dignity of all.

Formal and informal dialogue, participation in committees, and the proceedings of the student government and College committees are accepted avenues of communication. The College recognizes the right of members of the community to express their views individually and collectively in matters of institutional policy or on matters of interest to the community as a whole. The College will not officially recognize any student organization, club, or group organized to advocate or promote behavior which is illegal or in conflict with the official teachings of the Catholic Church. Registration and/or approval of the gathering must be obtained from Student Involvement and Leadership prior to publicizing and the actual event. All public assemblies, therefore, are expected to assure the following factors in order to be considered both appropriate and permissible at the College:

1. It is orderly and peaceful.
2. Participants do not restrict the freedom of expression, of movement, or any other fundamental freedom of others.
3. Participants do not threaten or cause personal injury, damage or destruction of property.
4. It does not threaten, disrupt, or impair the regular or essential operations of the College, especially those of an academic or administrative nature, or of an extracurricular or social function.
5. The event or material distributed does not advocate behavior that is illegal or in conflict with the Catholic values and traditions of the College.

Family Education Rights and Privacy Act of 1974: FERPA POLICY

FERPA stands for the “Family Education Rights and Privacy Act of 1974.” You might also hear it referred to as the “Buckley Amendment.” This law protects the privacy of student education records. FERPA applies to all schools that received funds through an applicable program of the U.S. Department of Education, and thus most colleges and universities are covered by FERPA.

FERPA defines the phrase “education record” broadly as “those records, files, documents, and other materials which 1) contain information directly related to a student; and 2) are maintained by an educational institution.”

FERPA requires that education records be kept confidential. Records may be disclosed with the consent of the student, if the disclosure meets one of the statutory exemptions, or if the disclosure is directory information and the student has not placed a hold on the release of directory information.

FERPA gives students the following rights:

- A. *The right to inspect and review the student’s education records:* Students may review education records directly concerning the student within forty-five (45) days of the day the College receives a request for access. Students interested in reviewing their education records must submit their requests to the Office of the Registrar, which is authorized to review each request and to approve proper requests. The Registrar will make arrangements for access and will notify students of the time and place where the records may be inspected. Though students have the right to review their records, the College does not provide copies of the records. In the

event that a particular circumstance prevents a student from coming to the College to inspect and review his/her records, the College will work with the student to make an alternate arrangement consistent with FERPA. Education records maintained by the College but provided to the College by third parties, which may include but is not limited to high school transcripts, letters of recommendation and test scores, will not be re-disclosed by the College to the students. For inspection of such records, the student must seek inspection through the third party that generated the record.

There are certain records which students are not entitled to review, including, (i) financial records of parents; (ii) confidential letters and recommendations relating to admissions, employment and honors, for which a waiver of the right of access has been signed by the student, provided that upon request the student is given the names of those persons writing letters; (iii) a physician's or psychologist's records (a student may, however, provide the College with written authorization to have his or her own physician or other appropriate professional review the records); and (iv) records of personnel of the College which are "sole possession records" (e.g. memory aids or reference tools/notes used by the maker thereof and are not made accessible to or revealed to other persons). In addition, where a record contains information that concerns more than one student, a student requesting inspection will be informed about the information only insofar as it pertains to that student.

- B. *The right to request amendment of education records:* Students may ask the College to amend a record that the student believes is inaccurate. The student should write the College official responsible for the record, clearly identify the part of the record he or she believes to be inaccurate, and specify why it is believed to be inaccurate. Students also have the right to insert in their records written explanations concerning the content of the records if a request to make a change has been denied (see below). Please note that FERPA does not give any student the right to contest a grade given in a course, but does give the student the right to seek to correct an improperly recorded grade. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. A representative from the office of Academic Affairs has been designated as the hearing officer. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
- C. *The right to consent to disclosures of personally identifiable information:* Personally identifiable information contained in the student's education records may not be disclosed without the student's consent, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including public safety personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a discipline or grievance committee, or assisting another school official in performing his or her tasks. In addition, the College may, but is not required to, disclose personally identifiable information from an education record of a student without consent if the disclosure meets one or more of the following conditions:

1. The disclosure to officials of other universities in which a student seeks enrollment, provided that the student is given notice of the disclosure, is provided with a copy of the records disclosed (if so requested by the student), and is given the opportunity to review and challenge the records sought. College policy is to forward only Saint Mary's College transcripts and only upon a student's written request.
2. The disclosure is to an authorized representative of the Comptroller General of the United States or to certain federal, state and local educational authorities.
3. The disclosure is in connection with financial aid for which the student has applied or which the student has received.
4. The disclosure is to State and local officials or authorities under applicable state laws concerning the juvenile justice system.
5. The disclosure is to organizations conducting studies, provided that the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted.
6. The disclosure is to accrediting organizations to carry out their accrediting functions.
7. The disclosure is to parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.
8. The disclosure is to comply with a judicial order or lawfully issued subpoena and the College has made a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
9. The disclosure is in connection with a health or safety emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
10. The disclosure is information the educational agency or institution has designated as "directory information" (see below).

- D. *Disclosures pursuant to student consent.* If the information request does not fit into one of the categories described above, you must obtain the student's consent prior to disclosing the records. The consent must be in writing, signed by the student, and dated, and must specify the records to be released, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

The purpose of the consent form is to permit the student to have some control over the disclosure of personally identifiable information in his or her education records. The fact that a student signs a consent form, whether specific or "blanket," does not, however, bind the College to make the student's records available to the third party or parties who have obtained the student's consent to their review of his or her files. The student's records are still the property of the College and, even if a consent has been signed, the College will exercise its discretion in each case by disclosing to the third party only such information, records, and files, if any, as the College deems appropriate in light of the reason that the third party is seeking access to the student's records (e.g., background checks). The signed consent must be provided to the College by the third party at the time the request for access is made. The College will retain the provided copy of the consent. Records to which students are denied access because they are not "education records" usually will not be made available to an outside party.

FERPA imposes limitations on re-disclosure by the recipients of education records. A third party generally will not be permitted to make copies of records to which he or she is granted access, even if the consent signed by the student explicitly gives permission for such copies to be made. Additionally, if a student has provided a third party with authorization to conduct a background investigation for employment related purposes, the College may release unofficial copies of transcripts and/or general information about the following areas of student involvement: on-campus employment, resident housing, encounters with the campus Department of Public Safety and encounters with the Student Conduct Office, in conformance with the authorization.

- E. *The right to file a complaint with the U.S. Department of Education:* A student may file a complaint concerning an educational institution's alleged failure to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: *Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, DC 20202-4605.*

Directory Information

Material classified as "directory" information can be released without student consent. Directory information, as defined by the College, includes the following: the student's name, date/place of birth, photographs, periods of enrollment, degrees, awards and honors received, major fields, campus or home address, e-mail address, student class schedules, telephone numbers, height/weight of student athletes and the most recent previous educational institution attended by the student. A student may, however, have all of the information withheld upon written notice to the Office of the Registrar given within ten days after the beginning of each semester.

USA Patriot Act and FERPA

This Act permits designated federal officials to apply for a court order to obtain copies of student records relevant to an investigation of terrorism or other crimes, without notifying the student. All requests for such information should be referred to the Office of General Counsel.

Film Policy

Only films that have been rated G, PG, PG-13, NC-17 or R by the Motion Picture Association of America (MPAA) may be rented with College funds and shown in a College facility. Any film unrated or rated X by the MPAA may not be secured with College funds or shown in a College facility. Use of films is restricted to those films rented through the appropriate distributor holding the necessary rights for public performance. Screening of any other films (for example, privately owned tapes/DVDs or those rented from a video store or owned by the library) for public viewing is a violation of copyright law, even when such screening is free, and is therefore prohibited on campus.

Good Neighbor Policy

Students are expected to conduct themselves as mature and responsible members of the campus and surrounding residential community. As such, they are responsible for upholding all federal, state and city laws and ordinances, especially those relating to noise, traffic, parking, zoning and consumption of alcohol. In addition, as responsible members of society, students are expected to foster an atmosphere that nurtures positive educational pursuits, the development of understanding and tolerance of those with different cultural and political points of view and an environment that encourages responsible behavior in the community.

The College may be notified of potential Good Neighbor Violations via community member complaints submitted directly to the College or by any Police Department. Once reports are received, all Saint Mary's College of California students listed on the residential lease for the current academic year may be subject to the College discipline process. If found responsible, the sanctions are:

- a. **First Offense:** warning and mediated discussion, with all parties involved facilitated by a College official. Failure to attend, or unwillingness to participate will result in the next level of sanctions being imposed without another hearing.
- b. **Second Offense:** college probation
- c. **Third Offense:** stayed college suspension
- d. **Fourth Offense:** college suspension
- e. **Fifth Offense:** college expulsion

Good Samaritan Policy

At Saint Mary's College, the welfare of our students is a priority. In incidents of crisis or medical emergency, Saint Mary's students are expected to care for themselves and for others throughout the community by getting help from appropriate College officials even when violations of the Student Code of Conduct may have occurred. Because the College understands that fear of disciplinary actions may deter requests for emergency assistance, the Good Samaritan Policy was created to alleviate such concerns and reduce hesitation by Saint Mary's students to seek help.

Saint Mary's College pursues a policy of limited immunity for students who seek help to others in need. While policy violations cannot be overlooked, Saint Mary's will provide educational options, rather than disciplinary processes, to those who offer their assistance to others in need.

In crisis situations involving alcohol, drugs, and/or sexual misconduct (see below), the College strongly considers the positive impact of taking responsible action when determining the appropriate response for alleged policy violations relating to the incident. **This means that no formal College disciplinary actions or sanctions will be assigned to the reporting student(s) for Category I, Alcohol offenses and/or Category I, Illegal Drug violations relating to the incident.** The incident will still be documented and educational and/or health interventions may be required as a condition of deferring disciplinary sanctions.

This policy does not protect repeated, flagrant, or serious violations of the Community and Student Life Policies (e.g. abusive conduct, sexual misconduct, distribution of alcohol or drugs, hazing, theft, Good Neighbor Policy violations, property damage, etc.) or violations that caused harm to another person requiring emergency response, nor does the policy preclude or prevent action by police or legal authorities.

Failure of students to take responsible action under this policy where action is clearly warranted and results in harm may, in egregious circumstances, constitute "abusive conduct" under the College and Student Life Policies and will void all protections under this provision.

1. Alcohol/Drugs

In a situation involving imminent danger to the health and safety of any individual(s), students are expected (1) to contact Public Safety at 925-631-4282 or other emergency officials to report the incident; (2) to remain with the individual(s) needing emergency treatment and cooperate with

emergency personnel as long as it is safe to do so; and (3) to meet with appropriate College officials after the incident and cooperate with any College investigation. This policy does not provide amnesty for students who report their own medical emergency.

2. Sexual Assault & Sexual Misconduct

In a situation where a sexual assault and/or misconduct has been alleged to have been committed against any individual(s), students are encouraged (1) to contact Public Safety at 925-631-4282 or other emergency officials to report the incident; (2) to remain with the individual(s) needing support and cooperate with emergency personnel as long as it is safe to do so; and (3) to meet with appropriate College officials after the incident and cooperate with any College investigation.

Health & Wellness Policies at Saint Mary's College

The Health & Wellness Center (H&WC) is an on-campus resource that provides medical services to all the undergraduate students in an urgent care clinic model. It also provides many programs and activities to promote a healthy lifestyle and prevent illness at Saint Mary's College. There are three key requirements to complete for all incoming undergraduate students:

1. Medical History and Immunizations

A completed Medical History form, with all the supportive documentation of immunization records must be turned in to the H&WC before matriculation. This form is available on line at the H&WC website. Note: there are different deadlines for turning in this information to the H&WC for the Fall and Spring semesters.

2. Health Insurance Coverage

Verify adequate health insurance coverage that meets the standards set by Saint Mary's College. Each year all undergraduate students are automatically enrolled in the Saint Mary's College negotiated Student Health Insurance Plan (SMC-SHIP). If your insurance plan meets these standards and you wish to remain on your own plan, you must actively dis-enroll from the SMC-SHIP every year. Please go the H&WC website for general information on the type of coverage that the SMC-SHIP insurance plan provides. If you still wish to be covered by your own health insurance plan, there are instructions on how to dis-enroll. Please make a copy of the successful waiver of the SMC-SHIP for your records.

3. "Think About It" Online Training

Successfully complete "Think About It," an on-line educational program that addresses the topics of alcohol consumption, drug abuse, and its impact on consent in relationships on campuses of higher education. Look for an invitation to complete this on-line program at your SMC-issued email. You must successfully complete this program before matriculation. Please see the different deadlines for the completion of this requirement for the Fall and Spring semesters.

Please note that the three above requirements are for the health and safety of our students and our community. Failure to complete these requirements will put a student on an academic registration hold. Please call the H&WC at (925) 631-4254 or email: healthcenter@stmarys-ca.edu for any questions.

Intramural Field Noise Limitations from Specific Sources

During approved nighttime hours of operation when lights are illuminating the Intramural Field, the following measures will be taken to reduce noise emanating from the field:

- Limits on portable sound playback devices during nighttime hours of operation
- Limits on whistle types: whistles should meet but not exceed NCAA standards
- Facility Use Agreements will be updated to state, "At the start of every collegiate sporting event (practice or competition) the Intramural Field Standard of Conduct must be observed. This conduct includes direction to refrain from the use of vulgar or inappropriate language, and a reminder that students are ambassadors for the values of Saint Mary's College."
- Signage regarding noise control
- Pre-event meetings including reminders regarding noise and neighborhood surroundings from officiating staff who will oversee those measures are being followed. No generation of sound louder than normally acceptable limits at a distance of 100 feet or more from the property line of the property from which the noise is being generated.

The responsibility for enforcement of limitations on noise is delegated to the Public Safety Department. Complaints about noise created by Saint Mary's sanctioned activities may be reported to Saint Mary's College of California Public Safety – 925-631-4282, 24 hours a day. Complaints will be logged and investigated. If verified, the source of the noise will be abated. Verified complaints of noise which exceed the limitations stated above will be managed by Saint Mary's College Student Code of Conduct proceedings as outlined in the Student Handbook. Any other complaint of noise that is not from the Campus may be reported to the Town of Moraga Police Department - 925-284-5010.

Library Quiet Hours Policy

The Library provides a safe and respectful environment for learning, studying, interacting and reflecting. Your fellow students have asked that noise in the Library be minimal. To achieve this, we ask you to respect the following:

- The first floor lobby is an interactive space where students, faculty, and staff communicate quietly with each other.
- The "Silent Study Zone" on the first floor is provided for students who need or prefer absolute silence (no whispering or food).
- The "Silent Reading Room" on the third floor provides a quiet, relaxed space to study with armchairs and beanbag chairs.
- Conversations on the second and third floor should be low and short. The library maintains "24 hour Quiet Study" during finals and pre-finals. The Campus keeps Dante classrooms open during finals for students who need to talk more actively and for study groups that cannot be accommodated in the Library's 6 group study rooms.
- Library group study rooms are provided for students working in groups of 2 or more.

For any questions or concerns, please contact the Dean of the Library and Academic Resources, 925-631-4525.

Missing Student Procedure

All students have the option to identify a "confidential contact": an individual to be contacted by College officials in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, College officials will notify that individual no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential contact can do so by completing the information on the "Student Emergency

Information Card” provided by Campus Housing, which is available through Campus Housing Office and the Public Safety Department.

If a member of the College Community has reason to believe that a student is missing, or receives a report from another party that a student is missing, they should immediately notify the Department of Public Safety ([925-631-4282](tel:925-631-4282)), the Office of Residential Experience ([925-631-4236](tel:925-631-4236)) or the Dean of Students ([925-631-4238](tel:925-631-4238)), whether or not the student resides on campus. All reasonable efforts will be made to locate the student to determine his or her state of health and well-being through the collaboration of Public Safety, Residential Experience, Campus Housing and Student Life.

If the student is an on campus resident, the Public Safety Department may make a welfare check entry into the student’s room. If the student is an off-campus resident, the Public Safety Department will enlist the aid of the neighboring police agency having jurisdiction.

Concurrently, College officials will endeavor to determine the student’s whereabouts through contact with friends, associates, and/or employers of the student. They will try to determine whether or not the student has been attending classes, labs, recitals, and scheduled organizational or academic meetings, or appearing for scheduled work shifts. If located, verification of the student’s state of health and intention of returning to the campus will be made. When and where appropriate, a referral will be made to campus and/or community resources.

If not located, notification will be made to the student’s confidential contact on file, and to local law enforcement within 24 hours of receiving the initial report is made to determine if they know of the whereabouts of the student. If the student is an off-campus resident, the original reporting party will be assisted to make an official missing person report to the law enforcement agency with jurisdiction, if the reporting party desires. If the missing student is under the age of 18 and is not an emancipated individual, College officials will notify the student’s parent or legal guardian immediately after it is determined that the student has been missing for more than 24 hours or overnight, whichever is shorter.

The Public Safety Department will cooperate, aid, and assist the primary investigative agency in all ways prescribed and allowed by law.

Non-Discrimination Disclosure

In compliance with applicable law and its own policy, Saint Mary’s College of California is committed to recruiting and retaining a diverse student and employee population and does not discriminate in its admission of students, hiring of employees, or in the provision of its employment benefits to its employees and its educational programs, activities, benefits and services to its students, including but not limited to scholarship and loan programs, on the basis of race, color, religion, national origin, age, sex/gender, marital status, ancestry, sexual orientation, medical condition or disability.

Section 504 and ADA Coordinator

The student Section 504 and ADA coordinator (925-631-4164), is responsible for evaluating and working with qualified students regarding requests for reasonable accommodations. All questions regarding alleged violations of College policy should be directed to the Associate Vice President of Human Resources, Title IX Coordinator and the College’s ADA coordinator at 925-631-4212.

Title IX Coordinator

It is the policy of the College to not discriminate on the basis of sex in its admissions policies, educational programs, activities or employment practices as required by Title IX of the 1972 Education Amendments. Inquiries regarding compliance with Title IX may be directed to Eduardo Salaz, Associate Vice President of Human Resources and Title IX Coordinator, els3@stmarys-ca.edu or to the Director of the Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C.

Parental Notification Policy

The purpose of the Parental Notification Policy is to enhance campus safety, student health and wellness, and academic success. In accordance with the Higher Education Amendments of 1998, the College is permitted to disclose to the parents/guardians of a student who is under age 21 information regarding the student's violation of any federal, state or local law or policy of the College governing the use or possession of alcohol or a controlled substance and the College has determined through the discipline process that the student was found responsible for a violation of such possession or use. Additional circumstances in which the College would notify parents/guardians cannot be completely enumerated. However, if a true health or safety emergency exists, in order to protect the student or others, the College may make notification to parents/guardians.

Among several interventions utilized by the College for violations involving alcohol or controlled substance, the Dean of Students, or designee, will notify the parents/guardians of students who are under age 21 by telephone and/or letter if any of the following circumstances are met:

1. The student has shown a pattern of conduct of violations that indicate a potential physical or emotional problem.
2. The student was found responsible for a violation of federal, state or local law or College policy related to alcohol or other drugs in accordance with the College's standard responses for alcohol or drug offenses.
3. The student was required to be transported to a medical facility because of alcohol or other drug use.
4. The student has caused harm to him/herself or another while under the influence of alcohol or other drugs.
5. The student was arrested or taken into custody by police for being under the influence of alcohol or other drugs.
6. The student was arrested or taken into custody by police for possessing a large quantity of illegal drugs or for the actual or attempted sale of illegal drugs.
7. The student was responsible for vandalism or other destruction of property while under the influence of alcohol or other drugs.
8. The student was operating a vehicle while under the influence of alcohol or other drugs.
9. The information regarding the student is needed in connection with an emergency to protect the health or safety of the student or other individual.

Pregnant and Parenting Students - Resources

If a student becomes pregnant during their time at the College, the Health & Wellness Center, Counseling & Psychological Services, the Women's Resource Center, the Mission & Ministry Center and Student Disability Services are resources that are available to assist the student. Students may meet with the Director of Student Disability Services to examine the possibility of providing academic accommodations to assist with classes and student life.

Nursing Mothers and Lactation Room

In an effort to support parenting students, the College supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during the day. The Women's Resource Center (WRC) has a private lactation room on the ground floor of Mitty Hall for mothers to use. The Lactation Room is furnished with a chair, clock and a small table and equipped with a hospital-grade breast pump. There is access to a full-size refrigerator for the storage of ice packs.

Students wishing to use the Lactation Room must go to the WRC to schedule times and for room access.

Mamas on Mondays

Student, faculty and staff mothers seeking support and resources can visit the Women's Resource Center and the Health & Wellness Center for a monthly drop-in support and discussion group.

Contact Information:

Sharon Sobotta, Director of the Women's Resource Center

Mitty, Ground Floor

ssobotta@stmarys-ca.edu; 925-631-4171

Public Safety Policies

Public Safety is responsible for safety and security programs, crime prevention, parking control, lost and found and escort services on campus property. Public Safety officers patrol the campus; respond to reports of crimes, fire alarms, medical emergencies and requests for assistance; and enforce campus traffic and parking regulations. While the Moraga Police Department is the official governmental law enforcement agency for the Saint Mary's campus, the Department of Public Safety, as a non-sworn security organization, provides the day-to-day, 24-hour security and safety presence on campus. The College requests that all crimes be reported to the Department of Public Safety at 925-631-4282. While the Department of Public Safety contacts the Moraga Police Department for further investigation and follow-up on criminal matters as appropriate, all victims of crimes retain the right to contact the Moraga Police Department directly for any criminal matter.

Traffic and Parking

Parking and vehicle use regulations are designed to provide for orderly parking as well as the safe flow of traffic on campus. Operators of vehicles (including, but not limited to, cars, trucks, motorcycles and scooters and bicycles) on campus are expected to safely operate their vehicle while maintaining a maximum speed of 15 mph and observing all College traffic rules and regulations. Recreational vehicles (RVs) are not permitted on campus without prior written approval from the Director of Public Safety. The rules and regulations include, but are not limited to: yielding to pedestrians, obeying traffic signs and devices, complying with all California vehicular regulations (e.g. wearing safety belts, wearing helmets, driving under the influence), non-entry or storage in any building, and removal of vehicles from campus at the end of the academic year. **All vehicles entering campus are subject to search.**

Bicycles, scooters, skateboards, "hover" boards and any other conveyance not used to accommodate a disability are prohibited from covered walkways and breezeways. Non-motor conveyances of these types are allowed on sidewalks only if used safely and in consideration for the flow and density of pedestrian traffic.

All non-visitor motor vehicles on campus must be registered with the Department of Public Safety and must properly display the appropriate parking permit at all times. For information on obtaining a parking permit, please visit the Public Safety webpage at: stmarys-ca.edu/public-safety . Daily visitor parking permits may be obtained at the Front Gate kiosk. Violation of these regulations may result in violation notices, vehicle immobilization, towing, loss of parking privileges and referral to the student or staff discipline process. At its discretion, the College may remove and impound motor vehicles or bicycles blocking the entry or exit of any building on campus, if found improperly parked or abandoned.

The fines parking and traffic violations are paid at the Business Office or may be appealed within fourteen (14) days from issuance. Appeals are handled on-line at: stmarys-ca.edu/public-safety . Fines not paid or appealed within 14 days will be doubled and placed on the student's term bill. Failure to pay fines also subjects a vehicle to being immobilized, typically with a tire boot. Vehicles that are immobilized are assessed a \$50.00 immobilization fee in addition to any other fines for violation of parking regulations. The tire boot/immobilization device is not removed from the vehicle until the fee and all fines are paid to the Business Office. Vehicles that are towed from campus are done so at the owner's expense.

Contact the Department of Public Safety for more detailed information concerning campus parking and vehicle use regulations. Parking information can be found on the Public Safety website: <http://www.stmarys-ca.edu/public-safety>

Clery and Sex Offender Notice

As provided by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Saint Mary's College of California, through its Department of Public Safety, annually provides notice and makes available copies of the Annual Security & Fire Safety Report, to the campus community, prospective students, employees and the public. The Report includes statistics for the previous three calendar years concerning crimes and incidents which occurred on campus, in off-campus buildings, property owned or controlled by the College, or on public property adjacent to campus, that were reported to campus security authorities or local police. The Report also provides campus policies and practices concerning security, how to report sexual assaults and other crimes, crime prevention efforts, policies/laws governing alcohol and drugs, victims' assistance programs, student discipline, College resources, and other matters. The Annual Security & Fire Safety Report is available electronically at: <http://www.stmarys-ca.edu/public-safety> . Request a copy via telephone at: 925-631-4282. Request a copy by mail at:

Department of Public Safety
101 Assumption Hall
1928 Saint Mary's Road
Moraga, CA 94575-3111

In addition, as provided by the Campus Sex Crimes Prevention Act, the Contra Costa County Sheriff's Office maintains a Megan's Law database of sex crime offenders. Information may be obtained through the California Department of Justice website which lists designated registered sex offenders in California at: <http://www.meganslaw.ca.gov>

Impounding of Prohibited Materials or Equipment

The College may impound materials specifically prohibited by the Code, College policy or law. The College may also impound equipment used in a dangerous manner or in violation of the Code or

other College policy, including but not limited to kegs, drug paraphernalia, skateboards, "hover" boards and instruments of potential violence. Once equipment is impounded, the individual will lose all further privileges of use or possession of such equipment or similar equipment on College property permanently. Prohibited materials or equipment may be destroyed without remuneration.

Residential Living & Housing Policies and Procedures

Resident students and their guests are responsible for complying with the following policies and procedures, the Code, the Residence Hall and Dining Service License and other College policies. These policies are designed to be formative and educational. When an alleged violation occurs in the residence halls, staff or other students should report the alleged violation to their Resident Advisor (RA), Resident Director (RD), Office of Community Life, or to Public Safety.

Balconies and Breezeways

Furniture is not permitted on the balconies and breezeways with the exception of specifically constructed outdoor deck furniture approved in advance by the Campus Housing Office. No more than six (6) persons may be on a townhouse balcony outside the suite of a townhouse at any one time. Breezeways are to be kept clear of all obstructions and stairways must always be kept clear for emergency use. Balconies, breezeways and patios must not be used as storage areas. Alcohol is not allowed on balconies, breezeways or patios, which are considered public areas. Barbecues, cooking and/or other appliances (including, but not limited to, refrigerators) are not allowed on balconies, breezeways or patios.

Checking Into Your Room

The first day of occupancy is determined by the Campus Housing Office on an annual basis in accordance with the academic calendar. When you are checked into your room (normally by your RA), you are issued your key(s) and are required to complete a Room Condition Report (assuming responsibility for maintaining the physical condition of the room and its furnishings). Students are financially responsible for damage and/or poor conditions not documented on the Room Condition Report and for the loss of keys.

Checking Out of Your Room

You must check out of your room with the RA and you must turn in the key(s) that were assigned to you at check in. No mail-in keys are accepted. Any and all room damages noted on the Room Condition Report, found through a room inspection, and/or damages/cleaning charges in common areas, will be assessed to all of the residents of the room if individual responsibility cannot be determined. Students are responsible for removing all personal belongings, garbage, and any item not assigned to the room by the College, otherwise, a fine(s) will be added to your Student Account. Students are responsible for following all policies of the on-campus Commercial Mail Receiving Agency to avoid charges or fees.

Cooking & Microwaves

Cooking is not permitted in residence halls other than in those areas that are specifically designed or equipped for cooking by the College (i.e. townhouses and staff apartments). Kitchens in residence hall lounges are available for hall events and not intended for regular personal use. The heating of beverages, snacks, and popcorn in College approved microwaves is permitted. Students may use a personal microwave as long as it does not exceed 1,000 watts.

Damage/Loss to Personal Property

The College does not assume liability directly or indirectly for loss of or damage to personal property by fire, theft, water, or any other cause. Students and Residents are strongly encouraged to purchase personal property/renter's insurance to cover loss or damage to personal property or facilities.

Fire Safety

All students are expected to observe the following regulations critical to the prevention of residence hall fires:

1. The use or possession of any dangerous chemical or explosive material, including but not limited to, fireworks, gunpowder, gasoline or propane is prohibited within the residence halls.
2. Tampering with fire alarms, smoke detectors or fire extinguishers is a violation of state law and is prohibited.
3. Propping open doors for any purpose other than emergency evacuation is prohibited.
4. Room doors, corridors, stairways, and building exits must be kept clear of obstructions at all times.
5. All students and guests must evacuate any building in which a fire alarm sounds in accordance with all local, state and federal law.
6. Students who continually activate a fire alarm because of cooking or preventable circumstances may result in disciplinary action and/or service fee.

Furniture

College owned and personal furniture must be positioned and used in a manner consistent with their intended purpose and design. Lost or damaged furniture is the responsibility of the residents of the room. Only specifically constructed outdoor deck furniture approved in advance by the Campus Housing Office can be used or placed on patios. Any personal furniture, trash or other belongings may be subject to removal at a cost to the resident. Students are not permitted to remove any College issued furniture from the room in which it is assigned and may not remove furniture from public areas and/or lounges. Students are not allowed to disassemble College furniture. Similarly, window screens, curtains, curtain rods or other items affixed to any part of the room may not be removed or added to the facility. There is no storage for room furnishings. Residents will be charged for missing or damaged furniture. Residents are not permitted to loft, bunk or adjust the height of the beds; the Facilities Services staff must perform these functions via a work order request.

Garbage

Under no circumstances are students to place, or allow to be placed, trashcans, recycling or bags in the hallways outside student rooms or in stairways. Students are expected to empty their own trash and recycling bins on a regular basis and may be charged for cleanup of unreasonable messes.

Gender Inclusive Housing

Campus Housing offers gender inclusive housing options for students. It is the intention of Campus Housing to make room assignments on how you, the student, prefer to identify. Please contact the Housing Operations Manager (925-631-4897), to discuss your housing assignment preferences. For additional support and resources, please contact the Assistant Director of the Intercultural Center (925-631-8358). Please refer to the Saint Mary's College Nondiscrimination Disclosure found in the College's *Undergraduate Student Handbook*.

Housing over Breaks and Holidays

The residence halls are closed over the Christmas Recess. Students must obtain prior permission from the Campus Housing Office to remain on-campus during Christmas Recess. For those permitted to stay during the Christmas Recess, there is an additional charge. There is no food service during Thanksgiving Recess, Christmas Recess, Jan Term Recess, and Easter Recess.

The last day of occupancy for all students (except graduating seniors and those undergraduates receiving authorization from the Campus Housing Office) is twenty-four (24) hours following the student's last final examination or 9:30AM on Friday of finals week, whichever comes first. For graduating seniors and students who have been authorized to extend their on-campus residency beyond the end of spring semester exams, the last day of occupancy is the day following Undergraduate Commencement at 12:00 p.m. (noon).

Housing Assignment

Incoming First Year Students: All incoming first year students accepted for the fall, January or spring term are required to live on campus.

Exemption Policy/Process for On Campus Residency Requirement

There may be specific circumstances that would prevent a student from living in on-campus housing. Exemption from the residence requirement will only be considered for the following circumstances:

1. In a case of a student who is married or in domestic partnership and/or is parent to dependent child(ren), as supported by documentation.
2. In a case of older students such as returning military or previously married or in domestic partnership where, by virtue of age and experience, are incompatible with the educational objectives and values sought to be provided in the residences.
3. In a case where it appears that a full-time undergraduate student will otherwise suffer significant physical hardship, as supported by documentation from a non-familial physician or treating professional (e.g. must live with an attendant or requires equipment that cannot be accommodated in a residence hall room).

All exemption requests must be received prior to July 1 for the academic year and December 1 for students entering at the beginning of the January or Spring term. Students failing to submit an exemption request form prior to the deadline will be assessed mandatory housing/dining fees. An application for exemption from the on-campus housing requirement does not guarantee nor imply that an exemption will be granted. Students should assume that their request has not been granted until they receive written notification of approval and should not make other living arrangements, enter into a rental or lease agreement with a third party realtor or lessee until such notification. Upon receipt of the student's request for an exemption and all supporting documentation, the request will be reviewed by appropriate campus personnel and a decision will be communicated to the student within ten (10) business days of the July 1 December 1 deadline.

Questions may be directed to the Dean of Students, at 925-631-4238.

On-Campus First Year Students continuing as Sophomores: First Year students who receive on-campus housing, remain in housing during their entire first year, and remain eligible for housing and meet all necessary deadlines, are eligible for on-campus housing for their

sophomore year through the room selection process. Room assignments are determined by space availability, the order of placement in the room selection process, and the approval of the Campus Housing Office.

Sophomores and Juniors continuing, respectively, as Juniors and Seniors: Toward the beginning of the Spring semester, current sophomores and juniors who are continuing into their junior and senior years are eligible to participate in the room selection process. Students are offered on-campus housing as determined by space availability, the order of their placement in the room selection process, and the approval of the Campus Housing Office.

Transfer Students: Incoming transfer students are guaranteed housing provided they meet the July 1st deadline for payment of the housing deposit and submission of their Residence Hall and Dining Services License. After that date, they can request to be placed on a pending list to receive housing as space becomes available. Room assignments are determined by space availability and the approval of the Campus Housing Office.

Eligibility for Room Selection

Any student on Probation or higher, during the academic year, or part thereof, will have his/her discipline file reviewed by the Community Life for consideration to participate in the room selection process. Following the review of the probation status and gravity of the incidents(s) leading to disciplinary action, the Dean of Students will make a final determination of eligibility for participation in the room selection process. Affected students will be notified of ineligibility one (1) week prior to room selection. Students who lose room selection eligibility may be placed at the end of the pending list of eligible students per written request submitted to the Campus Housing Office. Administrative room selection ineligibility is not subject to appeal.

Hall Sports/Recreation

Respect for the community involves respect for the building and its residents. Hall sports such as wrestling and dribbling or throwing balls/objects, skateboarding, roller-blading and bicycle riding are prohibited in all residence halls. Such activity is potentially damaging to fire and safety equipment, and could cause structural damage. Occurrences may result in a fine, charged to your student account for damages and/or student conduct action.

Keys

Residence hall room keys are issued to students upon check-in. All residence hall keys are the property of the College and are not transferable. Students are responsible for locking rooms and taking keys with them to re-enter. The Campus Housing Office will replace lost, stolen, or otherwise missing keys at a cost to the student of \$50.00 per key. Students locked out of their room on weekdays between 8:30 a.m. - 4:30 p.m., can go to the Campus Housing Office (Ferroggiaro Hall #200) for assistance. Students locked out on weekdays between 4:30 p.m. - 8:30 p.m. or during the day on weekends and holidays, can contact Public Safety (925-631-4282) for assistance. Students locked out between 8:30 p.m. - 7:30 a.m. must contact the RA on duty for assistance. Students locked out from 7:30 a.m. to 8:30 a.m. can contact Public Safety (925-631-4282). Abuse of the lock-out privilege may result in disciplinary action and/or service fee assessment.

Noise

The primary purpose of noise and quiet hour regulations is to create residence hall environments that promote rather than detract from effective study. Residents are expected to adhere to quiet

hours and noise level standards, and be considerate of others' rights to sleep and study, regardless of the time of day. Quiet hours are in effect from 9:00 p.m. to 9:00 a.m. Sunday through Thursday, and from midnight to 9:00 a.m. Friday and Saturday. These hours may be lengthened to meet the needs of an individual floor. During quiet hours, noise from stereos, radios, TVs, voices or any other identifiable source should not be heard outside of or between any residence hall rooms. Twenty-four (24) hour quiet hours begin the Friday before the first final exam of each semester through the close of the residence halls. All other hours are courtesy hours (students should comply if a staff member or another student asks for quiet).

Noxious Odors

Any odor or aroma (including, but not limited to, cigarettes, cigars, pipe smoke, perfume, air freshener, dirty laundry) of such intensity that it becomes apparent and/or offensive to others is prohibited.

Prohibited Items

Any type of firearms, air pistols/rifles, "bb" guns, slingshots, bow and arrows, explosives, fireworks, candles, incense, flammable fluids or gases, dangerous chemical mixtures, propelled missiles, smoke bombs, sparklers, large knives, martial art or other weapons, and/or other flammable are prohibited in the residence halls and may result in fines and/or disciplinary action if found.

Other examples of items prohibited in College housing include, but are not limited to, the following:

- Open flames, candles, sun lamps, incense, hookahs or any device capable of producing an open or enclosed/contained flame or odor
- Large holiday/string lights
- Cinder blocks
- Stolen merchandise including, without limitation, items such as College owned furniture, street signs, etc.
- Motorcycles, motor bikes and any type of gas powered engines located in the housing units
- High-resistance electrical appliances (including but not limited to, hot plates, space heaters, heating coils, electric blankets, sunlamps, halogen lamps and toaster ovens)
- Water-filled furniture
- Exterior antennas and satellite dishes
- Outdoor clotheslines
- Metal tipped dartboard sets
- Dead plants or trees
- Pets and/or animals not approved through Student Disability Services
- Drum sets or any musical equipment connected to an amplifier
- Any attachments to interior/exterior walls and doors other than those provided by the College
- Extension cords without a UL approved circuit breaker

Reassignment

A student may be reassigned to another room if the College deems such reassignment is necessary or advisable in the interests of health, safety, and more prudent use of resources, or the efficient conduct of the residential system. Such reassignments are an administrative decision, not a discipline process sanction, and are not subject to appeal.

Right of Entry

The College will respect students' right to be free from unreasonable searches and intrusions into student living area. However, College officials may enter a student's residence with or without notice under certain circumstances. The college reserves the right to enter and search a student's room or apartment for reasons pertaining to health, safety, general welfare, necessary repairs or improvements and/or to insure compliance with College policies and guidelines. College officials also may enter a student room on the premise that an action violating college policies or state or local law did or is about to take place.

Room Changes

Residents sometimes consider changing rooms due to roommate conflicts. In most cases, these conflicts can be resolved through discussion, mediation and compromise. Students are required to talk to their RA and RD prior to requesting a recommendation for a room change.

- No room changes will be made during the first two weeks of each semester.
- Room changes may only be made by the Campus Housing Office and upon the recommendations of the Office of Residential Experience. Generally, all students involved in the room change must be in agreement before changes are made.
- Unauthorized room changes are not permitted.
- In cases of irreconcilable roommate/suitemate incompatibility, the student filing the request will be required to relocate.
- In cases where all roommates refuse to move, the Campus Housing Office may, on the recommendation of the Office of Residential Experience, reassign all residents of a room to alleviate a conflict.
- The Campus Housing Office may relocate and group students as needed.

Room Condition Reports

Students who live in on-campus rooms are responsible for noting the condition of their room on their Room Condition Report (RCR) form. If this form is not returned, the resident will be responsible for ALL damage to the assigned room, even if it occurred prior to move-in. By submitting this form, students certify that they will be held responsible for the room in the condition stated. Students will be held responsible for any damages or changes of their room between their check in time until their check out time.

Damages not noted (discovered after departure) may also be charged to their student account.

Room Decorations

Residents are expected to leave the room in the same condition as when they moved in. Residents will be charged for damages or unauthorized alterations to their living space. Additionally, students should not have or display candles, alcohol bottles, or any other prohibited item(s) as room decorations. Only UV resistant, non-residue, non-surface damaging tape (such as Scotch blue Painter's Tape) is allowed for decorating purposes in the Residence Halls.

Room Occupancy

No more than two (2) guests per resident in dormitory style building (Central and Canyon areas) or more than fifteen (15) people in a townhouse style building (Becket, More and other townhouses), are permitted at any given time.

Smoking

Saint Mary's College promotes and fosters the health, safety, and comfort of all members of the residence hall community. Smoking/vaping is not permitted in residence rooms, on the breezeways, or in public areas of the residence halls (hallways, lounges, etc.). Also, students who smoke are asked to be mindful of their location with regards to open doors and windows, and to insure that smoking materials are disposed of properly. Any room damages created by smoking within the room are the responsibility of the residents of the room. See the Tobacco Policy for further details.

Visitation and Overnight Guests

Visitation by members of the opposite sex in individual student rooms is permitted during the hours of 9:00 a.m. to 2:00 a.m. only. In compliance with College policy, personal guests of students should restrict the length of their campus visits, except in emergency situations. Students are not permitted to bring non-sibling minors under the age of 18 into their residences. Only guests of the same sex are permitted to stay overnight in a resident's room, with the advance permission of the roommate/suitemates, and after having notified the residence hall staff. No overnight guest may stay in the halls more than three (3) nights in a seven (7) day period and no overnight guest will be permitted for more than twelve (12) days total in any given academic year. Overnight guests are not permitted during final examination days or during vacation periods and other days established by the College Campus Housing Office.

When the Front Gate is controlled by the lowered gate-arm or human attendant(s), all vehicles must stop and the occupants must provide identification. When entry is controlled (typically 10:00 p.m. - 5:00 a.m.), all guests not accompanied by a student or employee must be cleared for entry. Students or employees must contact the Front Gate (925-631-4282) and provide their name and Saint Mary's identification number along with the name(s) of their approved guest(s). Resident students responsible for the Room Occupancy policy.

Responsible Host Policy

Saint Mary's College students (non-student organizations) may host parties in community space that has been allocated by the Student Involvement and Leadership Office. ALL student hosted events taking place outside of a residential room must be registered and approved for space to be reserved, and Responsible Host(s) must be designated.

A student who will be identified as the Responsible Host during the party is required to attend the *Gaels Party Safe- Responsible Hosting Training* in order to reserve space for a public social event being held on campus. This training must be completed at least 2 weeks prior to the party being held. All state and local laws and college policies apply to any party, gathering, or event at Saint Mary's College.

The Responsible Host is responsible for planning and managing the party being held in specified reservable space on the Saint Mary's College campus and must comply with all policies and procedures outlined in the Responsible Host Training.

For more information, contact:

Assistant Director for Health Promotion & Education
Health and Wellness Center
925-631-4776

Ete Martinez-Anderson
Assistant Dean of Student Life
Office of Student Involvement and Leadership
925-631-8318

Social Events Policy

All events sponsored by Saint Mary's College are closed to the general public except for, in some cases, a Saint Mary's College student-sponsored guest. Students are limited to one (1) guest per SMC student-host (to events in which guests are permitted). A valid student ID card must be presented for admission to ALL events. Guests must present a valid picture ID (i.e., driver's license, passport or California ID card) and must be accompanied by their Saint Mary's host at all times. Guests under the age of eighteen (18) are **not** permitted to gain admittance into student-sponsored events. A guest list must be maintained on the premises by the sponsoring student group and submitted to Student Involvement and Leadership two days prior to the event).

Requests for student-sponsored events must be submitted to Student Involvement and Leadership via SPOT and must observe the appropriate timeline given the type of event. Recognized student organizations must submit the appropriate paperwork, gain approval and seek guidance in their planning from the appropriate staff member and advisor. Alcoholic beverages must be served in accordance with state law and College policy. Written permission to serve such beverages must be secured through Student Involvement and Leadership at least three (3) weeks prior to the event. Specific guidelines regarding the serving of alcoholic beverages are available from Student Involvement and Leadership (refer to Alcohol and Other Drugs Policy, Part II).

Admission to the Event

- Saint Mary's students must have a current Saint Mary's ID for entrance and be currently enrolled.
- Off-campus guests (limit of 1 per student) must be 18 and have a current state ID.
- There is a no re-entry policy at all dances and concerts.
- Money collected during the event must be deposited in the Business Office safe at the end of the evening and with Public Safety escort.

Sponsoring Student Group Responsibility at the Event

Student groups are responsible for all occurrences during the event. Students working the event must be sober and working closely with event staff to ensure a safe and successful event.

Social Media Statement

The College Committee on Inclusive Excellence (CCIE) recognizes the power and ability of social media to build community, foster positive relationships, and promote free expression. However, these same new media platforms can be used to inflict harm on individuals or groups. In keeping with the inclusive vision of Saint Mary's College, and existing social media guidelines, we urge all community members to recognize that uncivil behavior, harassment and/or name calling on SMC webpages or social media platforms is unacceptable, will not be tolerated and can violate college code of conduct and legal guidelines. The College's core principle of respect for all persons must apply in all environments, including the virtual world of social media.

Solicitation, Distribution and Advertising Policies

Copyright/Use of College Name and Logo

The College's name, logos, seal and other marks, including but not limited to the image of the Chapel, are protected under state and federal law and the unauthorized use of these marks is prohibited. Furthermore, the De La Salle statue is protected by copyright. Permission for any student or recognized student group to use these marks must be coordinated through the Assistant Dean of Student Life, who shall obtain permission in writing from the appropriate Saint Mary's official charged with managing the use of Saint Mary's marks.

Posting Policy

Saint Mary's College is a community dedicated to the intellectual enrichment and personal development of all of its members through study, inquiry and continuing communication with one another. In accordance with its Lasallian heritage and Core Principles, the College encourages a balanced approach in the expression of opinions. The posting, distributing, or disseminating of printed materials (i.e. fliers, posters, table tents, banners, handbills) that advertise, publicize, or otherwise provide notice of activities, events, or information are subject to this Posting Policy.

The Assistant Dean of Student Life, or designee, grants permission to on- and off-campus individuals and groups to post, distribute or disseminate printed materials on campus. The College maintains the authority and right to prohibit the distribution of any material, which in the estimation of the college might cause a security problem or interferes with any instructional or college event. The College also maintains the right to regulate the time, manner, and place of any distribution of written material which is likely to cause harm to college property, physical danger to any individual, or in any other way breaches the security of the college or disrupts the furtherance of education.

When posting, anywhere on campus, the following must be observed:

1. The posting, distributing, or disseminating of printed materials (i.e. fliers, posters, table tents, banners, handbills, etc.) that are used to advertise, market, promote and/or provide notice of activities, events or information are all subject to the Posting Policy.
2. Approval to post, distribute or disseminate printed materials for on-campus and off-campus individuals is granted through Student Involvement and Leadership (SIL).
3. All printed materials must indicate the name of the sponsoring department, or student organization and contact information, as well as the location, date and time of the event.
4. Printed materials may not be placed on or against, attached to, or written on any structure or natural feature of the campus such as, but not limited to, sides of doors or buildings, windows, the surface of walkways or roads (floors), fountains, posts, waste receptacles, lawn, trees, or on vehicles parked on campus, doors or buildings, windows, surfaces or stanchions and wooden standards.
5. The use of chalk, for marketing purposes, on any surface is not permitted.
6. Only one (1) posting of any kind is permitted in any posting location. Posting is permitted on a first-come, first-served basis, and existing postings may not be removed or covered by new ones.
7. Materials can be posted for a period of two (2) weeks.
8. No individual or group may leave fliers, announcements, or printed literature of any kind on campus grounds, parked vehicles, or inside any campus building, nor otherwise affix or insert such materials into campus lawns or grounds.
9. Postings must be removed within 24 hours following the publicized event by the sponsoring

organization.

10. Only "safe-release" painters' tape (blue tape) may be used to post fliers and posters. Other tapes will damage the surfaces of walls and buildings. Fliers posted on bulletin boards may be attached with staples, pushpins, or blue tape. Please note that blue tape can be purchased through the College's warehouse and SIL does NOT provide it for college departments.

Off-Campus Individuals

1. The posting, distributing, or disseminating of printed materials that are used to advertise, market, promote and/or provide notice of activities or events are all subject to the College's Posting Policy. Postings for employment, sales, discounts, etc. that are not attached to an event cannot be posted and should seek alternative modes such as buying an ad in the college's newspaper (The Collegian) or the Career Center, for employment notices.
2. A maximum of 25 posters or fliers must be submitted to Student Involvement and Leadership for approval and posting. Off-campus individuals may not post their own materials on campus. Materials should measure a minimum of 8 1/2" x 11" and not exceed 11" x 17" in size.
3. All printed materials must indicate the name of the sponsoring business or organization and contact information, as well as the location, date and time of the event.
4. Materials can be posted for a period of up to two (2) weeks.
5. No individual or group may leave fliers, announcements, or printed literature of any kind on campus grounds, parked vehicles, or inside any campus building; nor otherwise affix or insert such materials into campus lawns or grounds.
6. Promotion and advertising of an event may indicate that alcohol will be available for purchase and must indicate that "ID will be required." Also, the promotion and advertising of an event shall not portray symbols of alcoholic beverage consumption (including, but not limited to, foaming mugs, cans, glasses and kegs), excessive consumption (including, but not limited to, drinking contests and competitions) or emphasize frequency or quantity of alcoholic beverage consumption.
7. Failure to meet Posting Policy Guidelines will result in the loss of on-campus posting privileges.
8. Off-campus advertisers do not have access to residence halls.

Posting Areas

1. External Posting Spaces
 - There are 30 high-traffic areas located throughout central campus for posting fliers. These areas are painted in a beige color and are clearly marked as posting areas for approved materials which should measure a minimum of 8 1/2 " x 11" and not exceed 11" x 17" in size.
2. Bulletin Boards and Display Cases
 - Departmental bulletin boards, typically located outside of administrative or academic department offices, are maintained by the respective departments. Permission for posting at these locations must be obtained from the specific department head or designee.
 - The SIL windows are available for posting printed materials (minimum of 8 x 11 in size) for special events. Requests must be submitted a minimum of two (2) weeks prior to the event (for departments and student organizations).
3. Residence Halls
 - Departments, student organizations and individuals do not have access to Residence Halls and must not post on any area in or surrounding the building. Posting on the exterior of the building, doors, windows, lampposts and light fixtures is not permitted
 - Copies of fliers, posters and other promotional materials must be submitted to the Office of

Residential Experience for posting. Materials (a maximum of 22 copies) should be submitted the Friday prior to the week of desired posting.

4. Oliver Hall

- Materials posted in Oliver Hall must observe the Posting Policy in its entirety. Items that are not congruent with the policy or stamped by Student Involvement and Leadership, will be removed immediately.
- Placing table tents in Oliver Hall, Dryden, Brickpile and Café Louis is allowed. Table tents must be printed on white paper, as those printed in color paper will stain the tables. Loose fliers may not be left on the tables in the aforementioned locations.

5. Large Banners and Posters

- The Brickpile wall along Ferroggiaro Quad is the only posting area for large banners, signs, or other specialized promotional materials (minimum size is 11" x 17" and must not to exceed 3' x 3').
- Vinyl banners (not to exceed 10' x 3' in size) can be hung from the trees in front of Filippi Administrative building with advance approval from SIL. Approval must be requested a minimum of two (2) weeks prior to the hanging of the banner. In addition, the actual hanging of banners must be coordinated through Facilities Services.

6. "Day of" Posting

- "Day of" posting is allowed for directional and informational purposes for campus-wide events and must be removed immediately after the event. "Day of" posting must be related to the function of the program such as schedule, directions, and registration. Pre-approval must be secured through Student Involvement and Leadership.

Sanctions

The sponsoring organization is responsible for the removal of all publicity, including banners within 24 hours following the event. Directional signs must be taken down immediately after the event.

- Continued failure to remove expired publicity may result in loss of posting privileges.
- Student Involvement and Leadership may immediately remove any publicity not in accordance with this policy.
- Residence & Community Life staff may remove any publicity not in accordance with this policy or guidelines set forth by the Office of Residence and Community Life.

Painting the SMC

The painting of the SMC by campus groups and individuals has been a longstanding tradition at Saint Mary's College of California. For generations, students have commemorated special events, heritage months and holidays by trekking up the hill, with paint supplies in tow, to give the "SMC" their special mark. Students, staff and faculty participate in this tradition as a way to let their presence on campus be known while building community within their group.

In an effort to encourage the equitable access to the letters for all, Student Involvement and Leadership has created the following guidelines:

1. Submit a request to paint the SMC to Student Involvement and Leadership two weeks prior to your proposed date via email (sil@stmarys-ca.edu.) Be sure to include proposed dates and the reason for painting it.
2. Upon receiving written approval from SIL, your group may paint the "SMC."
3. The "SMC" shall remain painted for a period of no more than two (2) weeks, after which Buildings and Grounds will repaint it to its original white color.

4. The SMC is to remain white during the following times:
 - Week of the Mass of the Holy Spirit
 - The beginning of Finals' Week through the end of the Christmas break
 - During De La Salle week
 - The beginning of Finals' Week through both graduation ceremonies
 - All summer

Solicitation and Commercial Activity

The College has an obligation to preserve the student's right to personal privacy, safety, and security. Individuals or organizations wishing to engage in commercial activity on campus may do so only with the written approval of the Vice President for Finance. The College does not allow door-to-door solicitation of products or services in the residence halls. This policy applies to all College and off-campus organizations, groups and individuals.

Fundraising Policy

The following principles, policies and procedures govern all student fundraising activities at Saint Mary's College of California. The purpose of this policy is to guide Saint Mary's student organizations in planning their fundraising activities for the benefit of the campus community. Fundraising is the responsibility of the College's President and the Vice President for Advancement in accordance with the priorities established by the Board of Trustees.

1. Student clubs, classes and organizations may conduct on-campus fundraising after seeking the approval of their advisor and Student Involvement and Leadership.
2. Student organizations are permitted to conduct infrequent collection of food, clothing or change for charities; make requests for donated labor or donated products; and hold activities like bake sales that by and large do not solicit significant cash gifts. These student fundraising activities are only permitted on campus.
3. Student groups may solicit from individuals and businesses that have given money to the group in the past five years or that have a previous relationship with the group.
4. Student group solicitation of off-campus businesses for in-kind product and food donations is permitted on a limited basis subject to the approval of the Assistant Dean of Student Life (in consultation with the Advancement Office). An advance list of businesses to be solicited is required to be submitted to the Assistant Dean as well.
5. Off-campus door-to-door and telemarketing type fundraising activities by student clubs and organizations are not permitted.
6. Students are not permitted to solicit alumni directly.
7. Students may not raise funds from foundations or from corporations.
8. The Vice President for Advancement will have final discretion in approving all fundraising activities. For questions, please call 925-631-4328.

Student Complaints Policy and Procedure

This protocol gives instructions for addressing student complaints which are not otherwise covered in any subject-matter-specific grievance, complaint or appeal policy applicable to the student.

Students at Saint Mary's College of California may report a concern or complaint regarding any area of academic or student life without fear of coercion, harassment, intimidation, or reprisal from the College or any of its employees. Students have the right to expect a timely response to a complaint. Every effort will be made to resolve matters fairly and promptly. If additional follow-up and

investigation is warranted, Saint Mary's will attempt to conduct the additional follow-up in a timely manner so as to not unduly delay the resolution of the complaint.

Because no single process can serve the wide range of possible complaints, Saint Mary's College provides specific processes for responding to certain kinds of student complaints. Where College policy provides a specific complaint or grievance procedure, an aggrieved student must use that procedure. As a general guide, students should refer to the Undergraduate or Graduate and Professional Student Handbooks. Students are made aware of the Student Handbooks via email at the beginning of the fall semester.

The following are some examples of established procedures for specific types of student complaints found in the Student Handbooks:

- Bias Incident or Hate Crime
- Discipline process
- Discrimination or Harassment
- Grades and other Academic Complaints Procedures
- Student Disability Accommodations

Any student at Saint Mary's who has a complaint that directly implicates the College's program of education should do the following:

1. Submit the complaint in writing to the Dean of Students. This correspondence must be submitted in one of the following ways:

- Electronic mail – dos@stmarys-ca.edu
- Postal mail - Dean of Students, Ferroggiaro 200, PMB 4327, Moraga, CA 94575
- Fax - 925-377-0493
- Or online form: <http://www.stmarys-ca.edu/student-life/your-safety-resources/dean-of-students>

2. The correspondence should describe in detail the behavior, program, process, or other matter that is the subject of the complaint, and should explain how the matter implicates the College's program of education.

3. For a response to take place, the complaint must contain the complaining student's name, student ID#, Saint Mary's email address, and current mailing address.

4. The Dean of Students will acknowledge the complaint within three business days of receipt of the written complaint. Acknowledgment may be made by electronic mail, postal service, fax or by personal delivery, at the discretion of the Dean of Students.

5. Within three weeks of acknowledgment of the complaint, the Dean of Students or designee, shall either meet with the complaining student, or respond to the substance of the complaint in writing. If further investigation is needed, the correspondence will indicate so and will also indicate when the investigation is anticipated to be completed. Upon completion of the initial review and any further investigation, if needed, Saint Mary's will provide the student with a substantive response regarding the final disposition of the complaint.

6. Appeals regarding decisions on complaints should be addressed to the Vice Provost of Student Life. Any decision made on appeal by the Vice Provost of Student Life shall be final.

7. A copy of the complaint and a summary of the process and resolution of the complaint shall be kept in the Office of the Dean of Students via a secure electronic filing system for a period of four years from the date of final resolution of the complaint.

Any reports, questions or concerns can be directed to the Dean of Students at 925-631-4238.

Please note that this procedure is not designed to address imminent emergencies. If you have an emergency to report, please call Public Safety at 925-631-4282.

Any student may contact the Bureau for Private Postsecondary Education for review of a complaint. The bureau may be contacted at 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833, <http://www.bppe.ca.gov>, [916-431-6924](tel:9164316924) (telephone), or [916-263-1897](tel:9162631897) (fax).

Student Disability Services

Student Disability Services is committed to reaching out and serving students with disabilities in an effort to create an equal opportunity for all students to enjoy and participate in Saint Mary's educational programs and campus life. Reasonable and appropriate accommodations are extended to eligible students on an individualized, case-by-case basis.

Students with disabilities, and those with questions regarding eligibility criteria and/or available services, are encouraged to contact Student Disability Services at 925-631-4358 to set up a confidential appointment for detailed information.

Service and Assistance Animals Policy

This policy applies to service and assistance animals that may be used by individuals with disabilities at Saint Mary's College. A service animal is an animal that either works, provides assistance, or performs tasks for the benefit of a person with a disability. An assistance animal provides emotional or other type of support that alleviates one or more identified symptoms or effects of a person's disability.

Service Animals

A "service animal" refers to a dog or miniature horse that is individually trained to do work or perform tasks for the benefit of a person with a disability. The work or tasks performed by a service animal must be directly related to the person's disability. The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of this definition. Service dogs are permitted to accompany people with disabilities in all areas of Saint Mary's College's facilities with very few exceptions. Although students with service dogs are not required to register with Student Disability Services, the College encourages students to contact Student Disability Services in Filippi Academic Hall 190, 925-631-4358 to learn what other services may be available to them.

Assistance Animals

An "assistance animal" is an animal that provides emotional or other support that ameliorates one or more identified symptoms or effects of a person's disability. Unlike service animals, assistance animals are not required to be trained to perform work or tasks, and include species other than dogs and miniature horses.

Students who intend to bring an assistance animal to campus and/or to live in the residence hall must receive an accommodation through Student Disability Services to do so. Accommodation requests to bring an assistance animal to live in Campus Housing must be submitted to Student Disability Services 30 days prior to move in.

Guide and Hearing Trainees

California law allows animals that are being trained to be dog guides for the blind, hearing assistance dogs, or assistance animals for persons with physical impairments to access Saint Mary's College facilities.

Responsibilities of People with Disabilities Using Service or Assistance Animals

Saint Mary's College is not responsible for the care or supervision of service or assistance animals. People with disabilities are responsible for the cost, care, and supervision of service or assistance animals, including:

- compliance with any laws pertaining to animal licensing, vaccination, and owner identification;
- keeping the animal under control and taking effective action if it becomes out of control;
- feeding, walking, and providing ordinary care of the animal and the surrounding area; and
- appropriately disposing of the animal's waste.

Animal waste disposal via College plumbing is prohibited. Campus Housing will provide guidance on where to appropriately dispose of animal waste.

Saint Mary's College will not require any surcharges or fees for service or assistance animals. However, a person with a disability may be charged for damage caused by a service or assistance animal to the same extent that Saint Mary's College would normally charge a person for the damage they cause.

People with disabilities and their service or assistance animals must comply with the same College rules regarding noise, safety, disruption, and cleanliness as people without disabilities.

Exceptions and Exclusions

Saint Mary's College may pose some restrictions on, and may even exclude a service or assistance animal in certain instances. Reasons an animal may be excluded from an area include but are not limited to:

- it is out of control and effective action is not taken to control it.
- it is not housebroken (or in the case of an assistance animal that deposits waste in a designated cage or litter box, the owner fails to clean such cage or box such that the cleanliness of the room is not maintained);
- it poses a direct threat to the health or safety of others that cannot be mitigated by reasonable modifications of policies, practices, or procedures, or the provision of auxiliary aids or services.

In the event that restriction or removal of a service or assistance animal is determined to be necessary, the person with a disability will still be given the opportunity to participate in the service, program, or activity without having the service or assistance animal present.

Guidelines for Members of the Saint Mary's College Community

To ensure equal access and nondiscrimination of people with disabilities, members of the Saint Mary's College community must abide by the following practices:

- Allow service and assistance animals to accompany people with disabilities on campus;
- Do not ask for details about a person's disabilities;
- Do not pet a service or assistance animal;
- Do not feed a service or assistance animal;
- Do not deliberately startle, tease, or taunt a service or assistance animal; and
- Do not separate or attempt to separate a person from her/his service or assistance animal.

If you have a disability that may be affected by the presence of animals, please contact Student Disability Services in Filippi Academic Hall 190, 925-631-4358. Saint Mary's College is committed to supporting the needs of all people with disabilities and will determine how to resolve any conflicts or problems as expeditiously as possible.

Student Services Policies

Identification Cards (IDs)

Incoming students are issued a photo ID card on the first day of the semester. Photos for the ID cards are taken at orientation. The ID card serves as picture identification and is valid for the estimated four years of attendance at Saint Mary's College and provides various privileges/discounts. The ID card is multi-functional in that it is used for access to the Joseph L. Alioto Recreation Center, the Health & Wellness Center, residence halls, the library, and all College events including SMC athletic events. The ID card also functions as your meal card allowing you to add more money should you choose. To add more money, please visit SMC GET at get.cbord.com/stmarys-ca. Because the card is issued for four years, students may also be checked to a current registration listing. Students who are not registered are not eligible to utilize the privileges/discounts of the ID card. The Business Office issues replacements for lost ID cards Monday - Friday, 9:00 a.m. to 3:00 p.m. for \$10. If the ID is also used as a meal card, it will cost \$25.00 to have a meal card reissued. Replacement cards will be available for pick up within three business days. Please care for your ID card as you would a government issued driver's license or a credit card. Battered or torn cards will not work effectively.

Media Policy

Saint Mary's College recognizes that student publications can be valuable tools in establishing and maintaining an atmosphere of free and responsible discussion and exploration, bringing student concerns to the attention of all members of the College community, and for formulating student opinion. Student publications bear a responsibility to the College as an institution of higher education in the Roman Catholic tradition and as a community of persons. Respect for truth, openness of inquiry, and good taste are hallmarks of such responsibility. To maintain these principles, the following are applicable to student publications:

1. Student media (publications, radio, and television) are free of censorship and/or advance approval of copy, and their editors and managers shall be free to develop their editorial policies and news coverage. At the same time, this freedom entails the corollary responsibility to be governed by the canons of responsible journalism and the basic principles and traditions of the College in both print and electronic media. In addition, KSMC student radio falls within the jurisdiction of the Federal Communications Commission (FCC) and therefore, FCC broadcast standards apply to transmissions by KSMC radio.

2. Editors and managers of student media supported by recognized College bodies shall be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content that does not otherwise violate College policy or applicable laws or regulations. Only for proper and stated causes will editors and managers be subject to removal and then by orderly and prescribed procedures.
3. All student publications, radio and television should carry a statement that the opinions expressed are not those of the College or the Associated Students.

Technology Use Policy

Technology Use Policy (Revision Approved May 2016)

Saint Mary's College of California ("Saint Mary's") is a non-profit public benefit corporation dedicated to offering a Catholic, Lasallian, Liberal Arts education. Saint Mary's has developed Information Technology (IT) resources to support this mission. This Policy governs the appropriate use of Saint Mary's IT Resources.

The primary purpose of Saint Mary's IT Resources is to facilitate and support the Academic Mission of the College.

The use of Saint Mary's IT resources for College business and operational activities such as Financial and Academic administration, student support, and facilities administration are also critical in support of the Academic Mission of the College.

The mission-aligned priorities noted above constitute the primary use of Saint Mary's IT Resources. All other uses are secondary, and must not interfere with primary use of Saint Mary's IT Resources

The use of Saint Mary's IT Resources is a privilege that is extended to all qualified members of the Saint Mary's Community, and must be consistent with the priorities listed above.

The use of Saint Mary's IT Resources by all Users must comply with all applicable laws and Saint Mary's Policies. Violations may result in suspension or termination of User privileges.

By accessing Saint Mary's IT Resources, Users implicitly agree to abide by this Policy.

General Policies Governing the Use of Information Technology (Revision Approved May 2016)

IT Policy Governance

This and other IT Related Policies (listed below under "Related Policies") are subject to amendment or revision as appropriate by approval of the Technology Planning and Policy Committee (TPPC).

Scope

This and other Related IT Policies apply to all users (Users) of Saint Mary's IT resources, including faculty, staff, students, campus visitors and contractors, and apply whether the user is accessing these resources while on campus or remotely over the internet.

Using Information Technology Resources

General

The use of IT resources shall be consistent with the mission of the College, College policies, and must not violate Federal, State or local laws or regulations.¹

Access

IT resources are available to Users on campus as well as remotely through the internet, twenty-four hours a day, and seven days per week. Technical support is limited to academic business hours, and Saint Mary's may on occasion temporarily interrupt this availability to conduct ordinary as well as extraordinary business and maintenance.

Faculty and Staff

Use of IT resources is limited to that which is necessary as part of a User's duties, responsibilities and mission-related activities. Incidental personal use during a User's working hours where such use does not interfere with a User's performance, does not violate any applicable policy, rule, or law, and is consistent with your office or departmental policies and procedures related to such use, may be permitted. Faculty and Staff Users should consult with their supervisor as to the extent of permitted personal use of Saint Mary's IT Resources.

Use of College-Provided Mobile Computing Equipment

Faculty and Staff Users who are issued College-owned mobile computing equipment must also abide by the *Saint Mary's College of California Policy for College-Provided Mobile Computing Equipment*.

Students

Saint Mary's recognizes that access to, and use of, IT resources contributes to an individual's personal and intellectual development. Therefore, student Users may use IT resources for both academic and personal use. However, in an effort to allocate IT resources fairly, Users engaged in personal activities that place an undue burden on IT resources may be asked to reduce or discontinue such use. Saint Mary's may impose limits if the User does not voluntarily reduce or discontinue the burdensome activity upon such a request

Accounts and Passwords

Members of the Saint Mary's community, including Trustees, faculty, staff, current students, resident Brothers of the Christian Schools, and temporary employees are qualified for and will be issued a Saint Mary's network account (Account). Each Account will be issued with a unique user name and secret password, which should be immediately changed by the user to a strong password (see *Saint Mary's College of California Password Policy*). This user name and password will be required when authenticated access to Saint Mary's IT resources is necessary. Visitors to campus are limited to the use of the "Guest" wireless network, which does not require an account for access.

¹ For questions regarding copyright and trademark issues, Fair Use, or other legal matters relating to the use of copyright-protected materials on the Saint Mary's network, please refer to the Saint Mary's Library Resources web pages. Legal questions about such issues should be directed to your Dean, area Vice President or Vice Provost, who can consult about your question with College Counsel, if necessary.

Attachment and Use of Privately-owned Computing Equipment

Users and Guests who attach their own (privately-owned) computing equipment to the Saint Mary's network must also comply with the *Saint Mary's College of California Policy Governing the Attachment and Use of Personally-owned Computing Equipment on the Saint Mary's Network*.

Information Security

Users of Saint Mary's IT resources must comply with all provisions of the *Saint Mary's College of California Institutional Information Security Policy* that apply to the particular role of the User as defined in the Policy.

Electronic Mail (E-Mail)

General Information

Every network Account comes with an individually assigned e-mail account on the Saint Mary's Google Apps for Education domain (G-mail). Organizational email accounts not tied to an individual account are available by request to IT Services. Members of the Saint Mary's community are strongly encouraged to use the same personal and professional courtesies and considerations in E-mail as they would in other forms of communication at Saint Mary's.

Disclaimer

Saint Mary's IT Services is not the arbiter of the contents of E-mail, and is not technologically capable of completely protecting Users from receiving E-mail that the Users may find offensive. There is no guarantee that E-mail messages received by users of the College's email service are in fact sent by the purported sender. Furthermore, E-mail that is forwarded could be modified by persons other than the original sender.

Ownership

College E-mail addresses are the property of Saint Mary's College of California, and are intended for business purposes.² Electronic mail sent to/from a College e-mail address, whether or not created or stored on Saint Mary's IT resources, constitute a College record subject to review and disclosure by Saint Mary's at its discretion. For reasons of security, business continuity and legal compliance, Saint Mary's employees must use their individual or departmental Saint Mary's e-mail account, rather than any other personal or business e-mail account, for all Saint Mary's business communications that utilize electronic mail.

Representations

E-mail Users shall not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of Saint Mary's or any unit of Saint Mary's unless explicitly authorized to do so by the appropriate College authority. Where appropriate, an explicit disclaimer shall be included unless it is clear from the context that the author is not speaking on behalf of Saint Mary's. An appropriate disclaimer is: "These statements are my own, not those of Saint Mary's College of California, its Board of Trustees, or its Regents."

² E-mail accounts issued to students are intended for both personal and educational purposes. Therefore, though Saint Mary's retains ownership of the email address, it claims no ownership or interest in the contents of the account; however, the account contents are visible to Saint Mary's.

Lists and Aliases

Saint Mary's maintains e-mail lists and aliases to enhance communication among the Saint Mary's community. Certain lists are used for critical communication and are accessible only by members of the President's Cabinet and certain other emergency managers. Other lists may be created, as necessary, by Users working with their appropriate supervisor and IT Services. Users who participate in e-mail lists are expected to exercise good judgment and courtesy when posting to lists.

Policies Related to the Use of its Resources

Management of Information Technology Resources

All Saint Mary's-owned computing equipment is managed by IT Services. Management includes the installation and maintenance of all application and operating system software. This may also include the installation of various software clients that aid in managing Saint Mary's owned computing equipment. No employee is permitted to evade or compromise this management or the capability of management, including the changing of administrative passwords or rights, nor does the granting of administrative rights on any Saint Mary's owned computer to a faculty or staff member confer the right to remove or alter any method of remote or local management by IT Services.

Adding Servers, Specialized Hardware and Applications

Employees and departments seeking specialized implementation of hardware or software applications in support of business-related objectives must follow the Project Proposal process of the TPPC (Technology Planning and Policy Committee) for approval and implementation (see <http://www.stmarys-ca.edu/provost-vice-president-for-academic-affairs/technology-planning-and-policy-committee> for more information). Lacking this review, specialized hardware and/or software that has been appropriated and/or attached to the Saint Mary's network may be immediately removed from Saint Mary's IT resources, or remotely disabled, by IT Services. Saint Mary's is not responsible for any lost data due any such action.

Archiving and Retention

Electronic Information, including E-mail, is backed up to assure system integrity, availability and reliability. Archived backups only exist in relation to need, based on legal or audit requirements, such as those made by the College's independent auditors. Under some circumstances, Saint Mary's could be required to disclose to outside parties certain electronic records, including but not limited to E-mail, web pages, or other electronic data archived by Saint Mary's. Saint Mary's may itself access or disclose User Electronic Information to law-enforcement agencies or other entities, consistent with this **Policy** and all applicable laws, court orders and rules of evidence requiring such disclosure.

Faculty and Staff Back-up of College documents and data

In order for the College to properly protect College business documents and data that reside on the computing devices used by employees of the College, employees must store or backup any such business documents and data files in their Saint Mary's Google Drive, or on secure internal file servers. This method should be used for the proper and secure retention of electronic business documents and data.

Computer Labs and Computers for Library Use

Computer laboratories and Library general use computers maintained by Saint Mary's are resources installed by the College to promote scholarship and learning for all students. Accidental or intentional disruption of Computer laboratories and Library computer areas will deprive others of access to these important IT resources. Users of the computer labs and the Library general use computers shall obey the instructions of lab supervisors and other College employees. Behavior that is disruptive to other users of the facility is prohibited. Such behavior might include, but is not limited to, eating, drinking, making excessive noise, using aggressive or abusive language, or playing games.

Library and Lab User Courtesy

Users are responsible for leaving computers and workspace in laboratories and the Library clean and ready for the next User. This requires each User to close all open applications, log out of any attached servers, and remove personal items (including portable media and printouts) from the computer and workspace. Use of laboratory computers that are logged in under an Account other than one's own is prohibited.

Privacy and Discovery of Policy Violations during Routine Maintenance

Saint Mary's is committed to maintaining the privacy of all Users within the parameters of the *Saint Mary's College Institutional Information Security Policy*. However, Users should be aware that IT Services staff routinely monitor routing and other information related to data traffic across the Saint Mary's network, to evaluate issues such as volume of traffic, security breaches and the general use of system resources, and may detect policy violations during the normal course of this work.

Prohibited Activities

General

Users are subject to all Federal, State and local laws and College policies applicable to User conduct, including not only those laws and regulations that are specific to computers and networks but also those that may apply generally to personal conduct. Misuse of computing, networking, or information resources may interfere with the normal business of the College and can result in disciplinary action, loss of computing privileges, and/or legal action.

Examples

Examples of misuse and prohibited conduct include, but are not limited to, the activities in the following list. Since it is impossible for Saint Mary's to anticipate and thus give examples of every possible violation of this Policy, other applicable policies, or law, it is incumbent upon each User to consider the consequences of his/her own actions. To the extent that a violation of this Policy is also a violation of any Federal, State, or local law, Saint Mary's will encourage full enforcement of such laws by the appropriate public entity.

Reproducing, distributing or displaying copyrighted materials without prior permission of the copyright owner. This includes text, images, photographs, music files, sound effects, and other legally protected works.

Using an Account credentials that you are not authorized/assigned to use.

Sharing the password for your Account.

Using IT resources to harass others, or to create, store, or transmit libelous or obscene materials.

Sending chain, spam or any other junk email, disseminating mass email without the permission of the appropriate College authority, or intentionally creating/distributing email that contains malware or phishing attempts.

Using Saint Mary's IT resources to gain unauthorized access to any computer system. This includes the use of any network monitoring software or any other software that is used to assist in the compromising of a computer system or User Account.

Knowingly performing an act that will interfere with the normal operation of third party computers, peripherals, networks, or any Saint Mary's IT resource.

Knowingly running or installing on any computer system or network, or giving to another person, a program intended to damage or to place files on another Users' Account or system without their knowledge.

Using applications that inhibit or interfere with the use of the network by others, intentionally or not.

Attempting to circumvent data protection schemes or uncover security loopholes.

Violating terms of applicable software licensing agreements.

Masking the identity of an Account or machine, or using a false identity.

Using Saint Mary's IT resources to post materials on web sites, blogs, social media or electronic bulletin boards that violate existing laws, Saint Mary's codes of conduct, or any other Saint Mary's Policy applicable to the User.

Attempting to monitor or tamper with another person's electronic communications, or reading, copying, changing, or deleting another person's files or software without the explicit permission of the owner; capturing passwords or data on the network or Internet not meant for you.

Using IT resources for personal or political gain, including running a business for profit or non-profit purposes, promoting and selling products and services, commercial advertising, or political campaigning.

Registering a Saint Mary's IP address with any other domain name (i.e., www.name.com).

Providing a pass-through site or gateway that would give access to unauthorized persons to campus hosts and other Saint Mary's IT resources.

Enforcement

Revocation of Privilege and Disciplinary Action

Saint Mary's reserves the right to limit or deny access to its IT resources when any Saint Mary's policy or any applicable Federal, State, or local laws are violated, or when Saint Mary's receives notice or believes that there is a violation by a User. Prior notice of such actions is not necessary. IT Services will notify the User of the violation and of any action as soon as is practicable under the circumstances. Further disciplinary action may be taken by the College as well. Third Party Users and other individuals who are subject to this Policy but might not be subject to any other Saint Mary's policy or disciplinary process (e.g., library patrons and Campus visitors), may lose the privilege to use Saint Mary's IT resources for violating this Policy, and, depending on the seriousness of the violation, may be banned from entering College property.

Reporting

If a User suspects that a particular behavior is in violation of this Policy, he or she should contact the ITS Service Desk.

Violations of Law

When there is a violation of law, a User may face other serious consequences imposed by public authorities. Violations of law, if brought to Saint Mary's attention, may result in the temporary or permanent termination of User's access to IT resources, and the User shall be referred to the appropriate party for disciplinary action.

Copyright Infringement

In cases of alleged copyright infringement, Saint Mary's will comply with the **Digital Millennium Copyright Act** (the "DMCA"). In accordance with the DMCA, (17 U.S.C. § 512), upon receipt of proper notification by a copyright owner of an alleged copyright infringement, Saint Mary's will expeditiously take all appropriate and required actions, including but not limited to, the removal or disabling of access to the allegedly infringing material.

Password Policy (Revision Approved May 2016)

General

The issuance of a User password or other means of authenticated access to College systems is intended to ensure the appropriate security of College data. It does not guarantee complete privacy for users' personal information or sanction improper use of College equipment, facilities or data, and is intended to prevent unauthorized third party access to any account information. User should be aware that passwords or other means of authenticated access does not prevent Saint Mary's from viewing account content

Password Minimum Requirements

In order to protect the security of the College's systems and data, all Users are required to use strong passwords. Strong passwords are those which are at least eight characters long (ten or more is recommended for better security), containing a mix of both alphanumeric and non-alphanumeric characters (e.g. #, %, ^, &, etc.). Obvious or predictable words that can be guessed, like the names of people, places or commonly used words, or information that can be easily found out, like the name of a pet, or an address or birthday, should be avoided.

Password Maintenance

Password change is currently required of all Faculty and Staff Users, and for all organizational (fictitious) accounts, once every year for all systems. Students are encouraged to do the same, but are not required to. Any password used for access to Saint Mary's IT resources should be unique and not used for access to any other site or application.

Security

Passwords used for access to Saint Mary's IT resources should never be revealed to anyone. Appropriate measures must be taken by all Users to protect their Saint Mary's password. If a User suspects that his or her password has been revealed to an unauthorized person, the User should change it immediately. Violations of this provision may result in appropriate disciplinary action.

Exceptions

Passwords may be revealed under certain circumstances to:

Law-enforcement agencies and courts requesting information under court orders and rules of evidence that require disclosure.

Supervisors (Employees only)

Enforcement

This password policy may be enforced by automated systems that will not accept weak passwords or allow users to log in without changing their passwords if they have not done so within the stated time intervals.

Web And Blog Use Policy (Revision Approved May 2016)

General

Web pages and blogs, authored by the students, faculty and staff of Saint Mary's College of California (Saint Mary's), are a primary means of communication within the larger College community, and with the public. They are critical in presenting the mission and culture of Saint Mary's College to the outside world, and are also used internally for teaching and learning, and for business processes. The use of web pages and blogs that are a part of, or use, Saint Mary's IT resources must comply with the following policy.

Saint Mary's Official Web Pages

The official Saint Mary's web pages are official publications of the College. Official pages include content related to academic programs, administrative and student support offices, programs and services, official College programs and intercollegiate athletic teams and activities.

Official Content

Original text, photographs and graphics appearing on the official pages of Saint Mary's web site are copyrighted by Saint Mary's and may not be reproduced or altered without written permission from Saint Mary's. Content posted to the official pages of Saint Mary's website that are not original content must bear the copyright, or other form of acknowledgement to the copyright holder, unless such content is already a part of the public domain.

Responsibility

The Office of College Communications provides the overall management of the official College web pages. They are responsible for operational practices and policies, and for ensuring the

presentation of a consistent image within the College's publication standards. IT Services is responsible for maintenance and administration of the web servers, including contract arrangements for cloud provisioning of these services, if employed.

Each Department or Student Organization with web pages has the responsibility to maintain its own pages by at least one annual review. Each department and Student Organization is responsible for the editorial content of these pages. **IT Services** provides support to Departments and Student Organizations in the maintenance of their web pages.

Domain Names

All domain names used in support of official College departments, programs or activities must be registered by the College, with the College as the official owner of the name, and with IT Services as the Administrative Contact. Such domain names should also be registered with the College's DNS servers as authoritative. No individual or group may seek to register a domain name that incorporates or otherwise mimics a name, nick-name or mark of Saint Mary's.

Personal Web Pages and Blogs

Personal web pages and blogs provide an individual with an opportunity to share personal interests and information to the Campus Community, and the world at large via the Internet. **SMC Google Sites** are provided for personal web space, and **SMC Google Blogger** is provided for personal blogs. Both are available to a User through their Saint Mary's G-Mail account

Conduct

Saint Mary's expects Users to maintain basic standards of decency, courtesy, civility, and maturity when creating or posting to personal pages and blogs using Saint Mary's IT resources. Any User not wishing to comply with this guideline has the option of using a personal Google account or finding an independent Internet service provider to host that User's personal web pages or blogs, at the User's own expense.

Content

Information posted or made available on a User's personal web or blog pages must be the original work of the User, and must not be the intellectual property or copyrighted work of other persons or entities, unless appropriate permission has been obtained by the User. Personal pages and blogs should not carry any Saint Mary's logo, the name, or any abbreviation of, Saint Mary's College of California in such a manner as to suggest that the page or blog is affiliated with Saint Mary's in any way. This does not apply to a factual statement regarding Saint Mary's being the User's place of employ or place of study.

Users must abide by Saint Mary's code of conduct when publishing content on a User's personal web or blog pages, including but not limited to, refraining from engaging in abuse, threats, intimidation, harassment, coercion, indecent or obscene conduct, or violations of law. Users shall refrain from publishing statements, images, photos or audio/video clips that have the observable effect of unreasonably interfering with a person's ability to work or to participate in the educational benefits at Saint Mary's. Users are prohibited from posting any content that includes intimate/sexual images, photos or videos without the consent of the person depicted in the image, photo or video. Persons who believe content has been posted on any Saint Mary's site or blog that violates this policy may request removal by sending an email message with the details to itshelp@stmarys-ca.edu.

Disclaimer

Saint Mary's accepts no responsibility for the content of personal home pages or blogs. Saint Mary's College does not pre-approve, monitor, or exert editorial control over personal pages or blogs. Nonetheless, personal web sites and blogs must conform to all terms and conditions of this **Policy**.

THE PERSONAL WEB PAGES OR BLOGS OF SAINT MARY'S COLLEGE STUDENTS, STAFF AND FACULTY DO NOT IN ANY WAY CONSTITUTE OFFICIAL COLLEGE CONTENT. THE VIEWS AND OPINIONS EXPRESSED IN THE PERSONAL PAGES OR BLOGS ARE STRICTLY THOSE OF THE AUTHORS, AND COMMENTS ON THE CONTENTS OF THOSE PAGES OR BLOGS SHOULD BE DIRECTED TO THE PAGE OR BLOG AUTHORS.

Violations

See Section 7.0, *Saint Mary's College of California General Policies Governing the Use of Information Technology*.

Policy Governing the Attachment and Use of Personally-Owned Computing Equipment on the Saint Mary's Network (Revision Approved May 2016)

General

The Saint Mary's College (Saint Mary's) Data network is a shared, finite resource installed by the College to promote scholarship and learning for all members of the College Community. The attachment of personally-owned computing equipment to the Saint Mary's network has the potential to disrupt it, if operated improperly, depriving others of access to the College's Information Technology resources. Persons attaching computing devices to the College's Saint Mary's network must comply with all portions of the *Saint Mary's College of California Technology Use Policy*. Additionally, Users who attach personally-owned computing equipment, including PC's, tablets, cell phones and any other computing or network-enabled device, to the Saint Mary's network are bound by the following specific policies:

Responsibility

Users are responsible for all traffic originating from their computing equipment, regardless of whether or not they generated it on purpose.

College Support for Personally-owned Computing Equipment

Due to resource limits, Saint Mary's cannot provide support for personally-owned computing equipment or software beyond assistance in securely accessing the Saint Mary's network and IT resources. The level of access allowed will be determined by the academic and/or business requirements of the individual's role at the College.

Installation of College-owned software

In all cases where licensing agreements prohibit it, Saint Mary's cannot provide or install software licensed to the College on any non-Saint Mary's-owned computing equipment.

Network Addresses

Network addresses on the Saint Mary's network are assigned by network DHCP servers. All personal computing devices connected to the Saint Mary's networks must be configured to use DHCP to obtain their IP network address and configuration settings. Static addresses are not

allowed. Any computing device found out of compliance with this provision will be disconnected.

Routers and Servers

No personal routers, servers or wireless access points are permitted to be attached to the Saint Mary's network. Any devices that provide such services will be immediately disconnected from the campus network upon discovery.

Traffic Limits

It may not be feasible to provide unlimited connectivity for systems and/or applications that are not strictly serving the College's missions. Because of this possibility, IT Services may limit network usage of personal systems or non-supported applications. This may be implemented through bandwidth caps, restriction or blocking of services, or by other means.

Security

Users are responsible for the security and integrity of their own systems. If a system has been "hacked" or otherwise compromised, IT Services may disconnect it to prevent it from interfering with the proper operation of the network. In such a case, the User is responsible for removing all malware, and the User must present evidence to IT Services that their equipment is clean before the system can be reconnected. Typical acceptable evidence would be a work order from an established repair facility attesting to the work performed by them to remove the malware, and final test results.

Virus Protection and Patches

All computers attached to the Saint Mary's network are required to have an effective commercial virus protection program installed, actively running and currently updated to include the most recent virus protection offered by the manufacturer. Additionally, User computers connected to Saint Mary's networks must have installed all operating system and application "patches" provided by the manufacturers to fix potential security risks in their software. Computing systems that use obsolete operating systems or applications that are no longer supported by the manufacturer cannot comply with the above requirement and should not be connected to the Saint Mary's network. Systems that are found to be out of compliance with this provision may be blocked or disconnected by IT Services.

Sensitive College Data

Legally protected and sensitive data as defined by the *Saint Mary's College of California Institutional Information Security Policy* may not be stored on personal computing devices not owned by the College. Additionally, Users must configure any mail client used on a personal computing device for viewing Saint Mary's email so that messages stay on the server and are not permanently moved to the personal computing device (no POP clients allowed).

Abuse

Systems found to be running programs that disrupt network services or attack data equipment (including Denial of Service attacks) on or outside the campus network will be disconnected or blocked immediately by IT Services. Depending upon the circumstances of the incident, disciplinary action may be taken by the College.

Reconnaissance

Use of any type of "packet sniffing," port mapping or other similar reconnaissance programs or devices by Users is strictly prohibited. Users may run a packet sniffer in non-promiscuous mode (you may sniff your own machine's packets only)

Policy for College-Provided Mobile Computing (Revision Approved May 2016)

(Note: The Policy governing the use of College-funded **Mobile Telephone** equipment is located on the Business Office pages on www.stmarys-ca.edu, under Accounts Payable, and is entitled *Cell Phone Policy, Procedures and Form*)

General

Mobile computing equipment belonging to Saint Mary's College of California (Saint Mary's), such as laptop or tablet computers, may be issued to Faculty and Staff Users as needed for the requirements of the official academic or administrative tasks they perform. The equipment shall remain in the possession of the User until the end of the term specified in the *Mobile Computing Equipment Lending Agreement*, which will be provided to the User when the equipment is delivered, and must be signed by the User before taking possession of the equipment. This equipment should be used primarily for College-related work. Excessive use for non-College related activities is not appropriate. Any personal or private communications, data or information that a User may store on Saint Mary's mobile computing equipment will be exposed to Saint Mary's during routine maintenance and repair (see 3.0 below). Additionally, Saint Mary's shall not be responsible for the loss or disclosure of any personal data, information or communications maintained by a User on Saint Mary's mobile computing equipment.

Software not provided by the College

Mobile computing equipment must be used in compliance with all applicable copyright laws. This means that only properly licensed software may be installed on College-owned equipment. The User will ensure that any software he/she installs on College-owned mobile computing equipment is covered by licenses owned by Saint Mary's, or has licenses that permit the installation and use of the software on College-owned equipment, or is open-sourced (free, without restriction). The User will also maintain records of the licenses and purchase information of any such software so that it can be produced, if required, during a copyright audit. In addition, due to resource limitations, IT Services cannot provide support for any non-College provided software that a User installs on College-owned Mobile computing equipment, other than for its removal.

Prohibited Software

There are certain classes of non-College provided software that Users are not allowed to install on any mobile computing equipment owned by Saint Mary's. However, if a specific institutional or business need that can only be fulfilled by the use of prohibited software can be documented by the User, an exception to this provision may be obtained after approval by the appropriate subcommittee of the Technology Planning and Policy Committee (TPPC).

Peer to Peer (P2P) File Sharing Software, such as BitTorrent, can be easily mis-configured, and can expose College assets and information to risk and illegal copying by others. P2P software may not be installed on College-owned computing equipment, unless an exception as outlined above is obtained prior to installation.

Maintenance and Repair

Saint Mary's reserves the right to recall the provided equipment for inventory, upgrades, repair, replacement, or for any other reason, and the User will return the equipment in a timely fashion when recalled. Efforts will be made to minimize the inconvenience of a recall to the User. College-owned equipment shall not be repaired or altered in any way except by IT Services personnel. The User shall notify the ITS Service Desk promptly when any repair is needed.

Protection of Sensitive and Legally Protected Data on Mobile Computing Equipment:

Legally protected and sensitive data may not be stored on a laptop hard drive or portable digital media in unencrypted form. Such data should normally be stored on College file servers, and Mobile equipment Users should download the data to their computing device only when needed, and then upload changes and remove the data from the mobile computing device when the work is finished. When compelled by circumstance to use portable media (thumb drive, SD card, etc.) to transport or temporarily store legally protected or sensitive data, Users should employ only encrypted portable media and carry or store it separately from the mobile device.

Damage and Loss

The User must report any damage or loss of the provided equipment to IT Services immediately. Stolen equipment must also be immediately reported to Public Safety and to the Police agency with jurisdiction over the location where the theft occurred.

Responsibility

Damage to College-owned equipment or loss caused by neglect or carelessness may cause all or a part of the repair or replacement costs to be charged to the User. Saint Mary's may consider a failure by the User to report loss or damage in a timely fashion as evidence of the User's responsibility for such loss or damage. Failure by the User to abide by this policy may result in the revocation of all borrowing privileges to mobile equipment owned by Saint Mary's.

Loss of Sensitive Information

Users must report the loss or theft of a laptop, tablet, portable digital media or any other device containing legally protected and sensitive information as defined by the *Saint Mary's College Institutional Information Security Policy*, or any other College Security Policy, immediately, to the Information Security Officer (ISO) and to their supervisor or department chair.

Title IX: Prohibiting Gender-Based Discrimination

Title IX prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education Office For Civil Rights provides guidelines to ensure that schools take effective steps to respond to sexual harassment and sexual violence in accordance with the requirements of Title IX. These individuals will support and provide information regarding options, grievance procedures, interim remedies, and ongoing emotional support. These individuals will assist in eliminating the misconduct, preventing its occurrence, and addressing the effects:

Saint Mary's College Title IX Coordinator
Eduardo Salaz, Associate Vice President of Human Resources
els3@stmarys-ca.edu
925-631-4212

Saint Mary's College Title IX Deputy
Peter Chen, Sr. Director of Workforce Planning and Compensation
phc1@stmarys-ca.edu
925-631-4102

Saint Mary's College Title IX Deputy
Evette Castillo Clark, Ed.D., Dean of Students
ecc4@stmarys-ca.edu
925-631-4238

Policy Prohibiting Discrimination, Harassment, Sexual Assault, Sexual Misconduct, and Retaliation

Saint Mary's College of California is committed to creating and maintaining a community in which all persons who participate in Saint Mary's programs and activities can work and learn together in an atmosphere free of all forms of discrimination, exploitation, intimidation, or harassment, including sexual, based on a legally protected characteristic or status. Every member of the Saint Mary's community should be aware that Saint Mary's will not tolerate harassment or discrimination on the basis of race, color, religion, national origin, ancestry, age, gender, sexual orientation, marital status, medical condition, or physical or mental disability, gender stereotyping, taking a protected leave (e.g. family medical or pregnancy leave) or on any other basis protected by applicable laws. Such behavior is prohibited both by law and by Saint Mary's policy. It is Saint Mary's intention to take whatever action may be needed to prevent, correct, and if necessary, discipline behavior which violates this policy, which may include suspension, termination, expulsion, or another sanction appropriate to the circumstances and violation. All members of the Saint Mary's community, including faculty, students, and staff are responsible for maintaining an environment that is free of sexual harassment (including sexual violence) and other forms of discrimination, harassment and retaliation as described in this Policy.

Abusive Conduct Policy

This policy is intended to address conduct toward another student and/or faculty or staff that has the observable effect of unreasonably interfering with that individual's ability to work or to participate in the educational benefits at the College. Specifically, abusive conduct is conduct that has the observable effect of demeaning, ridiculing, insulting, stigmatizing, frightening, intimidating, or unreasonably impeding the work, participation in the educational benefits at the College, or

movement of a person including visitors to the College or guests of students, to whom such conduct is directed. Abusive conduct may be either oral or written (including but not limited to text messages or posted electronically on social media, blogs, or emails) words or symbols, including, but not limited to epithets, insults, derogatory comments, posters, cartoons or other drawings. Abusive conduct may also include, but is not limited to physical touching, impeding or blocking movement, or any inappropriate and serious physical and mental interference with routine work or movement while engaged in College-sponsored activities and/or at work. While this policy is not intended to cover conduct that, if found to occur, would violate Saint Mary's Policy Prohibiting Discrimination, Harassment, Sexual Assault, Sexual Misconduct, and Retaliation, the College, in its sole discretion, may choose to respond to reports of such conduct in a manner consistent with that policy. Dating Violence, Domestic Violence, Sexual Harassment, and Stalking fall under the Abusive Conduct Policy and are defined as follows:

Dating violence

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence

Domestic violence is a felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with, or has cohabitated with, the victim or spouse or intimate partner;
- a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by
- any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Signs of Abuse

Someone may be in an emotionally abusive relationship if their partner:

- Calls them names, insults them or continually criticizes them.
- Does not trust them and acts jealous or possessive.
- Tries to isolate them from family or friends.
- Monitors where they go, who they call and who they spend time with.
- Does not want them to work.
- Controls finances or refuses to share money.
- Punishes them by withholding affection.
- Expects them to ask permission to spend time with friends, spend money, wear certain clothes or makeup, etc.
- Threatens to hurt them, their friends, family or pets.
- Humiliates them in any way.

Someone may be in a physically abusive relationship if their partner has ever:

- Damaged property when angry (thrown objects, punched walls, kicked doors, etc.).

- Pushed, slapped, bitten, kicked or choked them.
- Abandoned them in a dangerous or unfamiliar place.
- Scared them by driving recklessly.
- Used a weapon to threaten or hurt them.
- Forced them to leave their home.
- Trapped them in their home or kept them from leaving.
- Prevented them from calling police or seeking medical attention.
- Used physical force in sexual situations.

Someone may be in a sexually abusive relationship if their partner:

- Views women as objects and believes in rigid gender roles.
- Accuses them of cheating or is often jealous of their outside relationships.
- Wants them to dress in a sexual way.
- Insults them in sexual ways or calls them sexual names.
- Has ever forced or manipulated them into having sex or performing sexual acts.
- Held them down during sex.
- Demanded sex when they were sick, tired or after beating them.
- Hurt them with weapons or objects during sex.
- Involved other people in sexual activities with them.
- Ignored their feelings regarding sex.

The College insists that all members of its community shall be able to pursue their interests free from violence. To report conduct that an individual believes is a violation of this Policy when the person engaging in the conduct is a student, students should report to Evette Castillo Clark, Dean of Students and Title IX Deputy, ecc4@stmarys-ca.edu.

Sexual Harassment

Sexual harassment is a form of sex discrimination, which is illegal under both federal and state laws. It can be verbal, visual, or physical. Although what constitutes sexual harassment will vary with the particular circumstances, it is defined as follows: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in a College activity; or Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting that individual; or Such conduct has the effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or abusive working or learning environment.

Sexual harassment does not include verbal expression or written material that is relevant and appropriately related to course subject matter or curriculum, and nothing in this policy is intended to interfere with Saint Mary's educational mission or academic freedom, e.g., the ability of a teacher or student to examine examples of harassment appropriate to a particular subject. A determination of whether particular conduct creates an intimidating, hostile or abusive work or learning environment is assessed from the point of view of a reasonable person in the complainant's position. Such a determination also takes into account the totality of the circumstances, including, but not limited to, the following:

- The frequency of the offensive conduct
- Its seriousness

- Whether it is physically threatening or humiliating
- The location of the conduct and the context in which it occurred
- The degree to which the conduct affected the education or employment environment; and
- The relationship between the parties.

Examples of Conduct Which May Be Sexual Harassment

Examples of verbal, physical or visual conduct which may be sexual harassment include, but are not limited to:

- direct propositions of a sexual nature;
- sexual innuendoes and other seductive behavior, including subtle pressure for sexual activity such as repeated, unwanted requests for dates, and repeated inappropriate personal comments, staring, or touching;
- direct or implied threats that submission to sexual advances will be a condition of employment, promotion, grades, etc.;
- conduct (not legitimately related to the subject matter of a course or curriculum, if one is involved) that has the effect of discomforting, humiliating or both, and that includes one or more of the following:
 - comments of a sexual nature, including sexually explicit statements, questions, jokes, anecdotes, or graphic material (e.g., visuals, such as screen savers, which are sexually explicit);
 - unnecessary or unwanted touching, patting, massaging, hugging or brushing against a person's body or other conduct of a physical nature;
 - remarks of a sexual nature about a person's clothing or body;
 - insulting sounds or gestures, whistles, or catcalls;
 - invading someone's personal space or blocking their path;
 - unwelcome and inappropriate letters, telephone calls, electronic mail, or other communications;
 - displaying sexually suggestive objects, pictures, cartoons or posters (e.g. screen savers);
 - stalking (which is also criminal behavior);
 - sexual assault (which is also criminal behavior);
 - a consensual romantic or sexual relationship which:
 - causes adverse treatment of third parties; or
 - creates a hostile or intimidating working or learning environment for third parties;

Some conduct that may appear to be consensual may also be unacceptable.

Sex and/or gender-based discrimination, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on a person's gender or gender-based characteristics, but not involving conduct of a sexual nature (e.g., the repeated sabotaging of female students' laboratory experiments by male students in the class), may be a form of sex discrimination prohibited by law. While sex and/or gender-based discrimination may be distinguished from sexual harassment, acts of sex and/or gender-based discrimination may contribute to the creation of a hostile work or academic environment. Thus, a determination of whether a hostile environment due to sexual harassment exists may take into account acts of sex/gender-based discrimination.

Not all sexual harassment occurs between persons of differing power. Sexual harassment may also occur between peers. In addition, while the majority of reported cases of sexual harassment involve a male harassing a female, sexual harassment may also involve a female harassing a male,

an individual harassing a person of the same gender, or someone who is gender non-conforming because of their gender identity.

NOTE: Nothing in Saint Mary's policy prohibiting sexual harassment should be construed to prevent employees from rigorously challenging fundamental beliefs held by students and society. However, employees may not interject into the academic setting sexual material that is unrelated to any legitimate educational objective or allow the educational setting to be so sexually charged that Saint Mary's students are prevented from effectively participating in the academic environment.

Stalking

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:

- Course of conduct means a pattern of behavior composed of two or more acts over any period of time, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follow, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Someone may be a victim of stalking through:

- Non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on Web sites, written letters, gifts, or any other communications that are undesired and/or place another person in fear
- Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a victim
- Surveillance and other types of observation, whether by physical proximity or electronic means
- Trespassing
- Vandalism
- Non-consensual touching
- Direct physical and/or verbal threats against a victim or a victim's loved ones
- Gathering of information about a victim from family, friends, co-workers, and/or classmates
- Manipulative and controlling behaviors such as threats to harm oneself, or threats to harm someone close to the victim
- Defamation or slander against the victim

Saint Mary's College is committed to providing a campus atmosphere free of violence for all members of the campus community. For this reason, Saint Mary's does not tolerate stalking and insists that all members of the community be able to pursue their interests free from stalking. Saint Mary's is also committed to supporting victims of stalking through the appropriate provision of safety and support services.

Saint Mary's College encourages reporting of all incidents of stalking to law enforcement authorities, and respects that whether or not to report to the police is a decision that the victim needs to make. Resources are available at the College to inform victims of the reporting procedures and offer appropriate referrals. The College offers services to victims even if they choose not to report the incidents. In certain instances, the College may need to report an incident to law enforcement authorities. Such circumstances include any incidents that warrant the undertaking of additional safety and security measures for the protection of the victim and the campus community or other situations in which there is clear and imminent danger, and when a weapon may be involved. Personal safety concerns are often very important for stalking victims. Crisis intervention and victim safety concerns will take precedence.

Dating violence, domestic violence, sexual harassment, and stalking can happen to anyone of any race, age, sexual orientation, religion, gender identity, or sex and can affect people of all socioeconomic backgrounds and education levels. The College insists that all members of its community shall be able to pursue their interests free from violence.

To report conduct that an individual believes is a violation of this Policy when the person engaging in the conduct is a student, students shall report to Evette Castillo Clark, Dean of Students and Title IX Deputy, ecc4@stmarys-ca.edu or 925-631-4238. Students may also contact the Director of Sexual Assault Prevention at 925-631-4193, or the Women's Resource Center, to receive confidential support, advocacy, and assistance with navigating the reporting process. Students may also access the College's anonymous Campus Assault Resource and Empowerment (CARE) hotline 24-hours a day, seven days a week during the academic year by calling **925-878-9207** for support and information about all available reporting options. They may also contact Counseling and Psychological Services at 925-631-4364 for ongoing, confidential therapy. For additional resources, see the College and Community Resources section.

Sexual Assault and Sexual Misconduct Policy

Saint Mary's College of California insists that all members of its community shall be able to pursue their interests free from sexual assault, sexual misconduct and other forms of sexual harassment. This Policy pertains to incidents of sexual assault and sexual misconduct between students or where the alleged respondent is a student. To report conduct that an individual believes is a violation of this Policy when the person engaging in the conduct is a student, contact the Dean of Students (Title IX Deputy) at 925-631-4238. To report a violation of this Policy when a person engaging in the conduct is a faculty or staff member, contact the Associate Vice President of Human Resources (Title IX Coordinator) at 925-631-4212. For more information regarding reporting other forms of sexual harassment, see the section on Reporting Procedures and Resources for Addressing Complaints of Discrimination, Harassment, Sexual Assault, Sexual Misconduct, and Retaliation.

Sexual assault, sexual misconduct and "having consensual sex" are not the same. Anyone can be a victim of sexual assault or sexual misconduct – women, men, and children. Respondents of sexual assault and sexual misconduct can be anyone: a stranger, someone you have known for a long time or someone you have just met. Sexual Assault and Sexual Misconduct are defined below; violations of this policy are attached to minimum sanctions:

Sexual Assault

Sexual Assault is defined as engaging in sexual intercourse with any person without that person's consent. Sexual intercourse is the penetration, however slight, of the vagina, or anus with any

object or body part and of the mouth with a sexual body part or sexual object. It also includes the crimes of Incest (involving persons related wherein marriage is not legal) and Statutory Rape (sex with a person under the age of consent). Students found responsible for violating the sexual assault section of this Policy will be expelled.

Sexual Misconduct

Sexual Misconduct is defined as the act of making sexual contact with the intimate body part of another person without that person's consent. Intimate body parts include the sexual organs, the anus, the groin, buttocks, or breasts of any person, including instances where the person is incapable of giving consent because of their age or temporary or permanent mental incapacity. Students found responsible for violating the sexual misconduct section of this Policy will be suspended for a minimum of one (1) year and will be required to complete an educational sanction assigned by a Disciplinary Hearing Board.

Consent

Consent is defined as unambiguous and willing participation or cooperation in act or attitude that is commonly understood to be consistent with the exercise of free will. Consent requires participants who are fully conscious, are equally free to act, have clearly communicated their willingness, cooperation, or permission to participate in a specific sexual activity, are positive and clear in their desires, and are able to cease ongoing consensual activity at any time. If you have sexual activity with someone you know to be- or should know to be – mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, where, why or how of their sexual interaction. Refusal to consent does not have to be verbal; it can be expressed with gestures, body language or attitude. A prior sexual history between the complainant and respondent does not constitute consent.

Consent is not freely given if:

1. It is obtained through the use of force, through the fear of or the threat of force, intimidation, coercion, or by kidnap; or
2. A reasonable person in the position of the alleged respondent at the time the alleged conduct occurred should have known that the other person was unable to give consent for any of the following reasons:
 - a. The individual is unable to make an informed decision as a result of alcohol or other drugs (including but not limited to predatory drugs or prescribed medications); or
 - b. The individual is unconscious, asleep, or suffering from shock; or
 - c. The individual is under the age of eighteen and therefore legally unable to give consent; or
 - d. The individual has a known mental disorder or developmental or physical disability, and therefore legally unable to give consent.
3. The individual has acted or spoken in a manner which expresses he or she refuses to give consent.

The foregoing description is what it means to have obtained affirmative consent.

Reporting Procedures and Resources for Addressing Complaints of Discrimination, Harassment, Sexual Assault, Sexual Misconduct, and Retaliation

Saint Mary's has internal procedures in place to investigate and address complaints of

discrimination, harassment (including sexual) and retaliation as described in this Policy. These procedures are intended to assure fairness and to maintain confidentiality in the process of responding to complaints. Complaints of discrimination and harassment, based on the protected characteristics listed above, including sexual harassment, that involve conduct of staff, faculty or visitors to the College (e.g. contractors, vendors, volunteers or non-student guests) should be reported promptly to the Associate Vice President of Human Resources (Title IX Coordinator) at 925-631-4212 or to any manager or supervisor. Reports involving conduct of students or student visitors should be brought promptly to the Dean of Students (Title IX Deputy) at 925-631-4238 in addition to or instead of the Associate Vice President of Human Resources (Title IX Coordinator). The report can also be made to the Department of Public Safety at 925-631-4282.

All members of the College community are encouraged to report if they observe or encounter conduct that may be subject to the College's Policy Prohibiting Discrimination, Harassment and Retaliation. All members must cooperate fully with the Title IX Coordinator and Title IX Deputy in the fulfillment of her/his responsibilities.

Reports shall be brought as soon as possible after the alleged conduct occurs. Prompt reporting will enable the College to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action regardless of a police report being filed. The College shall respond to reports of sexual harassment brought after one year to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred. All complaints must be made prior to the actual physical receipt by the respondent of the terminal degree from the College. Once reported, the Associate Vice President of Human Resources as Title IX Coordinator and/or his/her designees will provide prompt and equitable resolution.

Individuals are strongly encouraged to report all conduct they believe to constitute sexual assault or sexual misconduct to the police; however, it is the individual's decision whether or not to file a police report. If the individual wishes, the College will provide assistance in contacting the police and accompanying her/him to the hospital and/or police station. Individuals involved in the report of conduct will have access to support and referral services on-campus regardless of whether or not a report of the conduct is made to the police. Individuals are strongly encouraged to have both a medical exam to ensure their well-being **AND** a forensic medical exam in order to gather forensic evidence. Forensic medical exams are available at Contra Costa County Regional Medical Center in Martinez.

In addition, individuals who believe they have experienced discrimination, harassment, including sexual harassment or sexual assault, based on the protected characteristics listed above and/or retaliation are also free to contact the Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing and/or US Department of Education's Office of Civil Rights to pursue external legal remedies.

For information about employee sanctions and non-discrimination seminars, please review the Staff Handbook or contact Human Resources.

Retaliation and/or Violation of Interim Protections

Threats or other forms of intimidation and/or retaliation against a student or employee for bringing a complaint of any alleged discrimination, harassment (including sexual or sexual assault) or of any other violations of College policies, including but not limited to the Student Code of

Conduct, are prohibited. This prohibition includes threats or other forms of intimidation and/or retaliation against the family or friends of a student or employee who brings a complaint under this policy, or those who assist a student or employee in bringing a complaint, or those who participate in an investigation and/or student discipline process for an alleged violation of the Student Code or other College policy.

Retaliation is a violation of College policy and may also be a violation of the law. Interim protections mean steps the College takes to reasonably protect employees and students during an investigation and/or student discipline process. An allegation of retaliation constitutes an independent basis for investigation and imposition of sanctions on the retaliating student or employee if determined to have occurred. All incidents that is believed to constitute retaliation should be reported immediately to Evette Castillo Clark, Ed.D., Dean of Students (Title IX Deputy), ecc4@stmarys-ca.edu at 925-631-4238 when the individual alleged to have engaged in retaliation is a student or student visitor or to Eduardo Salaz, Associate Vice President of Human Resources (Title IX Coordinator), els3@stmarys-ca.edu at 925-631-4212 when the individual alleged to have engaged in retaliation is an employee (faculty and staff) or visitor to the College (e.g., contractors, vendors, or non-student guests). The report can also be made to the Department of Public Safety at 925-631-4282.

College and Community Resources

The following resources are available to students and other members of the Saint Mary's community for information and support concerning relationship violence, stalking, sexual assault and sexual misconduct:

SMC Campus Assault Resources and Empowerment (CARE) Line • 925-878-9207

The College's CARE Line is available to support students who have been affected by sexual assault, stalking, dating violence, or domestic violence. Students may access the line 24-hours a day, seven days a week during the academic year by calling or texting **925-878-9207**. Students can utilize the line anonymously in order to gather resources, learn their options for accessing medical and emotional care and to receive critical, time sensitive information about how to report their case on and off campus. Members of the CARE Line are trained to assist students by providing information and discussing available resources and options (medical, legal, emotional, and academic), by making referrals and providing access to appropriate College and community services as needed. Members of the CARE LINE do not act as counselors.

Students who believe they have experienced a violation of the Sexual Assault and Sexual Misconduct Policy or of the sexual harassment provisions of the Policy Prohibiting, and Procedures for Reporting, Discrimination, Harassment, including Sexual, and Retaliation may choose to contact the CARE Line for assistance.

When an individual contacts the CARE Line, no college discipline action will take place unless the individual chooses to give her or his name and the details surrounding the incident. Any reports that include a victim's name or alleged perpetrator's name will be considered formal reports and will initiate college action. In order to ensure that students have as many options as possible when utilizing the line, students who are unsure if they would like to move forward with an on-campus Disciplinary Hearing Board case are encouraged not to reveal their names.

Confidential Resources at Saint Mary's College

If a student is seeking more personal, confidential support from the College rather than the anonymous support that the CARE line offers, they may contact the Director of Sexual Assault Prevention (925-631-4193), a certified sexual assault counselor as defined by California Evidence Code Section 1035 et. Seq, and who can therefore offer confidentiality to the student. This will give the student time to seek out support and learn their options regarding reporting both on and off campus, without initiating a college disciplinary response. The confidentiality offered through this resource applies only to the student's communications with the sexual assault counselor and does not preclude the College from fulfilling its obligations to investigate incidents of assault based on information obtained from other sources. It will be important for the student to understand that if the College obtains information through other sources (e.g., roommates, witnesses, parents, RAs, friends or others), the College is obligated to act on that information, which may lead to the initiation of a disciplinary hearing or other administrative action.

Additionally, the counselors at Counseling and Psychological Services (925-631-4364) can offer students, as clients, confidentiality and the information and options available to them. Finally, under the protection of the priest-penitent privilege, one of the Saint Mary's priests would be able to offer students confidentiality and as well as to provide information and resources available here at Saint Mary's.

Campus Resources

SMC Campus Assault Resources and Empowerment Line CARE Line 925-878-9207

Director of Sexual Assault Prevention 925-631-4193
Advocacy, confidential support, information, and resource referral (Mitty Hall, Ground Floor)

Women's Resource Center 925-631-4171
Information, advocacy and resource referral (Mitty Hall, Ground Floor)

Dean of Students (Title IX Deputy) 925-631-4238
Information about the discipline process & list of advisors (Ferroggiaro Hall 200)

Public Safety
Emergency 9-1-1 OR 925-631-4282
General Information/Administration 925-631-4052

Counseling and Psychological Services 925-631-4364
Confidential Counseling services, support and information (Augustine Hall, Ground Floor)

Health and Wellness Center 925-631-4254
Medical and information resource (Augustine Hall, Ground Floor)

Title IX Coordinator 925-631-4212

Director of Community Life 925-631-4238
Information about the discipline process & list of advisors (Ferroggiaro Hall 200)

Community Resources

Contra Costa County Crisis & Suicide Intervention 24 hour Hotline	1-800-833-2900
Community Violence Solutions (Contra Costa Rape Crisis 24-Hour Hotline)	1-800-670-7273
National Sexual Assault Hotline Www.RAINN.org	1-800-656-HOPE (4673)
STAND! Against Domestic Violence 24-hour crisis counseling and emergency resource	1-888-215-5555
Moraga Police Department (<i>24-hour number</i>)	925-284-5010

In addition to the above resources, the College will provide written notification to students and employees about resources for: counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to survivors, on campus and within the community.

Sexual Assault and Sexual Misconduct Educational and Prevention Activities

The Saint Mary's College community is committed to providing broad-based educational programs to help prevent sexual assault, sexual misconduct, dating violence, domestic violence, and stalking and to create a consciousness and an awareness about gender issues from an interdisciplinary, multicultural perspective. The programs and campaigns seek to be culturally relevant, sustainable and responsive to the needs of the community. Programs are assessed for value. They consider risks and protective factors on the individual, institutional, community, and societal levels.

Some of the educational and prevention efforts provided by the College include:

1. Sexual assault awareness efforts led by the Women's Resource Center are carried out throughout the academic year. These efforts address risks, statistics, safety, consent, coercion, and on and off campus resources through educational programs, classroom and residence hall presentations, bulletin board displays, and brochures and posters that are made available throughout the campus.
2. The Women's Resource Center provides ongoing programming to raise awareness about sexual assault, gender violence and systematic oppression through programs such as: Gray Zones, V-Day: Until the Violence Ends, Denim Day, The Clothesline Project, and Take Back the Night.
3. Programs addressing sexual assault, gender violence, and gender socialization are offered as a regular component of weekend of welcome and the First Year Experience.
4. Bystander Intervention programming led by the Office of Community Life to provide students with realistic ways they can interrupt behavior they believe may lead to all forms of sexual violence.

Risk Reduction Tips

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warning signs of abusive behavior and how to avoid potential attacks:

Warning Signs of Abusive Behavior

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of your partner;
2. Constantly watching what you say to avoid a “blow up”;
3. Feelings of low self-worth and helplessness about your relationship;
4. Feeling isolated from family or friends because of your relationship;
5. Hiding bruises or other injuries from family or friends;
6. Being prevented from working, studying, going home, and/or using technology (including a cell phone);
7. Being monitored by your partner at home, work, or school;
8. Being forced to do things you don’t want to do.

If you find yourself in an uncomfortable sexual situation, these suggestions may help you to reduce your risk:

1. If you have limits, make them known before things go too far.
2. Tell a sexual aggressor “NO” clearly and loudly
3. Try to extricate yourself from the physical presence of a sexual aggressor.
4. Grab someone nearby and ask for help.
5. Realize that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
6. Watch out for your friends and ask that they watch out for you. Make a plan for how you’re all going to get home safely and never leave anyone behind. .

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

1. DON’T MAKE ASSUMPTIONS. About consent. About someone’s sexual availability. About whether they are attracted to you. About how far you can go. About whether they are physically and mentally able to consent to you.
2. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
3. Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading them. Perhaps they haven’t figured out how far they want to go with you yet. You need to respect the timeline with which they are comfortable.
4. Don’t take advantage of someone’s drunkenness or drugged state, even if they did it to themselves.
5. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don’t abuse that power.
6. Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior.
7. On this campus, and pursuant to state law, silence and passivity cannot be interpreted by you as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

Bystander Intervention

A bystander is someone other than the victim who is present when an act of dating violence, domestic violence, stalking, or sexual assault/misconduct is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual assault/misconduct, dating violence, domestic violence, or stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Using directing, delegating, or distracting actions, active bystanders can help reduce/eliminate risk.

Examples of active bystander intervention include actions that include:

- not leaving an overly intoxicated person in a bar/party alone;
- walking a classmate to their class;
- calling Public Safety when a potentially violent situation is unfolding;
- not leaving an unconscious person alone (alerting an RA, Public Safety, etc.)
- intervening when someone is belittled, degraded, or emotionally abused (e.g. walking victim away from abuser, contacting others for help, like the Counseling Center, RA, Dean)

Campus Sex Crimes Prevention Act (Sex Offender Registration Information)

In addition, as provided by the Campus Sex Crimes Prevention Act, the Contra Costa County Sheriff's Office maintains a Megan's Law database of sex crime offenders, information may be obtained in person from the Sheriff's office located at 500 Court Street, Martinez, CA, Monday-Friday, 9 a.m. to 4 p.m. or through the California Department of Justice website, which lists designated registered sex offenders in California at: <http://www.meganslaw.ca.gov>

Discipline Process

Saint Mary's College of California insists that all members of its community shall be able to pursue their interests free from sexual assault, sexual misconduct, and other forms of sexual harassment. The discipline process described here applies to alleged violations of the Sexual Assault and Sexual Misconduct Policy and the Policy Prohibiting Discrimination, Harassment, Sexual Assault, Sexual Misconduct, and Retaliation (which includes Dating Violence, Domestic Violence, and Stalking) between students or where the alleged perpetrator is a student (for all other alleged violations of the Code or other College policy, refer to the Hearing Process defined in the Rights and Responsibilities section of this handbook). Upon receipt of a report or of conduct, whether oral or written, of an alleged violation, the Dean of Students, or designee, will begin a preliminary investigation and determine if there is enough information to merit a disciplinary hearing regarding the allegation. The Dean of Students, or designee, will meet with the complainant and the respondent separately to explain the student discipline process and obtain from each a written statement and list of witnesses, if any, who have information pertinent to the incident.

After meeting with the complainant and respondent, the Dean of Students, or designee, will assign the case to be investigated by a trained College investigator, then prepare the case to be heard by a Disciplinary Hearing Board (DHB) to determine responsibility of the respondent. The complainant and respondent will generally be given at least twenty-four (24) hour advance notice of the scheduled meeting time for the DHB.

Students are expected to participate in the student discipline process when they are called as a complainant, respondent, or witness to a hearing. Should a student fail to appear for a hearing when proper notification has been given or should the student fail to provide a statement during

the hearing, the hearing will proceed without benefit of that student's input. Meetings with the DHB will be scheduled taking into consideration the student's regular academic schedule only.

Confidentiality/Privacy

Every reasonable and appropriate effort will be taken by all involved staff to protect the privacy of all individuals involved in a student discipline proceeding, as well as the confidentiality of the details and content of the student discipline process, including, but not limited to the preliminary investigation, DHB hearing, appeal process, and except where permitted by College policy and consistent with applicable law, the sanctions imposed and on whom. However, the College cannot guarantee absolute confidentiality. Students involved in the student discipline process, either directly, or as a witness, are expected to maintain the confidentiality of the process and be mindful of the privacy of others involved.

Truthfulness

All individuals participating in the student discipline process are expected to tell the full and complete truth in all disciplinary matters. In order to ensure this is possible, individuals participating in student discipline hearings regarding an alleged violation of the Sexual Assault and Sexual Misconduct Policy will not be charged and held responsible for minor violations of the Code or other College policy. However, if there is a concern about a student's safety and/or use of alcohol and other drugs, the College may recommend counseling or other educational resources to the affected student.

Rights of the Individual Alleging the Violation/Complainant

- The right to make a complaint (or not to file a complaint), which will initiate the student discipline process.
- The right to an advisor who will assist the individual through the student discipline process.
- The right to confidentiality of the student discipline process to the extent possible (see above).
- The right to have a complaint resolved without discrimination on account of his/her actual or perceived gender, race, religion, age, national origin, ethnicity, disability, veteran's status, sexual orientation, marital status, gender identification or any other basis prohibited by law.
- The right to access the discipline file, including all statements submitted in the hearing proceedings, except as prohibited by FERPA or other federal, state, or local law.
- The right to receive a copy of any statement by the Disciplinary Hearing Board accompanying its determination.
- The right to appeal a finding of violation of the Student Code Conduct or sanctions imposed.
- The right to request a change of on-campus residence.
- The right to request academic schedule adjustments.
- The right, in a case of dating violence, domestic violence, or stalking, to request assistance with work or transportation adjustments.
- The right to on-campus emergency counseling sessions with a member of the Counseling and Psychological Services staff.
- The right to seek off-campus medical and counseling services.
- The right to seek anonymous assistance from the CARE Line.
- The right to seek confidential support and advocacy from the Coordinator for Sexual Assault Awareness, Outreach and Education.
- The right to seek confidential support from a member of the Counseling and Psychological Services staff in a client relationship, or a priest in a confessor relationship.

- The right to request an on-campus no-contact order for the respondent as an interim measure through the student discipline process.
- The right to file a police report and take legal action separate from and/or in addition to student discipline action.

Rights of the Respondent

- The right to receive written notice of charges accepted by the Office of Community Life.
- The right to access the discipline file, including all statements submitted in the hearing proceedings, except as prohibited by FERPA or other federal, state, or local law.
- The right to be considered not to have violated the Student Code of Conduct until found in violation of the Code after an opportunity to be heard.
- The right to an advisor who will assist the individual through the student discipline process.
- The right to confidentiality of the student discipline process to the extent possible (see above).
- The right to have a complaint resolved without discrimination on account of his/her actual or perceived gender, race, religion, age, national origin, ethnicity, disability, veteran's status, sexual orientation, marital status, gender identification or any other basis prohibited by law.
- The right to receive a copy of any statement by the Disciplinary Hearing Board accompanying its determination.
- The right to appeal a finding of violation of the Student Code Conduct or sanctions imposed.
- The right to on-campus emergency counseling sessions with a member of the Counseling and Psychological Services staff.
- The right to have confidential communications with a member of the Counseling and Psychological Services staff in a client relationship, or from a priest under the protection of the confessional.
- The right to seek outside counseling support.

Advisors

Both the complainant and the respondent involved in a disciplinary matter alleging a violation of this Policy or the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation, have the option of choosing an advisor to accompany them through the process.

Members of the DHB assigned to the case, the investigator, or individuals who will be serving as a witness in the case may not serve as an advisor. The advisor is not an advocate for the student in the proceedings and may not address the DHB or speak on behalf of the student. The advisor may speak with the student privately and in a manner that is not disruptive to the hearing or student discipline process. The respective student's advisor may be present at any time at which the student they are advising is meeting with the DHB panel or other member of the College staff regarding the disciplinary matter and at which the student wishes for them to be present.

The advisor is obligated to maintain the confidentiality of the nature of the allegation(s), the content of the student discipline process, and the privacy of the complainant, respondent, and any witnesses known to the advisor.

A list of individuals who have volunteered and have been trained to serve as advisors in sexual assault, sexual misconduct and sexual harassment cases is available from the Dean of Students, or

designee, to both the complainant and the respondent. Students are not limited to this list and may be accompanied by an advisor of their own choice.

Disciplinary Hearing Board (DHB) Panel

The DHB for sexual assault, sexual misconduct, sexual harassment, dating violence, domestic violence, and stalking cases is comprised of faculty and staff who receive annual training to hear these cases. Three (3) members of the DHB pool will generally be called to sit on a DHB, with one member serving as chair. Members of the DHB pool are appointed by the Dean of Students. The Dean of Students, or designee, serves as the discipline process facilitator for all sexual assault, sexual misconduct, sexual harassment, dating violence, domestic violence, or stalking cases and is present during the hearing. The facilitator's role is to ensure compliance with the process and procedures outlined below.

It is expected that DHB panel members will exhibit the highest ethical standards and disqualify themselves if they believe they cannot be impartial or fulfill their obligation to maintain the confidentiality of the process and the dignity and privacy of the respondent, the complainant, and any witnesses before, during, and after the disciplinary hearing. Both the respondent and complainant may raise issues of concern about the impartiality of a member of the DHB panel convened for a particular case. The Dean of Students has the sole discretion to decide whether a DHB panel member can be impartial and will remove anyone whom he/she determines is unable to be impartial and/or respectful of the confidentiality of the process and privacy of the individuals involved.

Outlining this process is to help ensure that the process is consistent with the College's policies and provides transparency to the complainant and respondent.

Outline of Hearing

1. DHB panel proceedings are closed to all parties except the individual student(s), the DHB panel, the facilitator, the investigator, witnesses, the respective students' advisor(s), and a recorder.
2. The facilitator will convene the DHB panel.
3. The facilitator will introduce the DHB panel to the complainant/respondent and explain the hearing process.
4. The facilitator will read the alleged violation(s) of the Code or other College policy and will read (if written) or explain (if oral) the report of conduct.
5. The complainant (if available) and respondent will be invited separately to the DHB, regarding the allegation(s) of the complaint.
6. The facilitator will ask the investigator to read the investigation report aloud and/or will read aloud any changes that have been made since the DHB's receipt of the written report.
7. The facilitator will then ask the DHB panel if they have any additional questions of the investigator about the report or if they would like to direct clarifying questions to the complainant (if appropriate) / respondent. If the DHB has questions for the complainant/respondent, the facilitator will first ask the complainant/respondent if they are comfortable responding directly to the DHB or if they prefer to defer to the investigator. As the DHB panel deems appropriate to the case, the panel may invite and ask clarifying questions of witnesses identified by either the complainant and/or respondent. All participants (complainant, respondent, and their respective advisors) must be available for recall by the DHB panel for additional questioning until the facilitator excuses them.

8. After all questions have been asked by the DHB panel, and if the party chooses, the complainant and the respondent may each make a closing statement to the DHB panel. The purpose of the closing statement is to provide the DHB with information that the complainant or respondent would like the DHB to consider in making its decision regarding responsibility. Statements may be oral, written, or both.
9. The facilitator excuses the respondent from the proceedings after they make their closing statement to the DHB panel.
10. The facilitator excuses the complainant from the proceedings after they make their closing statement to the DHB panel.
11. The DHB panel will then meet in private and, based on the investigation and interviews, will deliberate on the information provided and determine an appropriate finding:
 - a. Using a preponderance of the evidence standard, it is more likely than not that the alleged conduct did occur but the respondent is not responsible for a violation of the Code or College policy; or
 - b. Using a preponderance of the evidence standard, it is more likely than not that the alleged conduct did not occur and the respondent is not responsible for a violation of the Code or College policy; or
 - c. Using a preponderance of the evidence standard, it is more likely than not that the alleged conduct did occur and the respondent is responsible for a violation of the Code or College policy and imposes appropriate sanctions.
12. The DHB will notify the Dean of Students, or designee, in writing of the hearing's outcome within twenty-four (24) hours of its completion. The Dean of Students, or designee, will communicate the finding of the DHB panel to the respondent and the complainant in writing at the same time, and generally within seven (7) business days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal. Upon written request, in cases where the complainant is deceased, the next of kin would be provided with this information.

Sanctions

The College has established minimum sanctions for violations of the Sexual Assault and Sexual Misconduct Policy. The conduct prohibited by this Policy is described in the Definitions of Prohibited Behaviors section of this Policy. A more severe, but not less than the minimum, sanction(s) may be imposed by the DHB depending on the circumstances of a particular case. Any one or more of the sanctions (in excess of the minimum required sanctions) may be assessed to a student found responsible for violating the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, Sexual Assault, Sexual Misconduct, and Retaliation.

Appeal Process

This process applies to an appeal of sanctions received from a violation of Sexual Assault and Sexual Misconduct Policy only. For appeal of sanctions received from a violation of dating violence, domestic violence, sexual harassment, or stalking provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation, refer to Section F (Appeals) as defined in the Student Conduct of Code and Procedures section of this Handbook. Both the complainant and the respondent may participate in the appeal process in student discipline cases for violations of the Sexual Assault and Sexual Misconduct Policy.

The decision of the Disciplinary Hearing Board regarding responsibility may be appealed by the respondent and/or the complainant within five (5) business days of the decision. The purpose of the appeal is not to rehear the underlying student discipline case; for example, credibility

determinations made by the DHB will not be revisited or reconsidered. The sole purpose of an appeal is to determine if there is, in the first instance, sufficient information based on the written record before the Appeal Board to establish its jurisdiction to consider and decide the appeal and, if so, thereafter, to determine whether the information submitted by the student appealing states sufficient grounds (see below) to grant the appeal and take any of the actions described below.

Only one request for an appeal may be submitted by either the complainant and/or the respondent. The appeal may only be submitted by the student and shall consist of:

1. A completed Appeal Request Form (available in the Office of the Dean of Students and the Office of Community Life or on the Community Life website), and
2. A statement outlining and supporting the specific basis on which the student is appealing.

Note: Appeals signed by anyone other than the student appealing, including appeals signed by an advisor, will not be accepted for appeal.

An appeal must be submitted to the Dean of Students and must be based on one or more of the following grounds or it will not be accepted and considered:

1. A process or procedural error was made that was significantly prejudicial to the outcome of the hearing as it affects the student appealing.
2. New information that was not available or known to the student appealing at the time of the hearing has arisen which, when considered, may materially alter the outcome. NOTE: Information that the appealing student chose not to present at the time of the hearing is not considered new information.
3. The severity of the sanction imposed was not appropriate based on the section of the Code or other College policy which the student was found to have violated.

If an appeal is received from either the complainant or the respondent, the Dean of Students, or designee, will notify, in writing, the non-appealing student within five (5) business days of receipt of the appeal that an appeal has been filed and the ground(s) upon which the appeal has been made. Within five (5) business days of such notification, the non-appealing student may submit a written statement to the Dean of Students, or designee, that he/she wishes to be considered by the Appeal Board.

An appeal is heard by an Appeal Board consisting of two (2) members of the DHB who did not serve on the original case and the Dean of Students serving as chair (the Associate Dean of Students will serve as chair if the Dean of Students is not available). The Appeal Board will not meet with the respondent and/or the complainant or rehear the case; it will not, for example, reconsider the DHB's determinations of credibility. The Appeal Board will consider only the merits of an appeal on the basis of the information provided in the Appeal Request Form, the student's written statement, the written record of the case, and the student's entire discipline record. Based on these materials, the Appeal Board will:

1. Reject the appeal if it finds the basis for appeal unsubstantiated; or
2. Reject the appeal if it finds that any procedural errors were minor in nature and would not have altered the outcome of the hearing or the sanctions imposed; or
3. Modify the sanction(s) if they are found to be inappropriate; or
4. Return the case to the DHB for further consideration (which may, but does not, require a rehearing of the entire matter) if a procedural error or new information, as defined above, has arisen. In such cases, the same DHB who originally heard the case shall reconvene as

soon as possible. If a member of the original DHB is no longer available, the Dean of Students will select additional DHB member(s) from the DHB pool.

5. Reverse the decision of the DHB or remand the case to a new DHB where substantial procedural error is determined to have unfairly influenced the hearing.

The Appeal Board chair will communicate its decision to the respondent and the complainant in writing once a decision has been reached. The decision of the Appeal Board is final and no further appeals are permitted.

During the consideration of a request for an appeal, sanctions imposed by the DHB shall not be in effect. However the Dean of Students, or designee, may impose conditions or continue existing conditions governing the respondent's status with the College during the appeal process.

Tobacco Policy

Nicotine and many of the byproducts of tobacco are classified as Class A carcinogens by the CDC, the Surgeon General of the United States, the American College Health Association, and all other professional health organizations. That means there is no safe level of exposure to this class of chemicals. To this end, Saint Mary's College of California wants to ensure that the learning, working, and living environment of its community and members is safe and free of any health hazards, including the exposure to nicotine and its byproducts. Therefore, smoking of any tobacco products in all enclosed spaces owned and operated by Saint Mary's College of California is prohibited. This includes any form of Electronic Nicotine Delivery Systems (ENDS). The protected areas include a minimum of 25 feet from the entrance doors of any buildings, the windows, the stairways, or the heating, ventilation, air conditioning (HVAC) intake area of any building. Failure to comply with this policy is a health hazard to the community and will result in appropriate and measured response by the Office of Community Life. Additionally, effective June 9, 2016, California state law prohibits the sale of tobacco products (including electronic smoking devices and e-liquids whether or not they contain nicotine or tobacco) to individuals younger than 21 years of age (Penal Code Section 308 (a)).

Those who wish to use tobacco, nicotine, and any of its various delivery systems are not only required to abide by this policy, but we also ask that they be mindful of other members of the community who wish not to be exposed to these products. Lastly, waste products of tobacco and other nicotine delivery systems are to be properly disposed of in the designated receptacles on campus.

Whistleblower Policy – Fraudulent or Dishonest Conduct

Saint Mary's College of California, reflecting its Lasallian and Catholic values, expects that its faculty, staff and students will act in a manner that is consistent with those values in their use of College resources and property, including but not limited financial resources of any kind, whether donor funds, College revenue, endowment income, state or federal grants or other aid (all property and resources are collectively referred herein as "College Resources").

To protect the integrity of Saint Mary's learning community and to ensure the highest standards of conduct by and among members of that community, the College will investigate any possible fraudulent or dishonest use or misuse of College Resources or property by faculty, staff, or students. Anyone found to have engaged in fraudulent or dishonest conduct is subject to disciplinary action

by the College up to and including dismissal or expulsion, and civil or criminal prosecution when warranted.

All members of the College community are encouraged to report possible fraudulent or dishonest conduct, including but not limited to misuse of College Resources. An employee should report his or her concerns to a supervisor, department chair or program director. If for any reason an employee finds it difficult to report his or her concern to a supervisor or department or program chair, the employee can report it directly to the area Vice President, Vice Provost or Dean of the employee's school.

Those receiving reports of suspected fraudulent or dishonest conduct involving employees are required to report such conduct to the Associate Vice President of Human Resources; in the case of students, students should report any concerns to the Director of Community Life.

Definitions

Whistleblower – An employee or student who informs one or more of the individuals identified in the policy statement above about an activity that the employee or student believes to be fraudulent or dishonest.

Baseless Allegations – allegations made with reckless disregard for their truth or falsity. Individuals making such allegations may be subject to the appropriate College disciplinary action and/or legal claims by the individuals accused of such conduct.

Fraudulent or Dishonest Conduct – a deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:

- Forgery or alteration of documents.
- Unauthorized alteration or manipulation of computer files.
- Fraudulent financial reporting.
- Pursuit of a benefit or advantage that would create a conflict of interest with one's responsibilities or obligations as a member of the College community.
- Misappropriation or misuse of College resources, such as funds, supplies, or other assets or property.
- Authorizing or receiving compensation for goods not received or services not performed.
- Authorizing or receiving compensation for hours not worked.

Whistleblower Protections

The College will use best efforts to protect whistleblowers against retaliation, as described below. The College cannot guarantee absolute confidentiality, however, and there is no such thing as an "unofficial," "informal," or "off the record" report. The party to whom such conduct is reported will keep the whistleblower's identity confidential, unless:

- The whistleblower(s) agrees to be identified;

- Identification is necessary to allow the College or law enforcement officials to investigate or respond effectively to the report;
- Identification is required by law; or,
- The individual accused of violations of this policy is entitled to the information as a matter of procedural and/or legal right in disciplinary actions.

College employees and students may not retaliate against a whistleblower with the intent or effect of adversely affecting the terms or conditions of employment or enrollment (including, but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages, or the access to educational benefits).

Whistleblowers who believe they have been retaliated against may file a written complaint with the Associate Vice President of Human Resources if an employee is involved, or with the Dean of Students if a student is involved. This protection from retaliation is not intended to prohibit the individuals identified above (for receiving such reports of improper conduct) from taking action, including disciplinary action, in the usual scope of their duties and responsibilities that are based on valid employment- or student-related factors.

Whistleblowers must be cautious to avoid baseless allegations (as described earlier in this policy).

Whistleblower Procedures

The Associate Vice President of Human Resources, or her/his designee, shall conduct or direct the investigations of all suspected fraudulent or dishonest conduct with such College officials as may be necessary or appropriate at the discretion of the Vice President for Finance.

In the case of suspected student conduct reported under this policy, the Dean of Students or his/her designee either investigates the suspected conduct or may refer the investigation of such suspected conduct to the Office of Community Life to investigate allegations of violations of student conduct policies.

Cases involving possible violation of criminal law will be investigated in cooperation with the Director of Public Safety or his/her designee.

If the facts reported could be a violation of this policy, the Associate Vice President of Human Resources or her/his designee or, in the case of students, the Dean of Students, will provide the individual making the accusation with a copy of this policy and review its terms.

If the Associate Vice President of Human Resources or her/his designee or, in the case of students, the Dean of Students/Office of Community Life, determines that fraudulent or dishonest conduct occurred, the appropriate College disciplinary steps will be invoked consistent with applicable College policies.

If it is determined that a violation of this policy has not occurred, the Associate Vice President of Human Resources or the Dean of Students will explain to the person who has reported the concern or conduct the reason for the determination and advise the person of other available reporting channels (administrative (-to appropriate government agencies,) or criminal- (to appropriate law enforcement agencies)). Consistent with the requirements of applicable state and federal California

laws, the College posts in Filippi Hall near the Human Resources Department additional reporting procedures and Whistleblower information, a toll free number for reporting violations of a state or federal statutes or regulations to applicable government or law enforcement agencies, as well as information regarding retaliation by the College for making such disclosures.

Withdrawal and Leaves of Absence from the College

There are two general categories of consideration when circumstances require a student to discontinue enrollment from all classes, for a semester, or longer due to reasons other than academic disqualification. These categories are **Withdrawal from the College** and **Leave of Absence**. This section of the handbook will describe each category and the variations within each category.

Withdrawal from the College

There are three types of Withdrawal from the College; Withdrawal, Medical Withdrawal, and Administrative Withdrawal.

Withdrawal: an enrolled student may request to withdraw from the College at any point prior to the end of a semester in which s/he is enrolled, and the reason for the withdrawal is other than medical reasons. The process requires that the student complete the Withdrawal from the College form that is available on the Registrar's website; <http://www.stmarys-ca.edu/office-of-the-registrar/student-resources/forms> . Notice of clearance from several other College offices must be secured on the form before the withdrawal is approved. Transcripts will not be released until the completed form is on file.

When a student withdraws from the College all courses will continue to be listed on the student's transcripts. The designation of "W" will appear in place of a grade. A withdrawal will not impact the student's GPA. Tuition credit/refund is given only after the formal withdrawal process is completed and approved, and in accordance with the following schedule: 85% tuition up to the end of the first week of classes; 80% tuition to the end of the second week of classes; 75% tuition refund to the end of the fourth week of classes. No credit or refund will be given after the fourth week of the semester.

In instances when a student has registered for classes for the subsequent semester or term, the course registration will be dropped. Students wishing to return to Saint Mary's College following a withdrawal must submit an application for readmission through the College Registrar's Office. The readmission application is also available on the Registrar's website as noted previously.

Medical Withdrawal: when a medical condition or circumstance is the reason for withdrawing from the College, the student may submit a petition the Assistant Vice Provost for Student Success. The Assistant Vice Provost will provide the student with a medical documentation form to be completed by an appropriate health care provider. The health care provider must then send the completed form directly to the Assistant Vice Provost. The form cannot be returned to the student for submission to the College. Student petitions for medical withdrawals must be submitted at the time of the medical occurrence, or as soon thereafter as medically and reasonably possible. The health care provider who completes the form **must be the treating, licensed, relevant, non-familial health care provider**.

The Assistant Vice Provost will review the student's petition and the medical documentation, and render a decision to approve or deny the request for a Medical Withdrawal within ten business days following the receipt of both the petition and the medical documentation. The Assistant Vice Provost may consult with appropriate professional resources, such as the Directors of the Health and Wellness Center and Counseling and Psychological Services, prior to rendering a decision. The decision will be communicated to the student, and copied to the College Registrar and the Dean of Students, via email to the student's Saint Mary's College email address. If the student's petition for a Medical Withdrawal is denied, the student may choose to pursue a standard withdrawal from the College.

When a student is approved for a Medical Withdrawal all courses will continue to be listed on the student's transcripts. The designation of "W" will appear in place of a grade. A withdrawal will not impact the student's GPA. Tuition credit/refund is given only after the formal medical withdrawal process is completed and approved, and in accordance with the following schedule: 85% tuition up to the end of the first week of classes; 80% tuition to the end of the second week of classes; 75% tuition refund to the end of the fourth week of classes. No credit or refund will be given after the fourth week of the semester. If a student or student's family has purchased medical tuition insurance, the Assistant Vice Provost will provide necessary confirmation of an approved medical withdrawal to the insurance provider at the written request of the student.

In instances when a student has registered for classes for the subsequent semester or term, the course registration will be dropped. Under exceptional circumstance, and by request in the student's petition, the Assistant Vice Provost may request that the Registrar maintain the student's enrollment in the following semester. Students wishing to return to Saint Mary's College following a medical withdrawal must submit an application for readmission through the College Registrar's Office. The readmission application is available on the Registrar's website; <http://www.stmarys-ca.edu/office-of-the-registrar/student-resources/forms>.

Administrative Withdrawal: An Administrative Withdrawals is initiated by an appropriate administrator for the College and not at the request or choosing of the student. An Administrative Withdrawal may be executed when a student stops attending Saint Mary's without notification, or when a student poses a direct threat of harm to others, or self that cause a significant disruption to the community and which causes the College to have a legitimate safety concern for the community. Generally, but not necessarily in all circumstances, either the Registrar or the Dean of Students is the College official who will execute an Administrative Withdrawal.

The Registrar will execute an Administrative Withdrawal when a student does not return to classes following a subsequent academic term of enrollment, and has not otherwise formally withdrawn or taken a Leave of Absence. Students seeking reinstatement to Saint Mary's College following a Registrar's Administrative Withdrawal must submit an application for readmission through the College Registrar's Office. The form is available on the Registrar's website.

The Dean of Students, or designee, may execute an Administrative Withdrawal when the Dean of Students is notified of a student who appears to have a serious behavioral, physical, psychological, or emotional disorder which offers reasonable cause to believe s/he may be a danger to others, or may disrupt proper activities of the College community and its members.

The Dean of Students will contact the student and seek voluntary resolution of the situation through investigation and review. Administrative withdrawals, when possible, take into account the participation of the student and his or her family in the process. Depending upon circumstances, an immediate professional assessment of the student's condition by the appropriate medical or mental health specialists, or both, or other appropriate resources may be required, including a report of the findings by the Behavioral Intervention Team (see Behavioral Intervention Team section of this Student Handbook). A student who fails to meet the conditions for evaluation may be subject to an Administrative Withdrawal or Immediate Interim Suspension by the Dean of Students.

Students who agree or are required to undergo an assessment will be scheduled to participate in a general review of status by the Behavioral Intervention Team. This normally includes a personal interview of the student by the Team. The Team may also interview other individuals who have prior knowledge of the matter.

Additional assessments including, but not limited to, psychological testing, medical examination, or referral for psychiatric consultation may be required. The student must sign an authorization of release allowing any attending medical or behavioral health professional to release the records and allow them to discuss these records with the Behavioral Intervention Team.

The Behavioral Intervention Team will receive all medical, psychological, discipline, or observational reports submitted with regard to or on behalf of the student as may pertain to determining health and behavioral status. Treatment and evaluative reports should include information pertaining to diagnosis, treatment, and prognosis.

Within a reasonable period of time after all personal interviews and other possible assessments are conducted and reviewed, the Behavioral Intervention Team will render a decision. The written communication to the student shall include a rationale, the conditions and requirements that must be met and the process by which the student requests readmission. The Dean of Students will inform the Registrar of a student who has been administratively withdrawn from the College. When a student is placed on an Administrative Withdrawal, the student will be withdrawn from all classes and a Dean of Students Hold is noted. Tuition and room and board reimbursement will be in accordance with established College withdrawal policy (see *Catalog of Courses*).

Within five (5) days of receiving the written decision of the Behavioral Intervention Team, if a student disagrees with the decision regarding involuntary withdrawal or readmission, the student may appeal to the Vice Provost for Student Life. The student shall state in writing the specific points the student wishes the Vice Provost to consider. The Vice Provost's decision is final.

Students seeking reinstatement to Saint Mary's College following a Dean of Student's Administrative Withdrawal must receive clearance by providing the Dean of Students written evidence from a licensed medical or mental health professional that the student is no longer a direct threat to others or a legitimate safety concern, and is otherwise qualified to participate in the College's educational programs. The Dean of Students will consider the student's request based on a review of the entire record including any and all new information relevant to the matter, and may impose conditions on the student's readmission. Any other conditions outlined in accordance with this policy and/or conduct sanctions must also be completed. The Behavior Intervention Team may interview the student but is not required to do so.

Leave of Absence

Any matriculated student who is not in probationary status may request a Leave of Absence from the College. The leave may be for one fall semester, one January term, one spring semester, or for up to a full academic year. There are two approaches to requesting a Leave of Absence, depending on circumstances:

General Leave of Absence: the student must submit a request for a leave of absence to the Registrar's Office before the start of the semester/term, and no later than the end of the first week of the semester/term during which the leave takes effect. Students on leave will be kept informed of pertinent information, deadlines, and activities for the subsequent term, including registration information. Readmission is guaranteed assuming the student returns within the specified period of time. The student will also be eligible to register for classes during the normal registration period while on leave. Students who do not return within the specified time period will be withdrawn from the College and required to apply for readmission.

Late request for Leave of Absence due to medical conditions: if circumstances prevented the student from requesting a Leave of Absence prior to the end of the first week of classes during a given semester, the student may petition the Assistant to the Vice Provost for Student Success for a late approval for a Leave of Absence due to medical incapacity. The Assistant Vice Provost will provide the student with a medical documentation form to be completed by an appropriate health care provider. The health care provider must then send the completed form directly to the Assistant Vice Provost. The form cannot be returned to the student for submission to the College. A student's petition for a late approval for a Leave of Absence due to medical conditions must be submitted as soon as medically and reasonably possible. The health care provider who completes the form **must be the treating, licensed, relevant, non-familial health care provider.**

The Assistant Vice Provost will review the student's petition and the medical documentation, and render a decision to approve or deny the request for a Leave of Absence within ten business days following the receipt of both the petition and the medical documentation. The Assistant Vice Provost may consult with appropriate professional resources, such as the Director of Health and Wellness and Counseling and Psychological Services, prior to rendering a decision. The decision will be communicated to the student, and copied the College Registrar and the Dean of Students via email to the student's Saint Mary's College email address. If the student's petition for a late medical Leave of Absence is denied, the student may choose to pursue a standard withdrawal from the College.

Immediate Interim Suspension

In certain circumstances, the Dean of Students, or designee, may impose an Immediate Interim Suspension to immediately remove an individual from the College community for any of the following reasons: (1) to ensure the safety and well-being of members of the College community or to preserve College property; (2) to ensure a student's own safety or well-being; or, (3) if a student poses a threat of disruptions or interference with the normal operations of the College. Every attempt will be made by the Dean of Students, or designee, to meet as soon as possible with the student before implementing an Immediate Interim Suspension. If the student is to be suspended, the decision will be communicated in writing to the student. During the period of the Immediate Interim Suspension, the student may be denied access to College activities, facilities and/or classes or other privileges for which the student might otherwise be eligible, as the Dean of Students, or

designee, may determine to be appropriate. The Immediate Interim Suspension shall remain in effect until the Dean of Students, or designee, determines that the reason for imposing the suspension no longer exists.

Academic Policies

Academic Standing

Saint Mary's College recognizes two regular categories of academic standing: Satisfactory Academic Progress and Probationary Status.

Satisfactory Academic Progress

A student is in satisfactory academic progress when s/he:

- Maintains a cumulative grade point average of at least 2.0 (C average) in all courses taken or accepted for credit at Saint Mary's College.
- After the freshman year, maintains a cumulative grade point average of at least 2.0 (C average) in all courses required or accepted for credit in his/her major field.

For the purpose of establishing satisfactory academic progress, only courses taken at Saint Mary's College will be considered during a transfer student's first two semesters in residence.

Financial Aid Office Satisfactory Academic Progress: Federal regulations requires the Financial Aid Office to monitor undergraduate and graduate students' academic progress to ensure that students are maintaining a required cumulative GPA and finishing their degree within an allotted timeframe. Aid can be withheld if a student does not make satisfactory progress.

Probationary Status

A student is in probationary status when s/he:

- At the end of any term (fall, January or spring), fails to maintain satisfactory academic progress is considered to have probationary status. The Assistant Vice Provost for Student Success will notify students in probationary status and their academic advisors via email that failure to achieve satisfactory academic progress no later than the close of the next long term (i.e., fall or spring) will subject students in probationary status to academic disqualification from further study at Saint Mary's College.

Subject to Academic Disqualification

A student is subject to disqualification from further study at Saint Mary's if the student is already in probationary status and fails to resume satisfactory academic progress (cumulative GPA of 2.0) by the end of the long semester of probation (i.e., fall or spring).

A student who is not in probationary status may be subject to disqualification if, in any semester:

- the student's cumulative GPA falls below 1.55 for all courses taken or accepted for credit; or
- the student has at least junior standing (a minimum of 18 credits completed toward graduation) and fails to maintain a GPA of at least 1.5 on all courses required or accepted for credit in his/her major field.

Students subject to disqualification will be notified promptly, in writing, by the Assistant Vice Provost for Student Success. Students are responsible for knowing their academic standing after grades are posted and for contacting the Student Success Office if they have any questions about their status. Failure to respond to e-mail contact about probation may lead to a student being disqualified automatically when the Academic Standing Review Board does not receive the requested response by the designated deadline. Any student subject to disqualification will be

disqualified from further study at Saint Mary's College unless, within two weeks from the date of notification, he/she files a petition against disqualification with the Academic Standing Review Board, and unless he/she is then granted Special Academic Probation by that Board.

Special Academic Probation

Special Academic Probation may be granted at the discretion of the Academic Standing Review Board, whose members are a representative from the Office of Academic Affairs, the Assistant Vice Provost for Student Success, the Registrar, the Dean of Students and faculty from various schools. In addition to the information contained in the student's petition, the Board may seek the advice of the student's instructors, academic advisor, school dean, and others, when appropriate. Special Academic Probation is granted pursuant to the following conditions:

1. Filing of a timely petition against disqualification for cause (e.g., existence of serious personal or health factors, or other special circumstances, which have substantially impaired the student's ability to successfully meet the demands of the College's academic programs);
2. Demonstration in the petition of the reasonable expectation that the student can achieve satisfactory academic progress by the close of the next long term (i.e., fall or spring);
3. Acceptance by the student of the conditions specified by the Academic Standing Review Board which will lead to the resumption of satisfactory academic progress by the close of the next long term.

Students who fail to meet the conditions of the Special Academic Probation by the end of the next long term will be immediately disqualified. The Academic Standing Review Board exercises sole authority in cases of Special Academic Probation.

In extraordinary circumstances, a student may appeal a disqualification or other decision of the Review Board. This appeal must be made within ninety (90) calendar days of notification of disqualification and will be considered only if there is strong and compelling evidence of incorrect procedure, error, or new, additional information. The Assistant Vice Provost for Student Success will determine whether such appeal will be heard by the Review Board.

A student disqualified from this College may apply to the Academic Standing Review Board for readmission if s/he presents work from another College or university which is acceptable for transfer credit and which is sufficient to signify satisfactory academic progress (GPA of 2.0)

Saint Mary's College Academic Honor Code

Saint Mary's College expects every member of its community to promote and abide by ethical standards, both in conduct and exercise of responsibility towards other members of the community. Academic Honesty must be demonstrated at all times to maintain the integrity of scholarship and the reputation of the College. Academic dishonesty is a serious violation of College policy because, among other things, it undermines the bonds of trust and honesty between members of the community and betrays those who may eventually depend upon the College's academic integrity and knowledge.

As an expression of support for academic integrity throughout the Saint Mary's learning community and as an administrative tool to discourage academic dishonesty, Saint Mary's has implemented an Academic Honor Code. The Academic Honor Code has been approved by the ASSMC Student Body, the Faculty Academic Senate, the Provost and the President of Saint Mary's College.

Pledge

All students, whether undergraduate or graduate, are expected to sign a pledge to follow this Academic Honor Code. The pledge reads as follows:

As a student member of an academic community based in mutual trust and responsibility, I pledge:

- *To do my own work at all times, without giving or receiving inappropriate aid;*
- *To avoid behaviors that unfairly impede the academic progress of other members of my community; and*
- *To take reasonable and responsible action in order to uphold my community's academic integrity.*

Principles of Action

Confidentiality

All student information generated in connection with the Code and its implementation are education records of the student(s) involved and cannot be discussed or disclosed (or re-disclosed) other than on an educational need-to-know basis or with the student(s)'s prior written and dated consent. This principle applies to all involved parties, including any faculty, staff, other students, and all Council members.

Individual Responsibility

It is the responsibility of every student and faculty member of the College community to know and practice the tenets of the Academic Honor Code. If there is confusion over the appropriateness of a particular action in light of the Code, or if a community member has recommendations about how to amend or alter the Code, those questions and suggestions should be addressed to the Academic Honor Council through the Academic Honor Code Coordinator, or to the program director or dean for adult and graduate programs.

Community Responsibility

In addition to maintaining one's own academic integrity, each member of the academic community should strive to preserve and promote integrity among his/her peers. This community empowers its members to take appropriate action in support of the Academic Honor Code. If a student, faculty member, staff member, or administrator suspects a violation of the Academic Honor Code, he or she should take action consistent with the Academic Honor Code Procedures described below.

Additional possible actions include:

- Actively encouraging academic integrity among one's peers.
- Using moral suasion to avert a peer's academic dishonesty.
- Alerting a faculty member to suspected violations of academic integrity.
- Educating one another regarding the responsibilities of academic integrity.
- Helping a faculty member maintain an environment that is conducive to integrity.

Violations

All violations of the Academic Honor Code are administered by the Academic Honor Council (AHC). Members of the academic community are presumed to be familiar with the procedures outlined for

determining a violation of the Academic Honor Code and, therefore, ignorance of the Code is not available as an excuse for an alleged violation of it.

Forms of violations of the Academic Honor Code include, but are not restricted to:

In Examinations

Unauthorized talking during an exam; use of “cheat sheets” or other unauthorized course materials during an exam; having someone other than the student registered in the course take an exam; copying from another student’s work; giving assistance to another student without the instructor’s approval; gaining access to an exam prior to its administration; informing students in other course sections of the contents of an exam; preparing answer sheets or books in advance of an exam without authorization from the instructor; unauthorized collaboration on a take-home exam; altering another person’s answers in the preparation, editing, or typing of an exam; bringing unauthorized materials into an exam room.

On Papers and Class Assignments (understood as all work assigned in a course)

Submitting work prepared by someone else as one’s own; using the thesis or primary ideas of someone else, even if those ideas have been edited or paraphrased, without proper citation; plagiarizing words, phrases, sections, key terms, proofs, graphics, symbols, or original ideas from another source without appropriate citation; receiving unauthorized assistance in preparing papers, whether from classmates, peers, family members, or other members of this or any other College community; collaboration within a class or across sections of a class without the consent of the instructor; preparing all or part of a paper for another student; intentional failure to cite a source that was used in preparing the paper; citing sources that were not used or consulted to “pad” a bibliography; citing sources out of another’s bibliography without having consulted those sources; re-using previous work without the consent of the current instructor; providing a paper to another student for any purpose other than peer editing or review; using unapproved sources in preparing a paper; lying to an instructor to circumvent grade penalties; interference with access to classrooms, computers, or other academic resources.

In Research

Fabricating or falsifying data in any academic exercise, including labs or fieldwork; using material out of context to inappropriately support one’s claims; sabotaging another person’s research; using another researcher’s ideas without proper citation; taking credit for someone else’s work; hoarding materials and/or equipment to advance one’s research at the expense of others.

In the Use of Academic Resources

Destruction, theft, or unauthorized use of laboratory data, research materials (including samples, chemicals, lab animals, printed materials, software, computer technology, audiovisual materials, etc.); stealing or damaging materials from the library or other College facilities; not returning materials when asked to do so; appropriating materials needed by others such that their work is impeded; helping others to steal, hoard, destroy, or damage materials.

In Academic Records

Changing a transcript or grade in any unauthorized way; forging signatures on College documents; willful public misrepresentation of achievements, whether academic, athletic, honorary, or extracurricular; falsifying letters of recommendation to or from college personnel; bribing any representative of the College to gain academic advantage; breaking confidentiality about the

proceedings of the Academic Honor Council, an Academic Review Board, or an investigative committee in the adult and graduate programs.

In Community Participation

Engaging in conduct that, if found to have occurred, violates the College's Technology Use and Whistleblower policies.

These types of conduct constitute violations of the Academic Honor Code and will be considered, if determined to have occurred, as acts of academic dishonesty. Any conduct that represents falsely one's own performance or interferes with that of another is academic dishonesty. Academic dishonesty is distinguished from academic inadvertence. The Academic Honor Council or the dean or program director for adult and graduate programs, receives and considers all reports of conduct that is alleged to be a violation of the Code and, thereafter, decides whether the alleged conduct, if determined to have occurred, constitutes academic dishonesty or academic inadvertence, which involves an act that might appear to be a violation of the Academic Honor Code, but is determined during the Review Board process not to be. In cases of academic inadvertence, no charge of academic dishonesty is made and the student is referred to the instructor for appropriate resolution. The Academic Honor Code is not intended to impede or inhibit the free exchange of ideas and collaborative learning which are hallmarks of a Saint Mary's education. The College supports and encourages cooperative learning, group projects, tutoring, mentoring, or other forms of interchange of ideas among students and faculty, one of the most important benefits of academic life.

Oversight and Sanctions

The procedures for the administration of the Academic Honor Code, the determination of violations, and the imposition of sanctions are overseen by the Academic Honor Council (AHC).

Oversight: Academic Honor Council

Council Membership

The AHC consists of a minimum of sixteen student members and six faculty members as specified below. These members share special responsibility for the dissemination and implementation of the Academic Honor Code on campus:

- 6 students: Two students from each of the traditional undergraduate schools at the College (Economics and Business Administration, Liberal Arts, and Science). These representatives are appointed for a term of at least two years on a biannual basis by the Academic Honor Council.
- 4 students: One student from each program that takes special responsibility for community education on academic integrity (Advising, Athletics, Collegiate Seminar, and Composition). These representatives are appointed for a term of at least two years on a biannual basis by the Academic Honor Council.
- 6 or more students: A minimum of six students will be appointed as members-at-large. These representatives are appointed for a term of at least two years on a biannual basis by the Academic Honor Council.

- 6 or more faculty members: A minimum of six faculty members of the traditional undergraduate college. These representatives are appointed by the Vice Provost for Graduate and Professional Programs for a term of two years; service may be extended by one or more years with the approval of the vice provost.

Rotation Process

In order to facilitate consistency in the processes of review and policy formation, representatives are appointed using a system of rotation as needed to meet the membership requirements above.

Responsibilities of the Academic Honor Council (“AHC”): The responsibilities of the AHC include, but are not limited to, the following:

- To select from its membership a student Chair, or Co-Chairs, who will oversee the operations of the AHC for one year.
- To review and revise the Academic Honor Code as necessary, offering recommendations for changes to the Code to the Admissions and Academic Regulations Committee of the Educational Policies Board.
- To serve in an advisory capacity for the College community in understanding and interpreting the Code.
- To promote and maintain the Code, primarily through community education via publications, workshops, forums, and community events.
- To create and facilitate a non-credit seminar on academic integrity to be taken by students who are in violation of the Code.
- To constitute Review Boards from among its membership to consider alleged violations of the Code.
- Through its Chair or Co-Chairs to consider requests for the removal of “XF” grades and to be a Review Board as a whole for petitions of reconsideration brought forward by the Chair or Co-Chairs.
- To provide an annual report (maintaining appropriate confidentiality) for the Educational Policies Board and the ASSMC Student Senate reviewing the AHC’s activities for the year.

Coordinator of the AHC

In addition to the members of the Academic Honor Council, there is a staff Coordinator who is part of the staff of the Office of Academic Affairs. The Coordinator’s responsibilities are: to serve as “first contact” for a party who wishes to register a concern; to maintain office hours during which community members may file concerns, seek advice, obtain written materials relevant to the Academic Honor Code; to update written materials and information as per the instructions of the AHC; to distribute materials to appropriate parties during student orientation and at the beginning of new academic terms; to function as a “neutral party” in organizing and scheduling reviews by the AHC; to contact all involved parties and inform them of their rights and responsibilities in the process of pursuing a concern; to assign Advisors at the earliest possible time; to compile brief case inventories on concerns that are raised; and to schedule and book meetings of the Academic Honor Council at large, and to coordinate with the Chair of the AHC the constitution and meetings of Honor Review Boards.

A reported student has 5 business days to contact the AHC coordinator to discuss their options. After the 5-day period, the student has 24 hours to inform the AHC coordinator of their decision of whether they want to go forward with a review board or sign a No-Contest Resolution. If there is no contact within the specified time frame, an immediate XF grade will be assigned to the student's academic transcript for the course in question.

Honor Review Boards

In cases when a violation of the Academic Honor Code is not handled through the channels of No-Contest Resolution, the Chair(s) of the AHC designate the case for review and establish an Honor Review Board comprised of members of the AHC. If there are two or more pending cases, the reported student is given the option to decide whether or not they want their review boards to consist of the same AHC members. The pending review boards are not allowed to be scheduled on the same day. If the student chooses to not make this decision it is at the discretion of the Co-Chairs, to decide whether or not the board consists of all the same members.

The Honor Review Board consists of eight members of the AHC as follows:

Five voting members comprised of four student representatives and one faculty representative, one non-voting Facilitator, and two non-voting Advisors. The appropriate sanction is decided by the majority vote of the five voting members. The non-voting Facilitator serves as the neutral presiding officer of the review.

The two non-voting Advisors, one assisting the party who brought forth the charge and one assisting the alleged violator(s), must be currently enrolled students at the College and members of the AHC. The role of the Advisor is to help the respective parties in their understanding of the Academic Honor Code, provide confidential guidance, assist in preparing the respective parties for the Honor Review Board process, aid the parties in understanding the decisions of the Honor Review Board, and inform the parties of processes for petition for reconsideration.

At no time during the review does an Advisor formally represent the party in the hearing or speak on his/her behalf; rather, each party is expected to speak for him- or herself.

Sanctions

Standard Sanction: Assignment of an "XF" Grade

For violations pertaining to a course, the standard sanction upon a student who commits a violation of the Academic Honor Code is the assignment of an "XF" grade in the course.

- **First Violation Standard Sanction:** Assignment of an XF grade.
- **Second Violation Standard Sanction:** Semester Suspension. The standard sanction for a second violation is a semester-long suspension from the College. Timing of the suspension is to be determined by the review board that reviews the individual case.
- **Third Violation Standard Sanction:** Expulsion. The standard sanction for a third violation is immediate expulsion from the College.

For violations that do not pertain to a course, the sanction is determined by the Honor Review Board hearing the case. The "XF" grade indicates failure in the course, and that the course failure was the result of a violation of the Academic Honor Code. A notation will be included in the

student's transcript indicating the meaning of the grade. For the purposes of computing grade point average and class standing, the "XF" will be treated as an "F."

In addition to the notation on the student's transcript, an "XF" grade disqualifies a student from representing the College as the leader of an approved extracurricular activity, or as a member of an athletic or scholarly team that is sponsored by the College. Students with "XF" grades will be eliminated from consideration for departmental or College awards and honors. No student with a standing "XF" grade may be a member of the Academic Honor Council.

Through a letter filed with the AHC Coordinator, a student may petition the Academic Honor Council to remove an "XF" grade in the semester following its assignment. A successful petition will result in the replacement of the "XF" with the grade of "F" and the removal of the notation from the student's transcript. Such a petition will be considered if the student has completed a non-credit seminar on academic integrity (administered by the Academic Honor Council) and has avoided any further violation of the Academic Honor Code. The decision to remove an "XF" grade resides with the Co-Chair(s) of the Academic Honor Council and is not guaranteed merely with completion of the seminar on academic integrity. A letter reflecting the violation, the sanction, and the removal of the "XF" grade remains in the student file held in the Office of the Registrar.

Alternative Sanctions

That the assignment of an "XF" grade is the standard sanction for violations that pertain to coursework does not preclude the right of the Honor Review Board to assign an alternative sanction, one that is either harsher or more lenient. The rationale for an alternative sanction other than the standard is the nature of the offense and not the status or identity of the offender. The community member who brings forth the charge against the alleged violator may recommend a particular sanction to the Honor Review Board, but the assignment of the sanction rests with the board.

Alternative sanctions include but are not limited to:

- Reprimand by the AHC, with a letter placed in the student's permanent file in the Registrar's office.
- Community service requirements, either to the College or to a selected community agency consistent with the offense committed.
- Community education requirements, including participation in the development of workshops, displays, bulletin boards, testimonials, brochures, or College forums.
- Attendance of a non-credit seminar on academic integrity.
- Academic or extracurricular probation.
- Loss of privileges for College leadership or athletic participation.
- Removal from the course, with alternate plans for completing it.
- Failure of the assignment.
- Failure of the course.
- Modified "XF" grade, with no limitation on extracurricular activities.

- Suspension from the College at the end of the term.
- Immediate suspension from the College.
- Expulsion from the College.
- Withholding of a degree, even in cases where all College requirements have been met.
- Revocation of a degree already received.

Procedures for Suspected Violations

The procedure to be followed in any suspected violation of the Academic Honor Code for traditional undergraduate students will follow four, and, in certain instances (as specified, below), a fifth step.

If a student or staff member wishes to report conduct that might constitute a violation of the Code, then he/she has two options:

- Refer the matter to the relevant faculty member, or
- Refer the matter to the Academic Honor Council through the AHC Coordinator (Step Four).

Step One: Initial Discussion

If a faculty member, staff or student becomes aware of conduct that might constitute a violation of the Code, then he/she should first discuss the conduct with the suspected violator. This discussion might include asking the suspected violator(s) to explain the situation or confronting them with relevant information about the suspected conduct. The possible outcomes are:

- If the suspecting party concludes that no violation has occurred, then the matter will be dropped.
- If the discussion results in confirmation by both parties that a violation has occurred, then the student can request a No-Contest Resolution through the AHC Coordinator or an Honor Review Board through the AHC Coordinator.
- If the discussion results in lack of confirmation by both parties that a violation has occurred, then the faculty member refers the case for review by an Honor Review Board through the AHC Coordinator (Step Four).

Step Two: Meeting with the AHC Coordinator

After a violation of the AHC code has been found the case is referred to the Coordinator of the AHC. When a suspected of a violation of the Code is referred to the Coordinator, the reported student has two options to resolve the issue.

1. No-Contest Resolution (Step Three)
2. Academic Honor Review Board (Step Four)

After initially meeting with the AHC Coordinator the student has five business days to contact the AHC Coordinator to discuss their options. After the 5-day period, the student has 24 hours to inform the AHC coordinator of their decision of whether they want to go forward with a review board or sign a no-contest resolution. If there is no contact within the specified time frame, an immediate XF will be given.

Step Three: No-Contest Resolution

The No-Contest Resolution process is an option in cases when the following five conditions are met: 1) neither party contests that the conduct has occurred; 2) the nature of the violation caused by the conduct is clear; 3) the violation is course-related, 4) both parties agree to the standard sanction for the admitted violation and, 5.) if it is the first violation

In No-Contest Resolution, the standard sanction of “XF” is applied. To provide fairness in its application, the AHC Coordinator is witness to the No-Contest Resolution process.

Step Four: Honor Review Board

In the absence of a No-Contest Resolution, the case is referred through the AHC Coordinator to an Honor Review Board for review and determination.

Preparation. The AHC Coordinator informs the Co-chairs of the AHC of the need to convene an Honor Review Board. Once the Co-chairs have established the Honor Review Board for a case, it will hold a review hearing. The hearing is a closed and confidential meeting with the person raising the concern, the alleged violator(s), and any witnesses who have relevant information that either party wishes to include in the proceedings. Prior to the review hearing, the Facilitator will provide a list of witnesses and relevant information to both the person raising the concern and the alleged violator(s).

Confidentiality. All of the testimony and relevant information from the review hearing will be kept in confidence, in accordance with the College policy and to protect the privacy of the student(s) involved under Family Educational Rights and Privacy Act (“FERPA”). Failure to maintain the confidentiality of the matters and/or the student’s privacy of the student(s) involved will result in a separate and independent charge of Code violation. No lawyers or lawyers’ representatives (e.g. paralegals) representing the involved parties or family members of either party may be present during the review process or the deliberations of the Honor Review Board.

Multiple Alleged Violators. In the case of multiple alleged violators in closely related cases, one Honor Review Board will hear all testimony and evidence. The Facilitator has the discretion to hold one review for all students concerned subject to receipt of the prior written and dated consent of the student(s) involved, or separate reviews for each alleged violator. Reviews will be closed to all other persons unless all parties concerned consent in writing to an open review.

The Review Hearing. The Coordinator’s office determines sets and coordinates the time and place for the review hearing, as well as its structure and flow. Each party has the opportunity to present his/her position and offer relevant information and testimony, including of witnesses, to support their respective positions. Members of the Honor Review Board may forward questions during any phase of the review with the permission of the Facilitator.

Deliberation and Decision. Upon hearing all arguments, the Honor Review Board meets privately to deliberate and make its decision. A valid decision constitutes a simple majority arriving at a common conclusion as to whether a violation “more likely than not” occurred. In the event of a split or tied vote, the case will be referred to the full body of the AHC for deliberation and decision. Within 48 hours of the close of deliberations, the Student Advisors and/or Facilitator of the Honor Review Board informs both parties about the decision and sanction, either through written

notification or in person, depending upon the request of the parties involved preference. Notwithstanding this notice requirement, failure to inform both parties of the decision and sanction within 48 hours does not constitute a material procedural irregularity.

Removal of a Board Member. Any member of the Board who has a conflict of interest or bias or whose participation would give rise to the appearance of bias or conflict of interest must recuse him or herself from the deliberation and decision process. If during the review hearing or the deliberations the Facilitator detects a bias that may interfere with the impartial consideration of information by any voting member of the Honor Review Board and that may significantly affect the outcome of the Board's decision, the Facilitator must remove that representative from the Review Board immediately. Review and deliberations will continue with the remaining members.

Ad Hoc Review Boards. *In the event that a review is necessary outside of the confines of the regular academic calendar (in the summer or over Christmas break, for example), then the Academic Vice Provost may convene a special ad hoc Honor Review Board consisting of two students and one faculty member. If possible, those representatives should be current or former members of the Academic Honor Council, but the Academic Vice Provost may exercise the right to appoint other representatives as necessary.*

Step Five: Petition to Reconsider

Grounds for Reconsideration. Except as permitted below, the decision of the Honor Review Board is final (whether it is the product of a regular or ad hoc review board), and will be reported to the Academic Honor Council as well as to the Registrar's office. The decision may be reconsidered only if: 1) new information not available at the time of the deliberation and Board's decision can be offered for consideration, 2) one or more parties can provide information that supports an allegation that there was a failure to follow procedure that materially affected the decision of the board, or 3) the sanction applied goes beyond the standard sanction. If the case is not subject to reconsideration, then the matter ends at this step.

Reconsideration: If a student that has been found in violation of the honor code chooses to submit a request for reconsideration, that person has 5 business days starting the day after their decision has been made by the review board to turn in their request in writing to the coordinator. School holiday breaks do not count as business days (as defined in the student handbook). If they do not turn it in within the designated time frame, the request will be rejected.

Any petition for reconsideration of a decision by the Honor Review Board is filed with the AHC Coordinator, who informs the Co-Chairs of the Academic Honor Council. The Co-Chairs determine whether or not the information and reasons offered support the request for reconsideration (based on the above criteria). If the Co-Chairs deem that the information offered is sufficient to support reconsideration of the case, then it is brought before the full body of the Academic Honor Council. The Council rehears the case, taking into account the new information and/or material procedural irregularity that have been established.

The Co-Chairs present the original case (in brief), the board's decision, and the stated grounds of the petition to the AHC. The AHC may, in its sole discretion, rely on existing written information or call for new information and/or testimony as needed to allow a full and fair consideration of the petition. If the AHC disagrees with the decision of the Honor Review Board, then a new decision may be reached by the entire Academic Honor Council by a majority vote of those present. The Co-

Chairs will be excluded from the initial vote and will only vote in the case of a tie. If the AHC upholds the decision of the Honor Review Board, then the case will be closed. In either situation, the decision of the Academic Honor Council is final.

Final Responsibility

Saint Mary's, through its designated officers, faculty and/or employees is solely charged with and responsible for interpreting and applying the Academic Honor Code. In exercising that responsibility, the College chooses to give students a distinct and significant role in designing the Code, hearing cases, recommending sanctions, and educating the campus community about the importance of academic integrity. This student participation, however, in no way prevents Saint Mary's from exercising its sole discretion, without prior notice, in interpreting, implementing and/or amending these policies and procedures.

Turnitin® Policies and Procedures

Saint Mary's College uses the Turnitin service. The following policies apply to students:

- Any student requested to do so by his/her instructor must submit written work to the Turnitin service in a course where the instructor is using it.
- All students enrolled in a Collegiate Seminar course or in English 003, 004, or 005 are required to submit their final versions of all essay assignments in those courses to the Turnitin service.
- Saint Mary's uses Moodle, a course management system that can include an easy-to-use link for students to submit written work to Turnitin. Directions for students using that link can be found at <https://sites.google.com/a/stmarys-ca.edu/gaellearn-moodle---how-to/turnitin-via-gaellearn-moodle>
- If students need assistance using Turnitin, contact the SMC IT Help Desk at servicedesk@stmarys-ca.edu or (925) 631-4266.
 - Rarely, an instructor does not use Moodle. If so, that instructor will inform students how to access the Turnitin.com system and will give students a course ID and password to use for uploading their written work. The instructor of the course will monitor student use of the system and troubleshoot any problems.

Academic Appeal Process

The Committee on Academic Appeals is a faculty/student committee which hears appeals from undergraduate students regarding decisions concerning academic regulations and standards affecting them individually. A standing committee, it is convened and chaired by the Vice Provost of Undergraduate Academics, at the request of the student.

2. To hear appeals regarding decisions of the Dean of the School or of the Registrar (and approved by the Dean of the School) concerning courses, standards, academic regulations and requirements for graduation;
3. To hear appeals regarding grades given by instructors.

The Committee consists of up to ten members:

- Vice Provost of Undergraduate Academics (ex officio and nonvoting)
- three ranked faculty members appointed by the Chair of the Committee on Committees;

- three ranked alternates (but also including Christian Brothers currently teaching at the College), one each from the Schools of Liberal Arts, Science, and Economics and Business Administration, appointed by the Vice Provost of Undergraduate Academics;
- four students appointed by the ASSMC President for one-year, renewable terms and confirmed by the Executive Council of that group.

Procedures:

1. When the student expects to appeal a decision by the Dean of his/her School and/or the Registrar, or to appeal a grade given by an instructor (see 1 and 2 above), the student must file a notification to that effect with the Vice Provost of Undergraduate Academics within one month from the beginning of the next long term.
2. The student is normally expected first to take his/her appeal to the instructor or administrator involved. If the student is not satisfied with the outcome, he/she should next take the appeal to the department chairperson or to the appropriate academic administrator.
3. If the matter is not resolved in step 2, the student will file a written statement of appeal with the Vice Provost of Undergraduate Academics. The Vice Provost will notify the appropriate instructor, department chairperson, and the School Dean that an appeal has been filed.
4. If the student decides not to pursue the appeal, he/she must advise the Vice Provost of Undergraduate Academics that the notification and/or statement of appeal be withdrawn.
5. The appeal must be brought to the Committee on Academic Appeals before one long term has elapsed since the term in which the cause for appeal occurred.
6. The Committee will not consider an appeal until and unless all the above avenues of informal resolution have been pursued.
7. The Vice Provost of Undergraduate Academics serves as the nonvoting Chair for each appeal hearing. Representatives of the two principals (a faculty member chosen by the student—a Christian Brother on staff may also serve this role—and a ranked faculty member chosen by the other principal, or in the case of an appeal of a decision by the Registrar's Office, a representative of that office not involved in the original decision) will present to the Committee the respective arguments of the two principals whom they represent. The two principals do not attend the meeting unless requested to do so by the Committee.
8. Minutes of the proceedings will be taken and kept on file in the Office of Academic Affairs. All proceedings and correspondence, and the minutes are confidential and will not be maintained in the student's permanent academic record.
9. In hearing an appeal, the Committee has authority to:
 - a. set time limits on presentation by representatives of the two principals;
 - b. request written statements from the principals, if necessary;
 - c. determine if the principals are to appear before it;
 - d. consider during its deliberations all documents and any records considered by the initiating instructor or administrator; oral and/or written argument of both principals; additional evidence the Committee deems appropriate.

10. The Committee, upon reaching a majority decision, has the authority in the individual case to instruct the Registrar to waive an academic regulation or requirement, make an exception to an academic standard, or to change a grade.
11. The Vice Provost of Undergraduate Academics gives written notification of the Committee's decisions to the principals.

Class Attendance

General Policy

Regular class attendance is an important obligation and an essential condition for successful academic progress. Absences may seriously jeopardize the satisfactory completion of a course. Excessive absence can be a cause for dismissal from the College. The instructor is responsible for establishing and communicating the attendance policy for a given course. Students are responsible for all assignments in each of their courses, whether or not the assignments were announced during an absence. Penalties for absences depend upon the nature and the amount of work missed, of which the faculty member is the sole judge. It is not permissible to miss regularly scheduled classes for the purpose of intercollegiate athletic practice. A student who misses the first session of a course, even if he/she is pre-registered, may have his/her place in that course given away and be denied further attendance in that course.

Student Athletes

Student-athletes will not miss class for practice. Student-athletes, in the season in which their sport has scheduled intercollegiate competitions, will not be penalized for missing class because of representing the College in those competitions – so long as the student's absence from the class for the purpose of intercollegiate athletic competition does not exceed (see *Student Athlete Handbook*):

1. 4 classes on the MWF schedule (fall and spring terms)
2. 3 classes on the T/Th schedule (fall and spring terms)
3. 2 classes during a traditional January Term course
4. 1 class per term (fall and spring) for labs and courses that meet once per week

GRADUATE AND PROFESSIONAL

Student Handbook 2016-2017

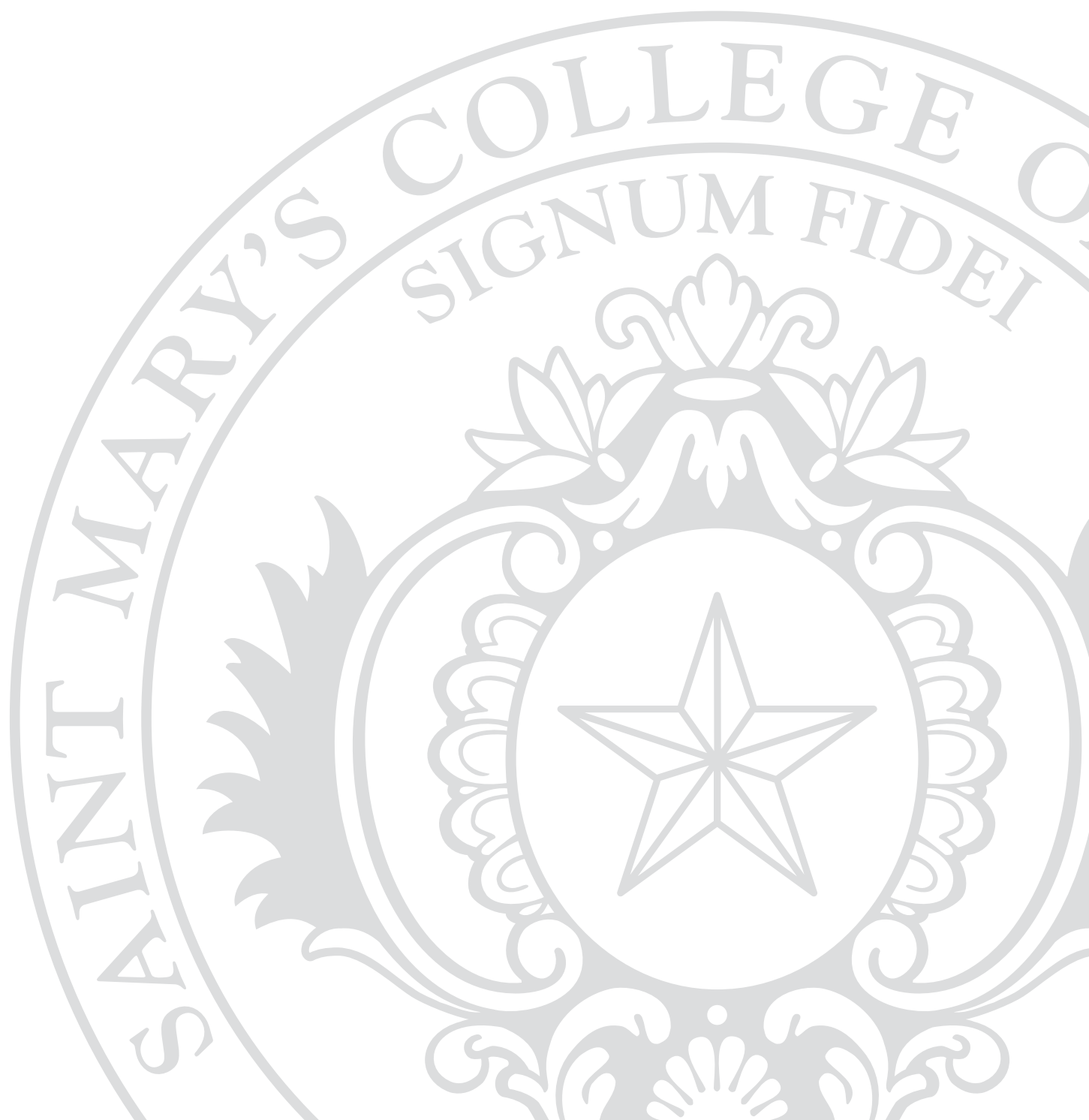


Table of Contents

Part 1: Academic Policies	4
1-a Definitions Applying to Academic Policies	4
1-b Admissions Requirements	4
1-c Academic Standing	4
1-d Full- and Part-time Status	5
1-e Residency Requirement	5
1-f Nonmatriculated Students	5
1-g Transfer Units for Graduate Students	5
1-h Transfer Units for Undergraduate Professional Students	6
1-i Grading	6
1-j Attendance Policy	6
1-k Auditing	7
1-l Open Enrollment	7
1-m Continuous Enrollment and Leave of Absence	7
1-n Timely Completion of Degree	7
1-o Dual Degree Programs	7
1-p Second Master's Degree	7
1-q Course Evaluations	7
1-r Degree Requirements	7
1-s Advancement to Candidacy and Completion of Degree	7
1-t Thesis, Synthesis Project, and Dissertation Guidelines	7
1-u Academic Appeal Process	8
Part 2: Graduate and Professional Academic Honor Code	10
Part 3: Graduate and Professional Student Code of Conduct	14
Part 4: Community and Student Policies	22
4-a Abusive Conduct Policy	22
4-b Act of Intolerance Protocol	22
4-c Policy on AIDS and HIV	23
4-d Alcohol and Other Drugs	24
4-e Guidelines for Student Sponsored Events	28
4-f Amorous Relationships	29
4-g Community Assembly	29
4-h FERPA Policy	30
4-i Film Policy	31
4-j Medical Leave of Absence	31
4-k Policy Prohibiting Discrimination and Harassment	33
4-l Sexual Assault and Sexual Misconduct Policy	36
4-m Solicitation, Distribution and Advertising Policies	41
4-n Fundraising Policy	41
4-o Student Services Policies	41
4-p Media Policy	41
4-q Technology Policy	42
4-r Whistleblower Policy: Fraudulent or Dishonest Conduct	42
4-s Student Complaints Policy and Procedure	43

INTRODUCTION AND HANDBOOK RIGHTS

The Graduate and Professional Student Handbook is designed to provide students, faculty, and administrators with a reference guide for college-wide academic policies, the graduate and professional honor code, the student code of conduct, and several other policies governing student and community behavior. The policies described in the handbook were developed by the Graduate Council and the Graduate and Professional Studies Educational Policies Committee (GPSEPC), and approved by the Academic Senate. The policies are reviewed annually by GPSEPC.

Students are required to adhere to the policies outlined in the Graduate and Professional Student Handbook for the academic year they enter their program, with the notable exception of the academic honor code, which applies to all students in the form described in this handbook. Students maintain handbook rights by continuous enrollment as defined by the College. Students that do not maintain continuous enrollment will lose graduate standing and will be required to re-apply for admission. Such students may be required to abide by policies and requirements set forth by the handbook of the year they reenter the program.

Part 1: Academic Policies

Definitions Applying to Academic Policies

Graduate student: A student admitted to any graduate-level program at Saint Mary's College.

Professional student: A student admitted to any undergraduate program designed for working adults. For purposes of clarity, these students are also referred to in the handbook as "undergraduate professional student."

Business day: Refers to all days during which the College is officially open, including days when classes are not in session.

Program director: The administrator responsible for a particular program.

Dean: The administrator responsible for a particular school. In nearly all cases, the dean may delegate responsibilities assigned to her/him to another party, such as an associate dean.

Admissions Requirements

Saint Mary's College welcomes applications from students qualified to pursue a program of study leading to a graduate or undergraduate professional degree. The admissions process is designed to evaluate the potential for success in an individual program. Applicants should consult the department to which they are applying for its specific evaluation requirements and criteria.

GENERAL REQUIREMENTS FOR GRADUATE STUDENTS

Applicants must hold or expect to hold prior to the beginning of classes a bachelor's degree (for master's degree programs) or a master's degree (for doctoral programs) from a regionally accredited U.S. institution or an equivalent international university. International students must provide transcripts showing graduation from a recognized college or university with a degree normally requiring 15-16 years of prior education before graduation from college or university.

Applicants must submit two or three letters of recommendation (varies by program) from academic or professional references and official transcripts of all baccalaureate and post-baccalaureate studies.

In evaluating a candidate for admission, the admissions officer or committee reviews the following credentials: the completed application, transcripts from the colleges and/or universities the applicant has attended, and letters of recommendation. Some schools and programs in the College require standardized examinations, such as the GRE or GMAT, and some schools or programs may conduct admissions interviews or require writing samples or statements of purpose. In reviewing transcripts, admissions officers will take into account the choice of coursework, the rigor of the undergraduate major, the competitiveness of the academic institutions, and the grade point average (GPA). For master's degree and credential programs, an undergraduate GPA of 2.8 or better is generally the standard for admissions consideration. Doctoral programs typically require an undergraduate GPA of 3.0 and a graduate GPA of 3.5.

GENERAL REQUIREMENTS FOR UNDERGRADUATE PROFESSIONAL STUDENTS

Applicants to the LEAP program must hold a high school diploma or its equivalent. Applicants to the Leadership and Organizational Studies program must have earned a minimum of 64 semester units of acceptable transfer credit.

Applicants must submit two letters of recommendation from academic or professional referees and official transcripts of all baccalaureate studies.

In evaluating a candidate for admission, the admissions officer or committee reviews the following credentials: the completed application, transcripts from the colleges and/or universities the applicant has attended, letters of recommendation, an experiential learning inventory, and an essay or statement of goals. In reviewing transcripts, admissions officers will take into account the grade point average (GPA). An undergraduate GPA of 2.0 or better is generally the standard for consideration.

Academic Standing

UNCONDITIONAL ACCEPTANCE

Students who meet all program admissions criteria, have complete files, and have been selected for admission by program-specific admissions processes are accepted unconditionally.

PROVISIONAL ACCEPTANCE

Students whose admissions files are incomplete (e.g., missing test scores, transcripts, etc.) may be provisionally admitted, and must take steps to ensure that their files are completed within one term. The time limit may be extended with the approval of the program director.

CONDITIONAL ACCEPTANCE

If a student has a complete application but missing requirements, such as the Basic Skills Requirement (BSR) or the Writing Proficiency Exam, this student may be admitted conditionally. The program director will notify the student in writing how to attain unconditional acceptance and provide a deadline for achieving it.

ACADEMIC PROBATION

Graduate students whose cumulative grade point average in courses constituting the degree falls below a 3.0 (B) average at any time during their course of study are placed on academic probation. They are notified of their status in writing by the Vice Provost for Graduate and Professional Studies. Upon notification, students have one academic term to bring their grade point average up to the 3.0 level. Failure to do so will result in academic disqualification.

Some programs at the College—especially those using P/F grading—may the grade of issue Marginal Performance grade. The use of Marginal Performance grade is a warning to the student that even though his/her coursework might merit a passing grade, the work was nonetheless marginal.

Students who accumulate two or more Marginal Performance grade or one (1) failing grade will be placed on Academic Probation.

Undergraduate Professional students whose grade point average falls below a 2.0 (C) average at any time during their course of study are placed on academic probation. They are notified of their status in writing by the Vice Provost for Graduate and Professional Studies. Students have one semester to bring their grade point average up to the 2.0 level. Failure to do so may result in academic disqualification.

ACADEMIC DISQUALIFICATION

Graduate students are disqualified from continuing in a program when they have not attained a cumulative grade point average of 3.0 or higher for two continuous terms of enrollment. Two terms of enrollment count as continuous even if a student has taken a leave between terms. Students in P/F programs are subject to disqualification if they receive a failing grade in two courses or if they fail or receive Marginal Performance grade in three courses. Students will be disqualified from the College if they receive two (2) failing grades or one (1) failing grade and two (2) marginal performance grades, or four (4) marginal performance grades.

Undergraduate Professional students are disqualified from continuing in a program when they have not attained a 2.0 grade point average for two or more terms. The Vice Provost for Graduate and Professional Studies notifies students subject to disqualification.

Any student subject to disqualification is barred from further study at Saint Mary's College.

SPECIAL ACADEMIC PROBATION

Special Academic Probation is granted at the discretion of the Vice Provost for Graduate and Professional Studies and may be based on the student's extreme personal hardship, serious illness, or a similar reason that justifies poor academic standing. Students facing academic disqualification may request to be placed on Special Academic Probation by filing a Petition for Special Action within two weeks of the notice of disqualification. In addition to explaining their special circumstances, students must also outline how they expect to improve their grades and resume regular academic standing by the end of the next term. If granting Special Academic Probation, the Vice Provost for Graduate and Professional Studies may further specify additional conditions and program requirements for removing academic probation status. Students who fail to meet the conditions of Special Academic Probation are disqualified from further study.

Full- and Part-time Status

Students should consult with their individual programs in order to determine a course of study that is considered full- or part-time. Full-time status may be a requirement of a program and may determine eligibility for financial aid.

Residency Requirement

"In residence" typically means on the Saint Mary's College campus, but there are common exceptions: Students attending SMC-sponsored overseas programs and students attending at satellite campuses are in residence, as are students enrolled in online or hybrid courses. At least 50 percent of all credential

or master's programs must be completed in residence. The remaining 50 percent may consist of transfer credits, challenges, comprehensive evaluations, independent study, and other non-standard classes.

Nonmatriculated Students

Individuals who hold a bachelor's degree or equivalent and wish to take a course in a specific program that allows non-degree students are eligible to apply for non-matriculated status. Non-matriculated students are permitted to register for one course each term for a maximum of two terms. A maximum of six credits may be credited toward the Master's degree if a student applies and is accepted into the matriculated program.

Transfer Units for Graduate Students

A limited amount of graduate credit obtained at other accredited colleges or universities may be accepted in partial fulfillment of some requirements for a credential, certificate, or master's degree. Generally, no more than two full-unit courses can be so approved, but under special circumstances, the dean of the school may approve up to a total of three full-unit courses. Transferred credit does not qualify as work done in residence.

Courses acceptable for transfer credit must:

- Have been graduate courses with clear relevance to course of study,
- Have been taken at a regionally accredited institution of higher education within the last five years, (Coursework may be acceptable beyond five years if the candidate can demonstrate current experience and knowledge.)
- Have been assigned a grade of "B" (or its equivalent or better),
- Not have been supervised fieldwork, field practice, practicum or independent study (with the exception of one semester of credit for the school counseling PPS credential)

Permission to take courses at another institution, after admission to the College, may be granted at the discretion of the program director only if all of the following criteria are met:

- The course is vital to the student's program of study and is currently not available or not offered in a timely fashion at the College.
- The course is offered at the appropriate graduate level and is offered by a regionally accredited institution.
- The total number of transfer units does not exceed the maximum described above.
- Permission must be granted before the course is taken.
- Upon relocation outside of the area, a student may petition for an additional course to be taken at another institution.

Upon completion of the course, the other institution should forward the transcript information directly to the Registrar.

Transfer Units for Undergraduate Professional Students

Credit obtained at other accredited colleges or universities may be accepted in fulfillment of elective and some general education requirements for a bachelor's degree. Transferred credit does not qualify as work done in residence.

Courses acceptable for transfer credit must:

- Have been taken at a regionally accredited institution of higher education or an appropriate and comparable institution in another country,
- Have been assigned a grade of "C-" (or its equivalent or better),
- Be transferable to the University of California if taken at a California community college, except for courses that are related to their current career field or (for LEAP students) the career field to which they are transitioning, which may be transferable to the California State University System,
- Not exceed 10 semester units for activity units (e.g., physical education),
- Not include remedial subjects and secondary school mathematics,
- May not exceed a total of 64 lower division semester units when combined with other courses comprising the bachelor's degree.

Permission to take courses at another institution, after admission to the College, may be granted at the discretion of the program director only if all of the following criteria are met:

- The course is offered by a regionally accredited institution.
- The course meets the criteria for acceptable transfer credit.
- The course is applicable to the student's program and does not exceed the maximum of 64 lower division units allowed toward the bachelor's degree.
- Permission is requested before the course is taken.

Upon completion of the course, the other institution should forward the transcript information directly to the Registrar.

Grading

GRADUATE STUDENTS

Graduate courses are evaluated on the 4.0 scale with "A" being equivalent to 4.0. Pass/fail (P/F) grading is offered in many graduate courses and programs. In most graduate programs, a passing grade (or the grade of "Pass" in a P/F courses) is equivalent to a "B-" or higher. In the Professional MBA Program, a passing grade is equivalent to a "C" or higher. Any failing grade must be repeated for credit toward the degree. In some programs, students may be required to complete a particular class with a passing grade before enrolling in subsequent course offerings. All grades will appear on the transcript, but for the purposes of calculating grade point average, only the grade received in the most recent (passing) enrollment will be used. The number of times a course may be repeated for credit with a passing grade is at the discretion of the individual program.

Graduate students who complete their degree with a cumulative grade point average of 3.75 or higher are designated as graduating with Honors by indication on both the transcript and the diploma. Students in P/F courses can also graduate with honors by receiving the grade of "honors" ("H") in five or more courses. Honors recognition in a course is given to students whose standard of performance significantly exceeds that expected in the course and is considered to be rare.

UNDERGRADUATE PROFESSIONAL STUDENTS

Undergraduate professional courses are evaluated on the 4.0 scale with "A" being equivalent to 4.0. In courses taken P/F in undergraduate professional programs, the grade of "Pass" is equivalent to a C- or higher, and will not impact the student's GPA. Any grade beneath a C- (in letter-graded or P/F courses) needs to be repeated for credit toward the degree.

Undergraduate professional students are awarded honors designation using the traditional Latin honor system: cum laude (3.5 cumulative GPA); magna cum laude (3.75 cumulative GPA); and summa cum laude (3.85 GPA).

INCOMPLETES AND FINAL GRADES

An instructor may grant an incomplete ("I") to a student due to circumstances such as a serious illness, personal or family crisis, or extraordinary demands due to employment, or an unresolved Honor Code issue, given that the student is passing the course and has had reasonable attendance throughout the term. The instructor is responsible for determining whether an incomplete is the appropriate grade. Incomplete grades must be cleared by the end of the next term. An extension may be requested in writing prior to the deadline, using the form Student Petition for Exceptional Action. The petition must be approved by the instructor and the program director. Incomplete grades that are not cleared automatically become "F" grades, depending on the default grading status of the course. Students who have two incomplete grade reports for two consecutive semesters may not register for any new courses until the incompletes have been cleared.

Final grades are considered permanent and not to be changed except in the case of an error in computing, recording or evaluating a student's work, or in the case of an Honor Code sanction imposed after grades have been posted. When necessary, faculty may secure a Grade Change Petition from the Registrar's office. Students wishing to appeal a specific grade assigned should consult with their program director for program-specific appeal guidelines.

Attendance policy

Regular attendance is an important obligation and essential condition for successful academic progress. Absences may seriously jeopardize the successful completion of a course.

The instructor is responsible for communicating the attendance policy for a given course. Students are responsible for all assignments in a course whether or not the assignments were announced during an absence. Penalties for absences depend upon the nature and amount of work missed, of which the faculty member is the sole judge.

It is not permissible to miss regularly scheduled classes for the purpose of intercollegiate athletic practice. A student who misses the first session of a course, even if s/he is pre-registered, may have his/her place in that course given away and be denied further attendance in that course. The College recognizes that during a field experience placement or practicum, students may encounter labor disputes that result in a work stoppage (either a strike or a lock-out), a "sick-out," or a slow-down, or other job action. The policies and procedures of the College in such an event are available from the program director.

Auditing

Students may audit College courses without earning College credit, depending on availability. A Petition to Audit a Course form must be filed by the student with the program director. Auditors cannot expect to take examinations or submit written work for evaluation, but may participate in class discussions.

Open enrollment

Open enrollment is limited to students not regularly matriculated or admitted to a graduate program as well as those not maintaining continuous enrollment. Graduate students who register as open enrollment students in another program sever their continuous enrollment in their original program. No more than three units of open enrollment credit in a graduate program may be transferred upon entry into the graduate program.

Continuous enrollment and leave of absence

All students are expected to be continuously enrolled in their program unless otherwise stipulated in program materials. Students who wish to leave the College temporarily must request such a leave in writing from their program director. Students may take leave for one academic term unless otherwise specified by the program. Normally, students who are not enrolled in classes for two academic terms will be considered withdrawn and must reapply to the program (and must pay an application fee). Programs are not required to accept such applications for readmission. If students are readmitted, they are held to the catalog requirements of the term in which they are readmitted. Students may file a petition with the program to extend their leave for more than one semester for medical reasons or for active military service. Students may also file to extend their leave on educational grounds. The rationale for this planned leave must document the intention to pursue other activities that clarify educational goals or enrich educational programs. These activities might include travel for educational purposes or on-the-job experience in an area related to the student's field of academic study.

The College does not permit leaves based on the lack of funds to pay tuition and other fees.

Timely completion of degree

It is expected that students will make steady progress toward the completion of their degree. Therefore, students receiving the bachelor's, credential or master's degree have five years to complete their program; students receiving the doctoral degree have eight years. Extensions may be granted for extraordinary circumstances by the Vice Provost for Graduate and Professional Studies, but students may be held to new standards and/or asked to verify currency in any coursework taken more than five years prior.

Dual degree programs

Saint Mary's allows for students to enroll in courses of study defined as dual degree programs. These programs, which involve students enrolling concurrently in two aligned courses of study, are defined by the College and available to potential

applicants. In dual degree programs, students are admitted to the degree programs under the usual processes for the individual programs. These students should ensure that they are seeking clear academic advice in scheduling coursework and fulfilling degree requirements in a timely manner.

Second master's degree

Students wishing to take two or more courses of study concurrently that are not defined as dual degree programs are required to file a petition for exceptional action, providing a rationale for working on another degree program before completing the degree program in which they are currently enrolled. This petition must be approved by the Vice Provost for the Graduate and Professional Studies. Core courses for one program may not be used to satisfy core requirements of another program.

Course evaluations

Course evaluations should be conducted for each graduate and undergraduate professional course offered at Saint Mary's College, and students have the responsibility to participate in these evaluations.

Degree requirements

Students are expected to satisfy degree requirements defined by their individual programs. Please see program materials or program director for specific requirements.

Advancement to candidacy and completion of degree

Each student who plans to become a candidate for a degree is required to:

- Be admitted to a specific program and maintain good academic standing
- Complete all required courses and reach the minimum unit requirement for the program
- File a Petition for Candidacy with the Registrar.

Students who have advanced to candidacy may be required to take additional exams or participate in final projects in order to complete the requirements for their degree. Some programs also require students to submit a thesis, synthesis project, or dissertation.

Thesis, Synthesis Project, and Dissertation Guidelines

FILING THESES, DISSERTATIONS AND ACTION RESEARCH PROJECTS

If a student's degree requires a thesis, dissertation, or action research project, the student must submit the work through ProQuest using the following steps.

1. Manuscript Review

The thesis or dissertation chair reviews the final manuscript to ensure that the document meets the program requirements and academic writing standards. The chair can require that the student seek editing support if there are serious academic writing challenges.

Before submitting the final manuscript to ProQuest, each program will identify a faculty-approved reviewer (which could also be the thesis or dissertation chair) to examine the manuscript for compliance with APA/MLA standards such as requirements for pagination, Table of Contents, in-text citations, heading levels, margins, and the like. Once students receive feedback from the reviewer, it is their responsibility to make the corrections and to have the revised manuscript accepted by the faculty-approved reviewer.

2. Signature page

Before the academic chair signs off on the thesis or dissertation signature page, he or she will coordinate with the faculty-approved reviewer to ensure that the document meets the formatting requirements. The signed signature page is not included in the document submitted to ProQuest. A copy of the completed signature page, however, will be placed in the student's file.

3. Student Submission

After the chair has signed off on the thesis or dissertation, students submit their manuscripts to ProQuest according to the guidelines posted on the ProQuest website.

4. Graduation Check

Each school or program will identify a school or program ProQuest administrator who will be responsible for overseeing the graduation check and communicating with the Campus ProQuest Administrator. There are four sources of data that must be reviewed for the graduation check: the signature page; a copy of an e-mail, showing verification that the PDF has been downloaded to ProQuest; evidence that all degree requirements have been completed; and evidence that the student is in good financial standing. After all degree requirements have been verified, the school or program ProQuest administrator will notify the Campus ProQuest Administrator to publish the manuscript.

5. Final Approval and Delivery to ProQuest for Publication

After each of the above steps has been completed, the Campus ProQuest Administrator will approve the manuscript for publication and electronically deliver the manuscript to ProQuest for publication.

6. Coordinating with Library Cataloguing and Programs/Schools

On a regular basis, the Campus ProQuest Administrator will notify the library cataloger and program or school ProQuest administrator about which manuscripts have been approved and published. Students must follow the guidelines located at <http://www.stmarys-ca.edu/graduate-and-professional-studies/about-proquest>

Academic Appeal Process

The academic appeal process provides students with an opportunity to have their appeals heard in a predictable, timely and fair manner. Students are free to pursue any other right or remedy provided by law, but this policy sets forth the exclusive procedures to be followed by a student seeking an administrative resolution to an appeal.

DEFINITION

An academic appeal is a dispute that involves the application of, or compliance with, the academic policies and procedures of Saint Mary's College. Appeals governed by this process generally include outcomes directly related to policies described in Part I of the Graduate and Professional Student Handbook. An appeal shall not include challenges to or attempts to change state or federal law, or policies or procedures of Saint Mary's College. Appeals may involve any of the following:

- The interpretation of admissions criteria regarding a particular student's application,
- Probation or disqualification,
- The determination of the number of units taken in residence at Saint Mary's College,
- The determination of transfer course or unit eligibility for degrees at Saint Mary's College,
- Grades,
- Determinations associated with the continuous enrollment/leave of absence policy,
- Determinations regarding the deadline for completion of degree,
- Determinations regarding the approval of a second master's degree,
- Determination of degree candidacy and conferral of degree,
- Or, any other situation related to academic policies (other than the Honor Code).

GENERAL PROVISIONS

A student who elects to file an appeal shall follow the steps described below within the determined time frame.

At each step of the appeal procedure, a colleague or faculty member may accompany the student. Because the appeal process is not a legal process, the student shall not be accompanied or represented by an attorney.

Neither the student filing an appeal nor any faculty member or colleague accompanying the student will be disciplined or discriminated against for participating in the appeal procedure.

After a formal, written appeal has been filed, the issues of the appeal shall not be added to or altered except with the written permission of the dean of the school. If the process reveals that different or additional issues must be part of the appeal, then the changed appeal must be initiated anew.

APPEAL PROCEDURES

A student who wants to appeal an academic issue should first discuss it with the involved faculty member (in the case of a grade) or the program director (on other matters) in order to try to work out a satisfactory solution in an informal manner. If a solution satisfactory to all parties is not accomplished through informal discussion, then the appealing student may file a formal appeal.

If an informal resolution cannot be reached, the student must submit a written appeal to the Vice Provost for Graduate and Professional Studies. If the involved faculty member is the dean of the school, the appeal should be submitted directly to the Vice Provost for Graduate and Professional Studies, who

will carry out the actions attributed to the dean. The written appeal should include a statement of the issue and the desired remedy.

No later than 10 business days after receiving the appeal, the dean shall convene an Appeals Committee.

APPEALS COMMITTEE AND FINAL DECISION

The Appeals Committee shall consist of two full-time faculty members (appointed by the dean), the associate dean, who shall act as chairperson of the committee, and a student appointed by the dean to serve on the committee for a particular appeal. The dean also shall appoint two full-time faculty members as alternates to the committee to be called upon in cases when a faculty member of the committee is disqualified or is otherwise unavailable.

A student who is concerned that a faculty or student member of the Appeals Committee may be biased concerning that student's appeal may communicate this concern to the dean in writing. A committee member who feels a bias concerning a student's appeal may request that the dean appoint an alternate faculty or student member to serve. The dean shall determine if there is an actual or potential bias problem with a faculty or student member of the Committee and shall appoint an alternate when appropriate.

Appeal Committee members:

- Shall review the formal written appeal and all subsequent documentation generated through the Appeal Procedure,
- Shall provide all parties to an appeal the opportunity to be heard by the Committee,
- May conduct interviews and make inquiries in order to receive additional information to assist in its evaluation of the appeal,
- May interpret established policy as it applies to the specific circumstances of the appeal,
- May engage in additional fact-finding and suggest future policy changes to the administration of the College,
- Shall come to a consensus in its decision,
- Shall keep all proceedings of the Committee confidential to the extent possible while carrying out their assigned duty,
- Shall keep minutes and documents pertaining to the appeal in a confidential file separate from the student's regular file.
- The chair of the Appeals Committee shall notify the dean and student in writing of the committee's decision. The decision of the Appeals Committee is final.

Part 2: Graduate and Professional Academic Honor Code

Saint Mary's College expects every member of its community to promote and abide by ethical standards, both in conduct and exercise of responsibility towards other members of the community. Academic honesty must be demonstrated at all times to maintain the integrity of scholarship and the reputation of the College. Academic dishonesty is a serious violation of College policy because, among other things, it undermines the bonds of trust and honesty between members of the community and betrays those who may eventually depend upon the College's academic integrity and knowledge.

As an expression of support for academic integrity throughout the Saint Mary's learning community and as an administrative tool to discourage academic dishonesty, Saint Mary's has implemented an Academic Honor Code. The Academic Honor Code has been approved by the ASSMC Student Body, the Faculty Academic Senate, the provost and the president of Saint Mary's College.

ACADEMIC HONOR CODE PLEDGE

All enrolled students are required to abide by the pledge. The pledge reads as follows:

As a student member of an academic community based in mutual trust and responsibility, I pledge:

- to do my own work at all times, without giving or receiving inappropriate aid,
- to avoid behaviors that unfairly impede the academic progress of other members of my community, and
- to take reasonable and responsible action in order to uphold my community's academic integrity.

ACADEMIC HONOR CODE PRINCIPLES OF ACTION

Individual Responsibility

It is the responsibility of every student and faculty member of the College community to know and practice the tenets of the Academic Honor Code. If there is confusion over the appropriateness of a particular action in light of the code, or if a community member has recommendations about how to amend or alter the code, those questions and suggestions should be addressed to the Academic Honor Council through the AHC coordinator.

Community Responsibility

In addition to maintaining one's own academic integrity, each member of the academic community should strive to preserve and promote integrity among his/her peers. This community empowers its members to take appropriate action in support of the Academic Honor Code. If a student, faculty member, staff member or administrator suspects a violation of the Academic Honor Code, he or she should take action consistent with the Academic Honor Code Procedures described below. Additional possible actions include:

- Actively encouraging academic integrity among one's peers,
- Using moral suasion to avert a peer's academic dishonesty,

- Alerting a faculty member to suspected violations of academic integrity,
- Educating one another regarding the responsibilities of academic integrity,
- Helping a faculty member maintain an environment that is conducive to academic integrity.

VIOLATIONS OF THE ACADEMIC HONOR CODE

All violations of the Academic Honor Code are administered by the Academic Honor Council. Members of the academic community are presumed to be familiar with the procedures outlined for determining a violation of the Academic Honor Code and, therefore, ignorance of the code is not available as an excuse for an alleged violation of it.

Forms of violations of the Academic Honor Code include, but are not restricted to:

In Examinations: unauthorized talking during an exam; use of "cheat sheets" or other unauthorized course materials during an exam; having someone other than the student registered in the course take an exam; copying from another student's work; giving assistance to another student without the instructor's approval; gaining access to an exam prior to its administration; informing students in other course sections of the contents of an exam; preparing answer sheets or books in advance of an exam without authorization from the instructor; unauthorized collaboration on a take-home exam; altering another person's answers in the preparation, editing or typing of an exam; bringing unauthorized materials into an exam room.

On Papers and Class Assignments (understood as all work assigned in a course): submitting work prepared by someone else as one's own; using the thesis or primary ideas of someone else, even if those ideas have been edited or paraphrased, without proper citation; plagiarizing words, phrases, sections, key terms, proofs, graphics, symbols or original ideas from another source without appropriate citation; receiving unauthorized assistance in preparing papers, whether from classmates, peers, family members, or other members of this or any other College community; collaboration within a class or across sections of a class without the consent of the instructor; preparing all or part of a paper for another student; intentional failure to cite a source that was used in preparing the paper; citing sources that were not used or consulted to "pad" a bibliography; citing sources out of another's bibliography without having consulted those sources; re-using previous work without the consent of the current instructor; providing a paper to another student for any purpose other than peer editing or review; using unapproved sources in preparing a paper; lying to an instructor to circumvent grade penalties; interference with access to classrooms, computers or other academic resources.

In Research: fabricating or falsifying data in any academic exercise, including labs or fieldwork; using material out of context to inappropriately support one's claims; sabotaging another person's research; using another researcher's ideas without proper citation; taking credit for someone else's work; hoarding materials and/or equipment to advance one's research at the expense of others.

In the Use of Academic Resources: destruction, theft or unauthorized use of laboratory data, research materials (including samples, chemicals, lab animals, printed materials, software, computer technology, audiovisual materials, etc.); stealing or damaging materials from the library or other College facilities; not returning materials when asked to do so; appropriating materials needed by others such that their work is impeded; helping others to steal, hoard, destroy or damage materials.

In Academic Records: changing a transcript or grade in any unauthorized way; forging signatures on College documents; willful public misrepresentation of achievements, whether academic, athletic, honorary or extracurricular; falsifying letters of recommendation to or from college personnel; bribing any representative of the College to gain academic advantage; breaking confidentiality about the proceedings of the Academic Honor Council, an Academic Review Board, or an investigative committee in the student's program.

These types of conduct constitute violations of the Academic Honor Code and will be considered, if determined to have occurred, as acts of academic dishonesty. Any conduct that represents falsely one's own performance or interferes with that of another is academic dishonesty. Academic dishonesty is distinguished from academic inadvertence. The Academic Honor Council or the dean or program director for undergraduate professional and graduate programs, receives and considers all reports of conduct that is alleged to be a violation of the code and, thereafter, decides whether the alleged conduct, if determined to have occurred, constitutes academic dishonesty or academic inadvertence, which involves an act that might appear to be a violation of the Academic Honor Code, but is determined during the Review Board process not to be. In cases of academic inadvertence, no charge of academic dishonesty is made and the student is referred to the instructor for appropriate resolution.

The Academic Honor Code is not intended to impede or inhibit the free exchange of ideas and collaborative learning that are hallmarks of a Saint Mary's education. The College supports and encourages cooperative learning, group projects, tutoring, mentoring or other forms of interchange of ideas among students and faculty, one of the most important benefits of academic life.

OVERSIGHT AND SANCTIONS

The procedures for the administration of the Academic Honor Code, the determination of violations and the imposition of sanctions are overseen by the Academic Honor Council (AHC) and the Vice Provost for Graduate and Professional Studies.

OVERSIGHT: ACADEMIC HONOR COUNCIL

Graduate and Professional Honor Council Membership

The Honor Council will include graduate and undergraduate professional students and faculty with representation from all schools. There will be 15 graduate members total (three students and two faculty members representing each of the three schools), each serving a one-year term. These members share special responsibility for the dissemination and implementation of the Academic Honor Code.

Responsibilities of the Academic Honor Council

The responsibilities of the AHC include, but are not limited to, the following:

- To review and revise the Academic Honor Code as necessary, offering recommendations for changes to the code to the Admissions and Academic Regulations Committee of the Academic Senate,
- To constitute Review Boards from among its membership to consider alleged violations of the code,
- To consider requests for the removal of "XF" grades from student transcripts and records.

Coordinator of the AHC

The coordinator's responsibilities are: to serve as first contact for a party who wishes to register a concern; to maintain office hours during which community members may file concerns, seek advice, obtain written materials relevant to the Academic Honor Code; to update written materials and information as per the instructions of the AHC; to distribute materials to appropriate parties during student orientation and at the beginning of new academic terms; to function as a "neutral party" in organizing and scheduling reviews by the AHC; to contact all involved parties and inform them of their rights and responsibilities in the process of pursuing a concern; to assign Advisors at the earliest possible time; to compile brief case inventories on concerns that are raised; to schedule and book meetings of the Academic Honor Council at large, and to coordinate the constitution and meetings of Honor Review Boards.

Honor Review Boards

In cases when a violation of the Academic Honor Code is not handled through the channels of No-Contest Resolution, the coordinator establishes an Honor Review Board comprised of members of the AHC.

Honor Review Boards are comprised of five voting members: three student members (one from each school) and two faculty members (at least one from the school in which the offense occurred), and also include one non-voting facilitator, who is not directly associated with the program related to the alleged violation. The appropriate sanction is decided by the majority vote of the voting members.

The non-voting facilitator serves as the neutral presiding officer of the review and is typically a disinterested faculty member, program director or dean. The facilitator is also responsible to help the respective parties in their understanding of the Academic Honor Code, provide confidential advice, assist in preparing the respective parties for the Honor Review Board process, aid the parties in understanding the decisions of the Honor Review Board, and inform the parties of processes for petition for reconsideration. At no time during the review does the facilitator formally represent the party in the hearing or speak on his/her behalf; rather, each party is expected to speak for him- or herself.

SANCTIONS

Standard Sanction: Assignment of an "XF" Grade

For violations pertaining to a course, the standard sanction upon a student who commits a violation of the Academic Honor Code is the assignment of an XF grade in the course. For violations that do not pertain to a course, the sanction is determined by the Honor Review Board hearing the case.

The XF grade indicates failure in the course, and that the course failure was the result of a violation of the Academic Honor Code. A notation will be included in the student's transcript indicating the meaning of the grade. For the purposes of computing grade point average and class standing, the XF will be treated as an F.

In addition to the notation on the student's transcript, an XF grade disqualifies a student from representing the College as the leader of an approved extracurricular activity, or as a member of an athletic or scholarly team that is sponsored by the College. Students with XF grades will be eliminated from consideration for departmental or College awards and honors. No student with a standing XF grade may be a member of the Academic Honor Council.

Through a letter filed with the AHC Coordinator, a student may petition the Academic Honor Council to remove an XF grade in the semester following its assignment. A successful petition will result in the replacement of the XF with the grade of F and the removal of the notation from the student's transcript. Such a petition will be considered if the student has completed a non-credit seminar on academic integrity (administered by the Academic Honor Council) and has avoided any further violation of the Academic Honor Code. The decision to remove an XF grade resides with the Academic Honor Council and is not guaranteed merely with completion of the seminar on academic integrity. A letter reflecting the violation, the sanction, and the removal of the XF grade remains in the student file held in the Office of the Registrar.

Alternative Sanctions

That the assignment of an XF grade is the standard sanction for violations that pertain to coursework does not preclude the right of the Honor Review Board to assign an alternative sanction, one that is either more harsh or more lenient. The rationale for an alternative sanction other than the standard is the nature of the offense and not the status or identity of the offender. The community member who brings forth the charge against the alleged violator may recommend a particular sanction to the Honor Review Board, but the assignment of the sanction rests with the board.

Alternative sanctions include but are not limited to:

- Reprimand by the AHC, with a letter placed in the student's permanent file in the Registrar's office,
- Community service requirements, either to the College or to a selected community agency consistent with the offense committed,
- Community education requirements, including participation in the development of workshops, displays, bulletin boards, testimonials, brochures or College forums,
- Attendance of a non-credit seminar on academic integrity,
- Academic or extracurricular probation,
- Loss of privileges for College leadership or athletic participation,
- Removal from the course, with alternate plans for completing it,
- Failure of the assignment,
- Failure of the course,
- Modified XF grade, with no limitation on extracurricular activities,

- Suspension from the College at the end of the term,
- Immediate suspension from the College,
- Expulsion from the College,
- Withholding of a degree, even in cases where all College requirements have been met,
- Revocation of a degree already received.

Note: All student information generated in connection with the code and its implementation are education records of the student(s) involved and cannot be discussed or disclosed (or redisclosed) other than on an educational need-to-know basis or with the student(s)'s prior written and dated consent.

PROCEDURES FOR SUSPECTED VIOLATIONS OF THE ACADEMIC HONOR CODE

The procedure to be followed in any suspected violation of the Academic Honor Code will follow three steps, and, in certain instances (as specified, below), a fourth step.

Step One: Initial Discussion

If a faculty member becomes aware of conduct that might constitute a violation of the code, then he or she should first discuss the conduct with the suspected violator. This discussion might include asking the suspected violator(s) to explain the situation or confronting them with relevant information about the suspected conduct. The possible outcomes are:

- If the faculty member concludes that no violation has occurred, then the matter will be dropped.
- If the discussion results in confirmation by both parties that a violation has occurred, then the faculty member requests a No-Contest Resolution by contacting the coordinator (Step Two).
- If the discussion results in lack of confirmation by both parties that a violation has occurred, then the faculty member refers the case to review by an Honor Review Board by contacting the coordinator (Step Three).
- If a student or staff member wishes to report conduct that might constitute a violation of the code, then he/she has two options:
 - Refer the matter to the relevant faculty member, or
 - Refer the matter to the Academic Honor Council by contacting the coordinator (Step Three).
 - Upon referral by the faculty member, the coordinator will contact the student. From that point, the student has five business days to schedule and attend an intake meeting.

Step Two: No-Contest Resolution

The No-Contest Resolution process is an option in cases when the following four conditions are met: 1) neither party contests that the conduct has occurred; 2) the nature of the violation caused by the conduct is clear; 3) the violation is course-related, and 4) both parties agree to the standard sanction for the admitted violation.

In No-Contest Resolution, the standard sanction of XF is applied. To provide fairness in its application, the coordinator will witness the No-Contest Resolution process. The coordinator will serve only as an advisor to the proceedings and not as an agent of formal review. He or she will clearly inform both parties regarding the nature and consequences of

No-Contest Resolution. By choosing No-Contest Resolution, both parties waive the right to contest the matter at a later date.

Step Three: Honor Review Board

In the absence of a No-Contest Resolution, the case is referred through the AHC Coordinator to an Honor Review Board for review and determination.

Preparation. The coordinator convenes the Honor Review Board. Once the Chair has established the Honor Review Board for a case, it will hold a review hearing. The hearing is a closed and confidential meeting with the person raising the concern, the alleged violator(s), and any witnesses who have relevant information that either party wishes to include in the proceedings. Prior to the review hearing, the facilitator will provide a list of witnesses and relevant information to both the person raising the concern and the alleged violator(s).

Confidentiality. All of the testimony and relevant information from the review hearing will be kept in confidence, in accordance with the College policy and to protect the privacy of the student(s) involved under Family Educational Rights and Privacy Act ("FERPA"). Failure to maintain the confidentiality of the matters and/or the privacy of the student(s) involved will result in a separate and independent charge of code violation. No lawyers or lawyers' representatives (e.g. paralegals) representing the involved parties or family members of either party may be present during the review process or the deliberations of the Honor Review Board.

Multiple Alleged violators. In the case of multiple alleged violators in closely related cases, one Honor Review Board will hear all testimony and evidence. The facilitator has the discretion to hold one review for all students concerned, subject to receipt of the prior written and dated consent of the student(s) involved, or separate reviews for each alleged violator. Reviews will be closed to all other persons unless all parties concerned consent in writing to an open review.

The Review Hearing. The facilitator sets and coordinates the time and place for the review hearing, as well as its structure and flow. Each party has the opportunity to present his or her position and offer relevant information and testimony, including that of witnesses, to support their respective positions. Members of the Honor Review Board may forward questions during any phase of the review with the permission of the facilitator.

Deliberation and decision. Upon hearing all arguments, the Honor Review Board meets privately to deliberate and make its decision. A valid decision constitutes a simple majority arriving at a common conclusion as to whether a violation "more likely than not" occurred. In the event of a split or tied vote, the case will be referred to the full body of the AHC for deliberation and decision. Within 48 hours of the close of deliberations, the facilitator of the Honor Review Board informs both parties about the decision and sanction, if appropriate, through written notification. Notwithstanding this notice requirement, failure to inform both parties of the decision and sanction within 48 hours does not constitute a material procedural irregularity.

Removal of a Board Member. Any member of the Board who has a conflict of interest or bias or whose participation would give rise to the appearance of bias or conflict of interest must recuse him or herself from the deliberation and decision process. If during the review hearing or the deliberations the

facilitator detects a bias that may interfere with the impartial consideration of information by any voting member of the Honor Review Board and that may significantly affect the outcome of the Board's decision, the facilitator must remove that representative from the Review Board immediately. Review and deliberations will continue with the remaining members.

Ad Hoc Review Boards. In the event that a review is necessary outside of the confines of the regular academic calendar (in the summer or over Christmas break, for example), then the Vice Provost for Graduate and Professional Studies may convene a special ad hoc Honor Review Board consisting of two students and one faculty member. If possible, those representatives should be current or former members of the Academic Honor Council, but the dean may exercise the right to appoint other representatives as necessary.

Step Four: Petition to Reconsider

Grounds for Reconsideration. Except as permitted below, the decision of the Honor Review Board is final (whether it is the product of a regular or ad hoc review board), and will be reported to the Academic Honor Council as well as to the Registrar's office. The decision may be reconsidered only if: new information not available at the time of the deliberation and Board's decision can be offered for consideration, one or more parties can provide information that supports an allegation that there was a failure to follow procedure that materially affected the decision of the board, or the sanction applied goes beyond the standard sanction. If the case is not subject to reconsideration, then the matter ends at this step.

Reconsideration: Any petition for reconsideration of a decision by the Honor Review Board is filed with Vice Provost. The Vice Provost determines whether or not the information and reasons offered support the request for reconsideration (based on the above criteria). If the Vice Provost deems that the information offered is sufficient to support reconsideration of the case, then it is brought before the full body of the Academic Honor Council. The Council rehears the case, taking into account the new information and/or material procedural irregularity that has been established. The Vice Provost presents the original case (in brief), the board's decision, and the stated grounds of the petition to the AHC. The AHC may, in its sole discretion, rely on existing written information or call for new information and/or testimony as needed to allow a full and fair consideration of the petition. If the AHC disagrees with the decision of the Honor Review Board, then a new decision may be reached by the entire Academic Honor Council by a majority vote of those present. The Vice Provost will be excluded from the initial vote and will only vote in the case of a tie. If the AHC upholds the decision of the Honor Review Board, then the case will be closed. In either situation, the decision of the Academic Honor Council is final.

Final Responsibility

Saint Mary's, through its designated officers, faculty and/or employees is solely charged with and responsible for interpreting and applying the Academic Honor Code. In exercising that responsibility, the College chooses to give students a distinct and significant role in designing the code, hearing cases, recommending sanctions, and educating the campus community about the importance of academic integrity. This student participation, however, in no way prevents Saint Mary's from exercising its sole discretion, without prior notice, in interpreting, implementing and/or amending these policies and procedures.

Part 3: Graduate and Professional Student Code of Conduct

PREAMBLE

As a community that celebrates its Catholic, Lasallian, and Liberal Arts traditions and receives inspiration in the life of our Founder, Saint John Baptist de La Salle, Saint Mary's College expresses these values in specific and intentional ways. The five Lasallian Core Principles of Faith in the Presence of God, Respect for All Persons, Inclusive Community, Quality Education, and Concern for the Poor and Social Justice give direction to and find expression among the College community. These five Lasallian Core Principles provide the framework through which our students conduct themselves and are consistent with College policies.

The general principles governing community life at Saint Mary's College are guided and informed by the Mission Statement of the College. All members of the College community are expected to read and have a working knowledge of its principles. The Code of Conduct and student discipline process are intended to:

- create a responsible, civil and intellectual educational community;
- promote the respect of College and individual property;
- create an environment in which all members of the community are treated with dignity and respect; and
- provide an environment that facilitates intellectual, personal and spiritual development.

By voluntarily choosing to affiliate with the College, students are presumed to have knowledge of and have accepted the responsibilities outlined in the Code of Conduct, other College policies and the student discipline process. Claiming not to know the Code of Conduct, other College policies and the student discipline process is not considered a legitimate excuse or defense for violations of the Code of Conduct or other College policies.

ARTICLE I: DEFINITIONS

1. **"Appeal Board"** means any person(s) authorized by the Vice Provost of Graduate and Professional Studies, or designee, to consider an appeal from a student discipline process determination as to whether a student has violated the Code or from the sanctions imposed by the Hearing Officer, Peer Conduct Council or Disciplinary Hearing Board.
2. **"Campus"** includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College.
3. **"Campus Security Authority"** means any campus officials with significant responsibility for student and campus activities.
4. **"Code," "Code of Conduct," or "Student Code of Conduct"** means the Undergraduate Code of Conduct. The Code means to set forth the community standards and procedures necessary to maintain and protect an environment conducive to learning and in keeping with the educational objectives of Saint Mary's College.
5. **"College"** means Saint Mary's College of California.
6. **"College official"** includes any person employed by the College and who is acting within the course and scope of his or her College employment or leadership role (e.g., Resident Advisor).
7. **"Complainant"** means any person who submits, either orally or written, a report of conduct alleging a violation of the Code and/or College Policy. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this Code as are provided to the Complainant, even if another member of the College community submitted the report of conduct itself.
8. **"Confidentiality"** means ensuring that information is accessible only to those authorized to have access. Confidentiality refers to the agreement between the investigator and participant in how data will be managed and used.
9. **"Dating Violence"** means violence that is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
10. **"Day"** means a day when the College is open for business, regardless of whether classes are in session. In determining deadlines as set forth in the student discipline process, reference to number of "days" prior to or after an occurrence of an event shall not include the day of the event.
11. **"Disciplinary Hearing Board," or "DHB,"** means any person(s) authorized by the Vice Provost for Graduate and Professional Studies, or designee, to determine whether a student has violated the Code or other College policy and to recommend sanctions that may be imposed when a rules violation has been committed.
12. **"Domestic Violence"** means a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner.
13. **"Handbook"** means the 2015-16 Graduate and Professional Student Handbook.
14. **"Hearing Officer,"** means a College official authorized on a case-by-case basis by the Vice Provost for Graduate and Professional Studies, or designee, to impose sanctions upon any student(s) found to have violated the Code or other College policy. The Vice Provost for Graduate and Professional Studies, or designee, may authorize a Hearing Officer to serve simultaneously as a Hearing Officer or one of the members of the Disciplinary Hearing Board.
15. **"Organization"** means any number of persons who have complied with the formal requirements for College recognition.
16. **"Policy"** means the written regulations of the College as found in, but not limited to, the Code, Graduate and Professional Student Handbook, the College Catalog, the College web page and Technology Use policy, and Undergraduate Catalogs.

17. **"Privacy"** means the control over the extent, timing, and circumstances of sharing oneself (physically, behaviorally, or intellectually) with others. Privacy refers to persons and their interest in controlling the access of others to themselves.
18. **"Possession"** is interpreted as being in the known presence of articles. Students encountered in locations where drugs, alcohol, weapons or explosives, or other misconduct is evident will normally be considered in violation, even if they do not have the prohibited items on their person at the time they are encountered.
19. **"Respondent"** means any student accused of engaging in conduct in violation of this Code or other College policy.
20. **"Retaliation"** means threats or other forms of intimidation against a student or employee for bringing forth a complaint of any alleged discrimination, harassment (including sexual) or of any other violations of College policies, including but not limited to the Student Code of Conduct.
21. **"Sexual Assault"** means an act of hostility, power, control, degradation, and violence...not passion. They are attempts to control and degrade others using sex and sexual acts as weapons.
22. **"Shall"** and **"will"** are used interchangeably in this Handbook, and are intended to have the same meaning, i.e., to express a certainty of outcome, a requirement, or an absence of discretion or choice.
23. **"Stalking"** means a course of conduct directed at a specific person that would cause a reasonable person to feel fear. A course of conduct is a pattern of behavior composed of two or more acts over any period of time.
24. **"Student"** includes any person participating in the graduate or professional programs by taking courses at the College, either full time or part time, taking credit/no credit classes, or having resident or non-resident status, including when studying abroad in connection with a College-sponsored program. Persons who withdraw after allegedly violating the Code, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered students.
25. **"Title IX"** means the Education Amendments of 1972 that prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Title IX is enforced by the Department of Education through the Office of Civil Rights.
26. **The Vice Provost for Graduate and Professional Studies** is that person designated by the College President to be responsible for the administration of the Student Code.

ARTICLE II: CODE OF CONDUCT AUTHORITY

1. The authority to enforce the Code and other College policies is delegated by the President to the Provost and by the Provost to the Vice Provost for Graduate and Professional Studies, who, is charged with overseeing and administering the student discipline process. The Vice Provost for Graduate and Professional Studies, or designee, shall determine the composition of the pools of the Peer Conduct Council, Disciplinary Hearing Board, and Appeals Board. The Vice Provost for Graduate and Professional Studies, or designee, determines which Hearing Officers, Peer Conduct Council members, Disciplinary Hearing Board members or Appeals Board members shall be authorized to hear each matter.

2. The Vice Provost for Graduate and Professional Studies, or designee, shall develop policies for the administration of the student discipline system and procedural rules for the conduct of hearings, Peer Conduct Council panels, Disciplinary Hearing Board panels, and Appeals Boards that are consistent with provisions of the Code and/or other College policies.
3. Decisions made by a hearing officer, Peer Conduct Council, and/or Disciplinary Hearing Board shall be final, pending the conclusion of the normal appeal process.

ARTICLE III: PROSCRIBED CONDUCT

A. Jurisdiction of the Code of Conduct

The Code shall apply to conduct that occurs on campus, at College-sponsored activities, and to off-campus conduct that adversely affects the College environment and/or the pursuit of the College community's objectives. Each student shall be responsible for his/her conduct from the time of enrollment for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Vice Provost for Graduate and Professional Studies, or designee, shall decide whether the Code shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

Students of the College living off-campus are expected to conduct themselves as mature and responsible members of the city/town of where they reside. As such, they are responsible for upholding all state and city/town laws and ordinances, especially those relating to noise, traffic, parking, zoning, and consumption of alcohol. Students may also be found in violation of the Good Neighbor Policy as listed in this Handbook. In addition, students are expected to foster an atmosphere which nurtures positive educational pursuits and the development of understanding and tolerance of all persons.

B. Conduct—Rules and Regulations

Students are subject to disciplinary sanctions when acting contrarily to the general principles outlined in the Code's Preamble. Included are violations of any College policy, rule, or regulation published in hard copy or available electronically on the College website or violation of any federal, state or local law. The commission, aiding, abetting, attempting, inciting, and/or complicity in of any of the following constitutes an offense for which a student or student organization may be subject to the student discipline process. This list does not define misconduct in exhaustive terms and may not describe all potential violations. Examples of specific incidents of contrary action are outlined below.

1. Dishonesty

Acts of **dishonesty**, including but not limited to the following:

- a. Furnishing false information to any College official, staff or faculty member, or department.
- b. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
- c. Possessing or distributing unauthorized College keys.

2. Disruptive Conduct

All members of the College community are entitled to be a part of and are responsible for maintaining an environment of civility that fosters respect, peace, self-dignity, tolerance, and freedom of expression. Therefore, the community expects that students will avoid **disruptive conduct** that includes, but is not limited to action that impairs, interferes with or obstructs the orderly conduct, processes and functions of the College and covers acts and attempted acts, regardless of whether the act or attempt was deliberate and whether the potential outcome was intended.

- a. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities either on or off campus.
- b. Self-destructive conduct that may endanger not only the person acting in that manner, but also impacts the entire community. The College will take into account factors that impact or cause such conduct including, but not limited to, suicidal ideation, threats or attempts, eating disorders and cutting and other self-mutilation.
- c. Interference with the freedom of movement or speech of any person or guest of the College.
- d. Interference with the rights of others to enter, use or leave any College facility, service or activity, or inappropriate or disruptive behavior in the classroom.
- e. Intentional misuse, disabling of or tampering with any fire alarm, firefighting or safety equipment or issuing, falsely or not, a bomb threat or other warning of impending disaster is prohibited.
- f. Hindering another's exit or failing to exit during an alarm or evacuation or intentionally starting or attempting to start a fire on campus is prohibited.

3. Disorderly Conduct

The College endeavors to be a community that nurtures the growth and development of all of its members, demonstrates respect for one another, is sensitive to differences, and engages in interactions based on a standard of fairness. Therefore, the community expects that students will avoid conduct that is **disorderly** in nature which subsequently threatens, harms or interferes with members of the College community, including but not limited to, conduct such as:

- a. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
- b. Violence, being unruly, disturbing the peace and/or fighting.
- c. Public intoxication.
- d. Indecent or obscene conduct, whether on or off campus, including, but not limited to, in person communication, third party communication, and/or electronic communication.
- e. Hosting guests who act in a disorderly or disruptive manner.
- f. Aiding, abetting, or procuring another person to breach the peace on campus or at functions sponsored by, or participated in by, the College or members.
- g. Conduct toward another student and/or employee that has the observable effect of unreasonably interfering with that individual's ability to work or to participate in the educational benefits at the College.

4. Damage to Property, Vandalism and Unauthorized Use

College community members are expected to respect College property, the private property of other members of the College community and the property of the larger community in which we live. **Damage to property, vandalism and unauthorized use** includes, but is not limited to:

- a. Damaging, vandalizing or tampering with property owned, operated or controlled by the College or one of its members (i.e. students, faculty, staff or visitor) is prohibited. The theft, attempted theft, or the unauthorized use or possession of property or services owned or controlled by an individual or the College regardless of location.
- b. The entry of, or attempt to enter, any College owned or operated building or facility without authorization or a legal right to do so, or except with such authority or right, against the will of the occupant or the individual in charge of the building or facility. Unauthorized presence on, in or within any building or property owned or operated by the College, including roofs, balconies or other areas that are not designated as acceptable.
- c. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College campus.

5. Illegal Drugs

The sale, use, possession, manufacturing, or distribution of **illegal drugs**, or being under the influence of controlled substances or illegal drugs, and/or the sale, use, manufacturing or distribution of drug paraphernalia, except as permitted by law or College policy (refer to Alcohol & Other Drugs Policy).

6. Sale, Use, Possession, Distribution, or Under the Influence of Alcohol

The sale, use, possession, or distribution of alcohol or being under the influence of alcohol, except as permitted by law or College policy (refer to Alcohol & Other Drugs Policy).

7. Non-Consensual Sexual Conduct

Engaging in non-consensual sexual conduct with another person as defined in the Student Sexual Assault and Sexual Misconduct Policy and in the College's Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation. Such non-consensual sexual conduct (which can be verbal, visual or physical) is a form of discrimination prohibited by not only by these policies, but, also, by the law.

8. Hazing

Defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The expressed or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.

9. Weapons and Explosives

Knowledge of or the possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item in a manner that harms, threatens or causes fear to others.

- a. **Weapons** include, but are not limited to, studded wristbands, nunchakus, firearms, replica weapons, knives, swords, air-powered guns (including, but not limited to, paintball guns, BB guns, and CO₂ guns), Stun guns, Tasers or any object that normally would not be considered a weapon, but by alteration, modification or redesign, or by intended use, would be readily recognized or considered as a weapon by any reasonable and prudent person.
- b. **Explosives** include, but are not limited to, firecrackers, ammunition, and fireworks.
- c. All weapons and explosives will be impounded and are subject to forfeiture without reimbursement or return to the person from whom they were confiscated.

10. **Illegal Gambling**

Engaging in **illegal gambling** activities as defined by federal, state, or local law, is prohibited. Using College-owned or-controlled technology equipment for gambling is prohibited.

11. **Abuse of Technology**

Any abuse of computer facilities and resources, including but not limited to any violation of the College's **Technology Policy**.

12. **Failure to Comply**

Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

13. **Misuse of the Student Discipline Process**

Including but not limited to:

- a. Failure to comply with notice from a College official to appear for a meeting or hearing as part of the student discipline process.
- b. Falsification, distortion, or misrepresentation of information before any College official.
- c. Disruption or interference with the orderly conduct of a student discipline hearing proceeding.
- d. Institution of a Code proceeding in bad faith.
- e. Attempting to discourage an individual's proper participating in, or use of, the Code process.
- f. Attempting to influence the impartiality of a College official, a Disciplinary Hearing Board panel member, or a Peer Conduct Council panel member prior to, and/or during the course of, the student discipline hearing proceeding. Harassment (verbal or physical) and/or intimidation of a College official, a Disciplinary Hearing Board panel member, or a Peer Conduct Council panel member prior to, during, and/or after a student conduct code proceeding.
- g. Failure to comply with the sanction(s) imposed under the Code.
- h. Influencing or attempting to influence another person to commit an abuse of the student discipline process or other College policy.

Violation of Law and College Discipline

The College's student discipline process is applicable to conduct which occurs on College-owned or-controlled premises or at activities which the College sponsors or recognizes (including, but not limited to, off-campus sanctioned events,

sporting activities, study abroad, and travel), off-campus conduct between or among the College's students, or any activity of which the dean of the school, or designee, has notice and in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred. Therefore, the student discipline process may be activated, at the discretion of the College, for alleged violations which occur off-campus and when such actions by its students might adversely affect other students enrolled at the College or individuals visiting the College campus, the interests of the College community, the pursuit of College objectives and/or the surrounding community.

When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his/her status as a student. If the alleged offense is also being processed under the code, the College may advise off-campus authorities of the existence of the code and of how such matters are administratively handled within the College community. Consistent with the College's obligations under applicable law, the College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

ARTICLE IV: CODE OF CONDUCT PROCEDURES

The following procedures are designed to offer a fair process in determining, and when appropriate, sanctioning violations of the code and other College policies, but should not be confused with standards or procedures that apply in civil, criminal, or external administrative legal settings. The student discipline process governing reports of conduct alleged to be violations of the Sexual Assault and Sexual Misconduct Policy and/or violations of the sexual harassment section of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation can be found in this Handbook. (See sections on Sexual Assault and Sexual Misconduct Policy and the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation.)

Reports of Conduct and Student Discipline Hearings

Any member of the College community, including but not limited to students, staff or faculty, may make a report of conduct involving a student or student organization that may be a violation(s) of the code and/or other College policies. A report of such conduct can be made either orally or in writing and shall be directed to the dean of the school, or designee. All reports of conduct must be made within one year of the date of the alleged conduct and prior to the actual physical receipt by the respondent of the terminal degree from the College.

A report of conduct should include:

- The name of the student(s), or student organization, alleged to have violated the code or other College policy;
- A clear factual statement describing the nature of the conduct (date, time, place, witnesses); and
- The name(s), address(es) and telephone number(s) of those filing the report.

The dean of the school, or designee, will review all reports of conduct to determine which sections of the code and/or other College policies were allegedly violated and refer the case to the appropriate hearing process.

Hearing Process

1. There are two hearing options to determine responsibility in student discipline matters for alleged violations of the code and/or other College policy:
 - A hearing between a hearing officer and the student(s) individually;
 - A hearing before a Disciplinary Hearing Board (DHB) panel.

The dean of the school, or designee, will decide which option will be used.

2. Students are required to participate in the student discipline process when they are called to a hearing or a DHB panel as a complainant, respondent or witness. Should a student fail to appear when proper notification has been given or should the student fail to provide a statement during the hearing, the hearing will proceed without benefit of that student's input. Meetings with hearing officers and/or DHB panels will be scheduled taking into consideration the student's regular academic schedule only.
3. Civil or criminal rules of evidence shall not apply, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless it is demonstrated by the student alleging the deviation that there is significant prejudice to the final outcome of the discipline proceeding as it affects the student sanctioned or the College.

The results of lie detector tests will not be accepted in student discipline investigations or proceedings. Tape recordings are not made or permitted in any phase of the discipline process. Student discipline documents (including, but not limited to, contact reports, Public Safety reports and statements) may be reviewed on site at the College by the complainant and/or the respondent but may not be duplicated or photographed.

Hearings

Responsible deans will appoint a trained hearing officer.

Students charged with a violation of the code or other College policy who is directed to meet with a hearing officer or board will receive either oral or written notice generally 24 hours prior to the meeting time.

The hearing officer will meet with the student(s) to discuss the report of alleged conduct and determine an appropriate finding:

- It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for a violation of the code or College policy; or
- It is more likely than not that the alleged conduct occurred and the respondent is responsible for a violation of the code or College policy and imposes sanctions, as appropriate.

After a decision has been rendered, the respondent will receive a letter summarizing the outcome and sanctions as appropriate, generally within seven business days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.

If a sanction has been imposed, it is the responsibility of the student to ensure that the dean of the school or designee receives a note of completion of the sanction in writing. Failure to complete a sanction may result in the assessment of additional sanctions without another hearing.

Disciplinary Hearing Board Panels

The Disciplinary Hearing Board (DHB) pool consists of approximately 20 faculty, staff and students. The dean of the school, or designee, determines membership from students recommended by the dean of the school, faculty nominated by the Chair of the Academic Senate, and other staff of the College as recommended.

It is expected that DHB panel members will exhibit the highest ethical standards, disqualify themselves if they believe they cannot be impartial and/or fulfill their obligation to maintain the confidentiality of the process and the dignity and privacy of the complainant, the respondent, and any witnesses before, during, and after the process consistent with applicable laws and College policy governing student privacy rights. In addition, the dean of the school, or designee will decide, at his/her sole discretion, whether a DHB member can be impartial and will remove anyone whom he/she determines is unable to be impartial or respectful of the confidentiality of the process and the privacy of the individual(s) involved. The decision of the dean of the school or designee is final.

The Dean of Student Life will provide training and orientation sessions for the DHB pool as needed.

Three members of the DHB pool will generally be called to sit on a DHB panel based on availability and experience. Each DHB panel will identify a chair, whose role is to facilitate the hearing and to guide compliance with the process and procedures outlined below.

Students charged with a violation of the code or other College policies who are directed to meet with a DHB panel will receive oral or written notice generally 24 hours prior to the meeting time.

Both the complainant and the respondent involved in a DHB panel proceeding have the option of choosing a member of the College community (faculty, staff, or student) to serve as an advisor to accompany them through the discipline process. The advisor may not be a parent, relative, an attorney or a representative of an attorney. The advisor is not an advocate for the student in the proceedings and may not address the DHB panel, or speak on behalf of the student regarding the discipline matter with other members of the College staff. The advisor may speak with the student privately and in a manner that is not disruptive to the hearing or discipline process. The respective student's advisor may be present at any time when the student they are advising is meeting with the DHB panel or other member of the College staff regarding the discipline matter and at which the student wishes them to be present. A person serving as the advisor is required to maintain the confidentiality of the nature of the allegation(s), the content of the discipline process, and the privacy of the complainant, respondent, and any witnesses known to the advisor. Students are strongly encouraged to choose an advisor to assist them in the discipline process; however, it is the student's decision as to whether to seek an advisor and, if so, who that advisor will be.

Student discipline hearings shall be conducted by a Disciplinary Hearing Board according to the following general guidelines:

- The Chair of the DHB panel will explain the procedures.
- The Chair will read the alleged violation(s) of the code or other College policy and will read (if written) or explain (if oral) the report of conduct.
- The complainant (if available) and respondent will be asked to make a statement regarding the allegation(s) of the complaint.
- The DHB panel may individually ask questions of the complainant, respondent, and any witnesses identified by either the complainant and/or respondent, as the DHB panel deems appropriate to the case.
- After all questions have been asked, and if they choose, the complainant and the respondent may make a closing statement to the DHB panel.
- The DHB panel will then meet in private and, based on their investigation and interviews, will deliberate on the information provided and determine an appropriate finding:
- It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for a violation of the code or College policy; or
- It is more likely than not that the alleged conduct occurred and the respondent is responsible for a violation of the code or College policy and imposes sanctions, as appropriate.
- The chair will notify the dean of the school, or designee, of the hearing's outcome within 24 hours of its completion. The dean of the school or designee will communicate the finding of the DHB panel to the respondent in writing generally within seven business days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.

If a sanction has been imposed, it is the responsibility of the student to ensure that the dean of the school receives notice of completion of the sanction in writing. Failure to complete a sanction may result in the assessment of additional sanctions without another hearing.

Confidentiality/Student Privacy

Reasonable and appropriate effort is taken by the dean of the school and all other involved staff to protect the privacy of all individuals who may be involved in a student discipline proceeding as well as the confidentiality of the details and content of the student discipline process, including, but not limited to, an investigation, a hearing, or DHB panel proceeding, and, except where permitted by College policy and consistent with applicable law, the sanctions imposed and on whom. However, the College cannot guarantee absolute confidentiality. Individuals involved in the student discipline process, either directly or as a witness, are expected to maintain the confidentiality of the process and be mindful of the privacy of others involved.

Sanctions

Sanctions are assessed in response to the specific conduct, the student discipline history of the respondent and in keeping with the policies and procedures described in this handbook so that the student's educational growth and personal development may take place. The assessment of sanctions within the student discipline process is itself part of the College's educational mission and process, even in the case of the sanction of Expulsion.

The following sanctions may be imposed upon any student found to have violated the code (more than one of the sanctions listed below may be imposed for any single violation):

- **Warning:** A notice in writing to the student or student organization that the student is violating or has violated the code or other College policy.
- **Loss of Privileges:** Denial of specified privileges for a designated period of time. Examples include, but are not limited to on-campus student employment, recreational and/or social activities.
- **Loss of Recognition:** The College may de-recognize student organizations for a specific time period or permanently. In the case of the former, the time period and conditions for reapplying for recognition and resumption of the associated privileges will be outlined.
- **Fines:** As appropriate to the violation, a fine may be imposed.
- **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- **Programs/Projects/Activities:** Programs/Projects/Activities that help the student understand the inappropriateness of the conduct and designed to help the student become more aware of the code and other College policies. Examples include, but are not limited to, reflection papers or assignments, online programs, letters of apology, service to the College or an off-campus resource, or other related educational assignments.
- **Health/Counseling Assessment:** Referral to the Health and/or Counseling Center and completion of any recommended treatments.
- **Restricted Access:** Conditions imposed on a student that specifically dictate and limit his/her future presence on the campus and/or participation in College-sponsored activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on the campus or a no contact order forbidding the student from contact with another member of the community.
- **Probation:** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
- **College Suspension:** Separation of the student from the College (without refund) for a defined period of time, after which the student is eligible to apply for readmission. Readmission is not guaranteed. During the suspension period, the student is not permitted on campus and shall not participate in any off-campus College-sponsored/affiliated activity.

- **College Expulsion:** Permanent separation (without refund) of the student from the College prior to the actual physical receipt of the College diploma. A student who is expelled will not be eligible to receive an academic degree from the College at any time. The student is not permitted on the campus and shall not participate in any off-campus College-sponsored/affiliated activity. The College may rescind a College degree following the awarding of a College diploma, or may withhold the awarding of a degree pending the outcome of the student discipline process for a violation of the code or other College policy, that does, or would have the potential to, result in the sanction of Expulsion. The sanction of Expulsion is noted on the student's academic transcript. Expulsion is not considered to be punitive or a deterrent in the criminal or civil sense, but rather a determination by the College that the student has demonstrated by his/her conduct that he/she is unqualified to continue as a member of the College community.
- **Withholding Degree:** The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this code, including the completion of all sanctions imposed, if any.

Interim Suspension

In certain circumstances, the dean of the school or designee may impose an interim suspension of College privileges prior to the student discipline hearing.

Interim suspension may be imposed:

- To ensure the safety and well-being of members of the College community or preservation of College property;
- To ensure the student's own physical or emotional safety and well-being; or
- If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.

During the interim suspension, a student may be denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the dean of the school may determine to be appropriate.

The interim suspension does not replace the regular student discipline process, which shall proceed on the normal schedule, if required.

Appeals

The decision of the student discipline hearing regarding responsibility may be appealed by the Respondent within five business days of the decision. The purpose of the appeal is not to rehear the underlying student discipline case. The sole purpose of an appeal is determined if there is, in the first instance, sufficient information based on the written record before the appeal officer or Appeal Board to establish its jurisdiction to consider and decide the appeal and, if so, thereafter, to determine whether the information submitted by the student states sufficient grounds (see below) to grant the appeal and take any of the actions described below.

Only one appeal is permitted. Such appeals shall be submitted in writing, signed by the student and shall be delivered to the dean of the school. The appeal may only be submitted by the student and shall consist of:

- A completed Appeal Request Form (available in the dean of the school's office), and
- A statement outlining and supporting the specific basis upon which the student is appealing.

An appeal must be based on one or more of the following grounds or it will not be accepted and considered:

- A process or procedural error was made that was significantly prejudicial to the outcome of the hearing as it affects the student appealing.
- New information that was not available or known to the student appealing at the time of the hearing has arisen which, when considered, may materially alter the outcome. **NOTE:** Information that the appealing student chose not to present at the time of the hearing is not considered new information.
- The severity of the sanction imposed was not appropriate based on the section of the code or other College policy which the student was found to have violated.

The appeal officer or Appeal Board will not meet with the student or re-hear the case. The appeal officer or Appeal Board will consider the merits of an appeal on the basis of the information provided in the Appeal Request form, the student's written statement, the written record of the case, and the student's entire discipline record.

Anyone who may serve as a hearing officer may also serve as an appeal officer, but the dean or associate dean of the school are the primary appeal officers. The dean determines who will serve as the appeal officer except in appeals of the sanction of College Suspension or College Expulsion which will be heard by an Appeal Board.

For the sanction of College Suspension or College Expulsion, the Appeal Board is composed of the dean of the school or designee as chair and two members of the DHB pool. If a DHB panel delivered the sanction of College Suspension or College Expulsion, those DHB panel members who delivered the sanction are not eligible to serve on that Appeal Board.

During the consideration of a request for an appeal, sanctions assessed by the hearing officer, Peer Council panel or DHB panel shall not be in effect. However, the dean of the school may impose conditions or continue existing conditions governing the respondent's continued relationship with the College during the appeal process.

Based on the information provided in the Appeal Request form, the student's written statement, the written record of the case, and the student's entire discipline record, the appeal officer or Appeal Board will:

- Reject the appeal if it finds the basis for appeal unsubstantiated; or
- Reject the appeal if it finds that any procedural errors were minor in nature and would not have altered the outcome of the hearing or the sanctions imposed; or
- Modify the sanction(s) if they are found to be inappropriate; or

- Return the case to the hearing officer, or DHB panel for further consideration (which may, but does not, require a rehearing of the entire matter) if a procedural error or new information, as defined above, has arisen. In such cases, the same hearing officer, or DHB panel who originally heard the case shall reconvene as soon as possible. If the hearing officer or a member of the original DHB panel is no longer available, the dean of the school or designee will appoint another hearing officer, or in the case of the unavailability of one or more of the or DHB panel members, he/she will select additional or DHB panel members from the and DHB pools.
- Reverse the decision of the hearing officer, or DHB panel or remand the case to a new hearing officer, or DHB panel for further consideration where substantial procedural error is determined to have unfairly influenced the hearing.

If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

The appeal officer or Appeal Board chair will communicate its decision to the respondent in writing once a decision has been reached. The decision of the appeal officer or Appeal Board is final and no further appeals are permitted.

Article V: Interpretation and Revision

Any question of interpretation or application of the Student Code shall be referred to the dean of the school or designee, for final determination.

The Student Code shall be reviewed every two years under the direction of the dean of the school.

Article VI: Record Retention

Discipline records are maintained by the dean of the school and are kept for four years after the student earns a degree. For those students who are separated from the College, records will be maintained until four years after their scheduled degree completion date. The College permanently maintains the records of those students who are expelled from the College.

Part 4: Community and Student Policies

Abusive Conduct Policy

This policy is intended to address conduct toward another student and/or employee that has the observable effect of unreasonably interfering with that individual's ability to work or to participate in the educational benefits at the College. Specifically, abusive conduct is conduct that has the observable effect of demeaning, ridiculing, insulting, stigmatizing, frightening, intimidating, or unreasonably impeding the work or movement of a person including visitors to the College or guests of students, to whom such conduct is directed. Abusive conduct may be either oral or written (including posted electronically in chat rooms, blogs, emails or in online communities) words or symbols, including, but not limited to epithets, insults, derogatory comments, posters, cartoons or other drawings. Abusive conduct may also include, but is not limited to physical touching, impeding or blocking movement, or any inappropriate and serious physical and mental interference with routine work or movement while engaged in College-sponsored activities and/or at work. While this policy is not intended to cover conduct that, if found to occur, would violate Saint Mary's Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation Policy, the College, in its sole discretion, may choose to respond to reports of such conduct in a manner consistent with that policy.

Act of Intolerance Protocol

The mission of Saint Mary's College of California calls upon faculty, staff, and students from different social, economic and cultural backgrounds to come together to grow in knowledge, wisdom and compassion and to become active and effective global citizens. The College values fairness, integrity, respect and personal and social responsibility. We, the members of this College community, seek to create the kind of safe living and learning environment where civility and respect is fostered and where individuals and groups have an opportunity to voice their experiences or their concerns without fear.

The College respects the individual's right to speak freely and openly while acknowledging the responsibility that comes with this freedom. We encourage all College community members to seek appropriate campus forums, at appropriate times and places, to engage in meaningful dialogue to better understand others' experiences and values. However, intolerant acts are not acceptable and are inconsistent with the fundamental values of Saint Mary's. The ability to disagree or to offer an alternate belief articulated passionately yet respectfully, will continue to be a cornerstone of meaningful dialogue. However, degrading the identity, needs, and beliefs of others is not acceptable.

WHAT IS AN ACT OF INTOLERANCE?

Generally, harmful acts motivated by bias towards a category of people or an individual based on their identification (or perceived identification) with a particular category of people may be considered an act of intolerance. These social categories include, but are not limited to, the following:

Socio-economic class
Gender
Race
Ethnicity
Religion
National origin
Sexual orientation
Physical appearance
Age
Disability

Acts of intolerance can include criminal and otherwise illegal conduct, but they may also include violations of College policy(s) regarding civility, professionalism and/or harassment.

WHY IS IT IMPORTANT TO REPORT SUSPECTED ACTS OF INTOLERANCE?

Uncivil, hateful and/or harassing conduct towards others at Saint Mary's is unacceptable. We strongly encourage members of our community to report all acts of intolerance, no matter how insignificant the incident may seem to be. We reject acts of intolerance, and to do this, we need the involvement of every person, faculty, staff, and student. We need to know what happens and how often, so that we can take steps to intervene, to stop hateful and/or harassing behavior, speak out against these acts and support those who are targeted.

Incidents that may seem minor initially—name-calling or slurs of any type—can escalate into more serious incidents and therefore should be addressed.

If unchecked, individuals may feel comfortable in continuing their conduct and may be emboldened to escalate or to extend their actions inappropriately toward others.

Non-reporting can lead to an environment where bias and prejudice is accepted and tolerated.

Bias-motivated incidents send a message not only to the individual(s) on the receiving end but also to all members of the targeted group and the broader campus community.

Even if the person engaged in the conduct is unknown or action available to address the incident is limited, reporting allows the provost, Director of Human Resources and the dean of the school to better assess the campus climate and implement appropriate remediation measures.

WHAT DO I DO IF I THINK AN ACT OF INTOLERANCE HAS BEEN COMMITTED OR I HAVE BEEN THE TARGET OF SUCH AN ACT?

Students who are either subject to or witness an act of intolerance are encouraged to report the act immediately to the dean of the school.

Faculty who are either subject to or witness an act of intolerance are encouraged to report the act to their dean if the incident involves other faculty, to the dean of the school if the act involves student conduct or to the Director of Human Resources if the act involves a staff member.

Staff that are either subject to or witness an act of intolerance are encouraged to report the act immediately to the dean of the school if the act involves student conduct or to the Director of Human Resources if the act involves faculty or a staff member.

Acts of intolerance that constitute graffiti or vandalism, or threaten physical harm and/or violence should be immediately reported to Public Safety [(925) 631-4282 or 9-911] . Do not confront the person you think committed the act. Do not disturb the scene where an incident has occurred or remove/destroy evidence such as graffiti. Public Safety officers may have the chance of finding whoever committed the act only if they can gather evidence. If the incident is in the form of an email, keep the email in your inbox or otherwise preserve it and contact Public Safety. Do not delete, alter, or forward the email.

Notify someone who can assist you:

- Dean of Students(925) 631-8510
- Public Safety (925) 631-4282
- Counseling Center (925) 631-4364
- Women’s Resource Center.(925) 631-4171
- Residence & Community Life (925) 631-4236
- Intercultural Center.(925) 631-8317
- Human Resources(925) 631-4212
- Your Supervisor

WHAT WILL HAPPEN ONCE I REPORT THE INCIDENT?

When graduate and professional students are involved, the dean of the school will learn as much as possible about the incident, will coordinate the College’s response and provide support for those individuals involved. The dean of the school will address students’ academic needs that may arise as a result of the incident, begin the disciplinary process when indicated and appropriate, notify the provost’s Office for issues needing faculty intervention, and notify the Director of Human Resources if the incident is about the behavior of staff. The dean of the school will also convey information to the Assistant Vice President for College Communications to inform the community of any significant incidents when appropriate. All incidents reported to the dean of the school and the response made to those incidents will be listed on a link from the dean’s website without personal identifying information.

When faculty is involved, disciplinary procedures as outlined in the Faculty Handbook will apply.

Reports of incidents involving staff will be addressed by the Human Resources Department. The Director of Human Resources will listen to the person making the report to understand what has happened, and then determine if it’s something that can be addressed through informal processes such as coaching, one-on-one discussions with one or more parties, or, if both sides agree to do so, to use alternate College resources that might improve understanding and communication.

For students, staff, and faculty, if a reported incident is one that the College has a duty to formally investigate consistent with specific College policies (e.g., discrimination, harassment or sexual harassment policy), all parties will be notified of this obligation and an investigator will be assigned in line with the protocols for those specific policies.

Finally, depending upon the nature of the incident, the report may trigger external reporting requirements (e.g., law enforcement, Annual Clery Report).

What happens if someone is found responsible for committing an act of intolerance?

For students, in any particular incident, there may be an immediate local and/or educational response in addition to the College response. Students responsible for acts of intolerance will be subject to the student discipline process as outlined in the Code of Conduct, and sanctions may be imposed. Sanctions are assessed in response to the specific conduct, the discipline history of the student, and in keeping with the policies and procedures described in the Code of Conduct so that the student’s educational growth and personal development may take place. The assessment of sanctions, up to and including expulsion, is itself part of the College’s educational mission and process.

Faculty conduct issues are referred to the school’s dean and the provost. The dean, in consultation with the provost, makes the decision on action that will be taken. Faculty responsible for acts of intolerance will be subject to disciplinary procedures as specified in the Faculty Handbook.

For staff, the appropriate level supervisor of the staff employee whose conduct is a problem consults with the Director of Human Resources and her or his own supervisor before making the decision on appropriate discipline or action as described in the Staff Handbook. Staff whose behavior violates College policies and expectations of conduct described in the Staff Handbook will be subject to disciplinary procedures up to and including termination of employment.

Policy on AIDS and HIV

The purpose of the Policy on AIDS and HIV is to establish broad guidelines for responding to individuals infected with human immunodeficiency virus (HIV) within the Saint Mary’s College community. The Policy is based, in part, on recommendations of the American Health Association, the Public Health Department and the Centers for Disease Control.

The primary responsibility of the College community with regard to HIV/AIDS is to maintain a healthy and safe educational environment for all members of the College community. The main purposes of such a response are to prevent the spread of infection by promoting and supporting behaviors which reduce the spread of infection, and to provide support for HIV-infected individuals.

HIV, the virus causing AIDS (acquired immune deficiency syndrome), is transmitted by intimate sexual contact and by exposure to contaminated blood and body fluids. Current medical findings indicate that the individuals infected with HIV do not present a risk to others in an academic or work setting. Therefore, individuals with HIV will be permitted full access to College programs and activities, as long as they are physically and emotionally able to function as students and employees, and the College determines, based on an individualized assessment that the condition, with or without reasonable accommodation, presents no threat to themselves or other members of the College community. The College expects those testing positive for HIV to protect the welfare of others by acting responsibly in preventing the spread of the virus.

The College community will handle, with sensitivity, information relating to any student or employee with HIV/AIDS. Decisions regarding a student or employee with HIV/AIDS will be made on a case-by-case basis depending on the particular facts unique to each individual.

Please contact the Health and Wellness Center at (925) 631-4254 for information about free and anonymous HIV testing.

Alcohol and Other Drugs

Saint Mary's College is an educational and social community within which students, faculty, staff, alumni, and their guests interact in a wide variety of activities. The Saint Mary's College Alcohol and Other Drugs Policy is intended to allow the responsible and legal use of alcohol under certain conditions (noted below) for those over 21 years of age and to prohibit the use of illicit and illegal drugs. This Policy seeks to promote an atmosphere conducive to the pursuit of learning, and applies to all individuals associated with the College, including students, faculty, staff, alumni, and their guests. Additionally, private sponsors and their guests who use the College facilities are required to comply with this Policy.

HEALTH RISKS ASSOCIATED WITH THE USE OF ALCOHOL AND OTHER DRUGS

Some of the health risks associated with alcohol and other drug use are specified below.

Alcohol: Contrary to popular belief, not all college students drink alcohol excessively. Many have never consumed alcohol and others choose to drink moderately, or not at all. Individuals should consider the consequences and make responsible decisions when it comes to the use of alcohol.

You do not have to be an alcoholic to have a drinking problem. One night of excessive drinking can result in alcohol poisoning. On the average, your body can only process one ounce of alcohol per hour (approximately one regular-sized drink). Drinking too much too quickly raises your blood alcohol content to the point where your body cannot effectively process the alcohol, leading to overdose and possibly coma or death.

When you drink too much, your capacity to process information and make safe decisions is impaired. This places you at an increased risk for sexual assault and other violent behavior, exposure to sexually transmitted diseases, driving under the influence, and physical injury. Misusing alcohol can also have a negative impact on academic success, work performance, friendships and family relationships.

Numerous health risks are associated with drinking. Alcohol intensifies the effects of over-the-counter medications or other drugs, which may cause physical damage to the body. Long-term excessive drinking can lead to a variety of health problems such as: decreased brain functions; impaired sensation, perception, coordination, reflexes, and judgment; memory lapses or blackouts, organ damage, and addiction. Research indicates that adult children of alcoholics have as much as a four to six times greater risk of becoming an alcoholic or having a problem with other drugs.

Marijuana: Immediate effects of THC (marijuana's active ingredient) vary greatly with the person, setting, dose, and expectation of the user. Marijuana can make it harder to function and succeed in an academic setting particularly when

tasks require close attention and thoughtful decision-making. Using marijuana may impair your short-term memory, reading comprehension, and capacity to solve verbal and mathematical problems. Uncomfortable feelings such as paranoia and panic are often experienced with marijuana. Additionally, regular use may lead to a motivational syndrome consisting of listlessness, fatigue, inattention, withdrawal and apathy making it rather difficult to achieve your academic and personal goals.

Coordination is greatly effected by marijuana use since it slows reflexes and impairs visual perception. Driving while under the influence (or being driven by someone else under the influence) can be as dangerous as driving under the influence of alcohol. Regular use can lead to a variety of health problems such as elevated blood pressure and decreased body temperature; irritation of the mouth, throat, and lungs, and aggravation of asthma, bronchitis, and emphysema; chronic lung disease and cancer. Additionally, marijuana can lead to a positive drug test for as long as three months after your last use.

Tobacco: The ingestion of nicotine through cigarette smoking is highly toxic, addictive, and can result in emphysema and cancer. Emphysema destroys the lung's capacity to expand and contract which causes decreased oxygen intake leading to organ damage. Smoking has been linked to cancers of the lung, mouth, throat, pancreas, cervix, kidney, and bladder. Smoking cigarettes can also affect the health of non-smokers. Environmental tobacco smoke contains many of the toxic substances the smoker inhales. Chewing tobacco and snuff are not safe alternatives to cigarettes. They are highly addictive, contain more nicotine than cigarettes, and cause rapidly spreading cancers of the mouth, head, and neck.

Ecstasy (MDMA): Although Ecstasy (MDMA) has been publicized as a "feel good" designer drug, it is actually a hallucinogenic-amphetamine that can lead to a variety of physical problems such as cardiac difficulties, dangerously high body temperature, severe thirst and heat exhaustion, sensory distortion and heightened arousal. Even with limited use, it can permanently alter serotonin levels in your brain, which can increase the risk of chronic depression.

Steroids: Anabolic steroids are synthetic versions of the male hormone testosterone. Used medically to supplement normal hormonal levels after injury or disease, others use steroids to increase muscle mass, reduce body fat, and enhance endurance. Steroid use can lead to a variety of health problems such as: liver disease and cancer; testicular atrophy, breast reduction, failure of secondary sex characteristics, sexual dysfunction, sterility, impotence, or fetal damage; acne, growth problems, or bone fusion. Psychological problems include aggression, violence, and uncontrolled anger ("roid rage"), rapid mood swings, and psychotic episodes.

Cocaine: Cocaine is a potent drug with effects that begin almost instantly. Cocaine use can lead to many health problems, such as damaged nasal tissues, kidney damage, or stroke; diseases of the lung, heart, and blood vessels; malnutrition, cardiac arrhythmia, convulsions, seizures, suppression of respiration, or sudden death. Psychological difficulties include intense anxiety and anger, restlessness, fear, paranoia, depression, and hallucinations. The effects of increased adrenaline fade fast resulting in a desire for more which increases the risk of repeated use and addiction.

LSD: LSD dramatically alters normal mental and emotional processes. Initial effects are mostly physical: dilated pupils, muscular weakness, rapid reflexes, decreased appetite, and increased blood pressure and body temperature. Subsequently, LSD scrambles your brain chemistry, significantly distorting thought and sensation which results in unusual or frightening hallucinations. LSD can trigger more serious problems for individuals with a history of emotional difficulties or psychological problems. Effects may recur days or weeks later without further use (flashbacks).

Amphetamines: Amphetamines speed up the brain and nervous system. Even limited use can lead to many physical and emotional effects including increased heart rate and blood pressure; heart, brain, and lung damage, chronic fatigue and malnutrition. Psychological effects include anxiety, depression, mood swings, hallucinations, paranoia and psychosis.

Heroin: In recent years the potency of heroin has increased making it easier to achieve similar effects without injection. This has lead to more individuals experimenting by snorting and smoking heroin. Regardless of the type of use, tolerance increases quickly resulting in a rapid addiction process as well as heightened physical cravings. Heroin use can lead to many physical effects such as: drowsiness and loss of appetite, addiction with severe withdrawal symptoms, impaired mental functioning, slowing of reflexes and physical activity; infection, hepatitis, and HIV (from needle sharing), or death from overdose.

Predatory Drugs: These drugs are given to another person without their awareness of it, usually by slipping them into a drink. Rohypnol, better known as roofies, is a potent tranquilizer that is notorious for its use in sexual assaults. It is usually slipped into a drink, rendering the person helpless and immobile. Sedation occurs 20 to 30 minutes after administration and leaves the person feeling drowsy, dizzy, and disoriented. In addition to these sedative effects, impaired balance and/or speech, and memory loss are common.

Like rohypnol, GHB has also been associated with sexual assault. In its clear liquid form, it can easily be slipped into someone's drink undetected. Effects of the drug can be felt in 15-20 minutes and also include dizziness, heavy drowsiness, and confusion. Some people use GHB to enhance the effects of alcohol or other drugs. This combination can be especially life-threatening. GHB use can lead to a variety of physical problems such as dizziness, nausea, breathing problems, memory loss, seizures, unconsciousness, and in some cases, death.

Originally used as an animal tranquilizer, ketamine is now used as a club drug due to its hallucinogenic effects. Many serious negative effects can result from use including vomiting, numbness, and loss of muscle control, paranoia, and aggression. In larger doses, effects may include convulsions, decreased oxygen to the brain, coma and even death. Individuals who use ketamine are at increased risk for sexual and physical assault since their loss of muscle control and mental state make them unable to combat assault.

Information/Referral Services Alcohol and Other Drugs ON CAMPUS

Alcohol and Other Drug (AOD) Program . . .	(925) 631-4364
Alcohol Review Committee	(925) 631-4704
Campus Ministry	(925) 631-4366
Counseling Center	(925) 631-4364
Dean of Students	(925) 631-4236
Health and Wellness Center.	(925) 631-4254
Public Safety	(925) 631-4282
Residence & Community Life	(925) 631-4236
Student Involvement and Leadership	(925) 631-4704
Student Life.	(925) 631-4235

COMMUNITY RESOURCES

Al-Anon/Alateen	(925) 932-6770
Alcohol Beverage Control	(510) 622-4970
Alcoholics Anonymous	(925) 939-4155
Marijuana Anonymous	(510) 287-8873
Moraga Police Department	(925) 376-2515

LEGAL STATUTES

Students, faculty, staff, administration, alumni, and guests of Saint Mary's College are responsible for the observance of applicable laws and local ordinances or codes with respect to alcoholic beverages and illegal drug use. These laws prohibit the consumption of alcoholic beverages by anyone under 21 years of age. Additionally, it is unlawful to sell, purchase, deliver, or furnish alcoholic beverages to anyone under 21 years of age or to any obviously intoxicated person.

In accordance with the Drug-Free Schools and Communities Act of 1989, the applicable laws are listed below to indicate the types of conduct that are in violation of statutes and the range of legal sanctions that can be imposed. This is not intended to be a comprehensive list of all applicable laws regarding alcohol beverage use, as other statutes may apply.

Federal Statutes

1. The manufacture, sale or distribution of all scheduled illicit drugs constitutes a felony. (21 U.S.C. §841)
2. Scheduled drugs include the various narcotics, barbiturates, amphetamines, cocaine, cannabis, hallucinogens, and synthetic drugs, e.g. PCP, MPTp, MDMA. (21 U.S.C. §812)
3. Simple possession of controlled substances can be punished by civil fines of up to \$10,000 per violation and a jail sentence. (21 U.S.C. §844 and §844a)
4. Distribution or possession with intent to distribute a controlled substance on College property requires a sentence enhancement of up to twice the prescribed sentence for the original offense and at least twice the prescribed amount of parole time. This provision also calls for a mandatory sentence of not less than one year in prison for any offense except possession of less than 5 grams of marijuana. (21 U.S.C. 853a)

5. Persons convicted of possession or distribution of controlled substances can be barred from receiving benefits, such as student loans, grants, contracts and professional and commercial licenses, except some long-term drug treatment programs. (21 U.S.C §853a)
6. Aliens convicted of a violation of any law or regulation of a state, the United States, or a foreign country, are subject to deportation and exclusion from entry to the United States. (8 U.S.C. §§1182, 1251)
7. Persons who are health care providers are barred from receiving payment from federal insurance programs upon conviction of a criminal offense involving distribution or dispensing of a controlled substance. (5 U.S.C. §8902a)
8. Property, including vehicles, aircraft, money, securities, or other things of value, used in, intended for use in, or traceable to transactions that involve controlled substances in violation of federal law are subject to forfeiture to the United States. (21 U.S.C. §881)

California Statutes (Alcohol)

Other than where noted, violation of the statutes below constitutes a misdemeanor or infraction with a monetary penalty and/or mandatory community service.

1. No person may sell, furnish, give, or cause to be sold, furnished or given away, any alcoholic beverage to a person under the age of 21, and no person under the age of 21 may purchase alcoholic beverages. (CA Business and Professions Codes 25658a and b)
2. It is unlawful for any person under the age of 21 to possess alcoholic beverages on any street or highway or in any place open to public view. (CA B&P Code 25662a)
3. It is unlawful to sell alcoholic beverages any place in the state without a proper license from the Department of Alcoholic Beverage Control. (CA B&P Code 23301)
4. It is unlawful for any person to drink while driving (Vehicle Code 23220) or to have an open container of an alcoholic beverage in a moving vehicle as a driver or passenger. (Veh. Codes 23222 and 23223)
5. Individuals with a blood alcohol level of .08 or higher, a driver is presumed to be under the influence of alcohol. (Veh. Code 23152; sanctions vary with number and type of offenses but can include suspension or loss of driving privileges, alcohol education program and mandatory imprisonment with fine)
6. It is unlawful for any person under the age of 21 who has a blood alcohol level of .01 or greater to drive a vehicle. ("The Zero Tolerance Law"—Veh. Code 23136; blood alcohol level of .05 or greater—Veh. Code 23140; sanctions vary with number and type of offenses but can include suspension or loss of driving privileges and alcohol education program)
7. It is unlawful to operate a bicycle on a highway while intoxicated. (Veh. Code 21200.5; this law provides that bicyclists enjoy the same rights and are subject to the same regulations as motor vehicle operators)
8. It is unlawful to be intoxicated and disorderly, defined as being in a condition where you are unable to exercise care for your own safety or the safety of others, or if you interfere or obstruct any street, sidewalk, or public way. ("Disorderly Conduct"—CA Penal Code 647f)

9. It is unlawful for a person under the age of 21 to possess or present fraudulent evidence of age and identity in order to obtain alcohol and unlawful to transfer any form of identification for the purpose of falsifying age in order to secure alcoholic beverages. (CA B&P Code 25661)

California Statutes (Marijuana)

1. The cultivation (i.e. growing or harvesting), possession for sale, or sale of marijuana constitutes a felony. A felony conviction can involve serving time in a state prison. (Cal. Health and Safety Code §§11350 et seq.)
2. Possession of one ounce or more of marijuana for personal use constitutes a felony, the conviction of which could require paying a fine and/or serving time in jail. (Cal. Health and Safety Code §§11350 et seq.)
3. Possession of less than one ounce of marijuana for personal use constitutes a misdemeanor, the conviction of which could require a fine up to \$100. (Cal. Health and Safety Code §§11350 et seq.)

Local Statutes

The town of Moraga adheres to the Contra Costa County Code in regard to the public consumption of alcohol.

1. It is unlawful for any person to possess an open container of an alcoholic beverage on any public street, sidewalk, parking lot, playground, or other public facility. (County Code 54-16.002; infraction subject to citation)
2. It is unlawful to possess an open container of an alcoholic beverage and remain on premises where alcoholic beverages are sold for off-site consumption, or on an adjacent sidewalk or parking lot if the premises post signs indicating so. (Cty. Code 54-14.002; infraction subject to citation)

ALCOHOL REGULATIONS—PROHIBITED BEHAVIORS

Whether one chooses to drink alcohol or use other drugs, members of the College community are exposed to the secondhand consequences of others' excessive use. These can range from damaged property, physical and sexual assault, and unwanted sexual advances, as well as disrupted sleep and studying, interruptions in classes, and harassment. High-risk use of alcohol and use of other drugs impacts both the quality and safety of our environment and the student's college experience.

Students and their guests are expected to abide by the Code, this Policy and state and local laws/ordinances relative to the possession, consumption and distribution of alcoholic beverages. Alleged violations of the following regulations will initiate the student discipline process:

1. Persons who are under 21 years of age may not possess or consume any alcoholic beverage or possess alcoholic beverage containers, full or empty, anywhere on campus, including in a residence hall room for the purpose of decoration. Underage students who are in locations where other underage persons are consuming or possessing alcohol will be considered to be in violation of this policy even if they do not have alcohol on their person.

2. Persons who are 21 years of age or older may possess and consume alcohol in their residence hall room but may not offer, give, provide or otherwise make alcohol available to anyone underage or to an obviously intoxicated person.
3. Alcohol may not be possessed or consumed in any public area of campus unless at a College-sponsored activity at which alcohol is served in accordance with guidelines provided in this Policy. A public area is defined as those areas of the campus that are readily accessible to students, faculty, staff and guests. Public areas include, but are not limited to, lounges, lobbies, stairwells, balconies, hallways, roofs, classrooms, parking lots, and outside areas.

College Responses

Saint Mary's policy on the use of alcohol combines observance of federal, state and local laws, protection of the overall community and reduction of high risk conduct by students. Alleged violations of the Prohibited Behaviors will initiate the student discipline process. Sanctions will vary depending on the nature of the offense and these responses are meant to act as minimum sanctions. A student's discipline record is cumulative during his/her enrollment and applies to incidents on and off campus.

Category I: For TUG Students under 21 only.

Category II: regardless of age, student exhibits any of the following behaviors while under the influence of alcohol: intoxication, disorderly conduct, verbally disruptive or abusive, fist fights, vomiting but coherent and conscious; providing alcohol to an underage or obviously intoxicated person; possession of kegs or other common source or over-sized containers; use of a "beer bong;" consumption of large quantities of alcohol regardless of physical appearance.

First Offense: education project/program, warning/probation, \$100.00 fine.

Second Offense: education project/program, assessment, probation/stayed suspension, stayed residence hall suspension/residence hall suspension, \$150.00 fine.

Third Offense: education project/program.

Category III: regardless of age, student exhibits any of the following behaviors: vomiting and/or incoherent, unconscious, needed or received medical attention (including treatment by EMTs and/or transport to hospital, and/or including treatment at College-sponsored events), loss of control of bodily functions, memory loss; a pattern of alcohol abuse; driving a motor vehicle while under the influence of alcohol.

First Offense: education project/program, assessment, probation/stayed suspension, stayed residence hall suspension/residence hall suspension, \$150.00 fine.

Second Offense: stayed suspension/suspension/expulsion, residence hall suspension/expulsion, \$250.00 fine.

ILLEGAL DRUGS REGULATIONS – PROHIBITED BEHAVIORS

Students are expected to abide by the code, this Policy and federal, state and local laws/ordinances relative to the illegal possession, use or distribution of controlled substances, illegal drugs and drug paraphernalia. Alleged violations of the following will initiate the student discipline process.

1. The possession, use, sale, distribution or manufacture of any controlled substance, illegal drug and/or drug paraphernalia or the association with gatherings involving such possession, use or distribution on the campus or at College-sponsored events is prohibited. Drug paraphernalia includes, but is not limited to, bongs, pipes, hookahs, water pipes, "whip- it's," and roach clips. Students who are in locations where any controlled substance and/or illegal drug is being used will be considered in violation of this Policy even if they do not have the substance and/or drug on their person.

In accordance with the Drug Free Schools and Community Act of 1989, the College does not allow the possession or use of marijuana on campus for any reason.

2. Possession of large quantities and/or the actual or attempted sale, distribution or manufacture of any controlled substance, illegal drug and/or drug paraphernalia on the campus or at College-sponsored events is prohibited.
3. The illegal use of prescription or other legal drugs is prohibited.
4. Driving a motor vehicle after having used any illegal drugs or controlled substances is prohibited.
5. All illegal drugs or controlled substances and paraphernalia will be impounded and are subject to forfeiture without reimbursement or return to the person from whom they were confiscated.

College Responses

Alleged violations of the Prohibited Behaviors will initiate the student discipline process. Sanctions will vary depending on the nature of the offense and these responses are meant to act as minimum sanctions. A student's discipline record is cumulative during his/her enrollment and applies to incidents on and off campus.

Category I: Possession of drug paraphernalia or objects that could be used as drug paraphernalia; being in a location where controlled substances and/or illegal drugs are present.

First Offense: education project/program, warning/probation and \$50.00 fine.

Second Offense: education project/program, assessment, probation/stayed suspension, stayed residence hall suspension/residence hall suspension, \$150.00 fine.

Third Offense: education project/program, stayed suspension/suspension, residence hall suspension/residence hall expulsion, \$250.00 fine.

Category II: Possession and/or use of any controlled substance or illegal drug regardless of quantity, including residue; illegal use of prescription or other legal drugs.

First Offense: education project/program, probation/stayed suspension, stayed residence hall suspension/residence hall suspension, \$150.00 fine.

Second Offense: education project/program, assessment, stayed suspension/suspension, stayed residence hall suspension/residence hall suspension/residence hall expulsion, \$250.00 fine.

Third Offense: expulsion.

Category III: Possession of large quantity and/or the actual or attempted sale, distribution or manufacture of any controlled substance, illegal drug and/or drug paraphernalia; driving a motor vehicle while under the influence of illegal drugs or controlled substances.

First Offense: suspension/expulsion, residence hall expulsion, \$250.00 fine.

Second Offense: expulsion.

Guidelines for Student Sponsored Events

Student Involvement and Leadership [(925) 631-4704] approves all student-sponsored events at which alcohol will be present. All events at which students may be in attendance (sponsored by any campus constituency) and alcohol is served must be registered and/or approved through Student Involvement and Leadership.

Only officially recognized student organizations may sponsor events where alcohol is served. The sponsoring organization must submit an Alcohol Service Request Form to SIL at least three (3) weeks prior to the proposed event date. The sponsoring organization must have a faculty/staff advisor for the duration of the event to serve as the on-site event manager. This person may not consume any alcohol or other drugs prior to or at the event and is responsible for monitoring compliance with the Alcohol and Other Drugs Policy, obtaining the necessary one-day permit through the California Department of Alcohol Beverage Control, and possessing the permit at all times during the event.

Only beer or wine may be served at student-sponsored events. Distilled liquor in any form is not permitted. Food and non-alcoholic beverages must be available at the event and a reasonable portion of the budget must be designated for this purpose. Non-alcoholic beverages must be attractive, and displayed with equal prominence as the alcoholic beverages.

The amount of alcoholic beverages and food items available at an event is to be appropriate for the expected number of guests and duration of the event as determined by Student Involvement and Leadership. Oversized containers (including, but not limited to, kegs, party balls, or beer trucks) may be allowed at student-sponsored events only with the approval of the dean of the school for which the event is being sponsored.

Alcoholic beverages may not be served during or after the last hour of any student-sponsored event. The hours and timing of the event will be determined in consultation with Student Involvement and Leadership. Free alcoholic beverages are not allowed at student-sponsored events. A minimum of \$1.00 per drink must be charged and all drinks must be dispensed individually in cans or plastic containers by event bartenders.

Student Involvement and Leadership has the right to alter or redefine, as a condition of approval, any of the above regulations as they relate to a specific group or organization. If, at any time, the well-being of the community members is deemed to be threatened, appropriate and prompt action will be taken by the College.

GUIDELINES FOR FACULTY/STAFF/ALUMNI/ ADMINISTRATION SPONSORED CAMPUS EVENTS

Faculty/staff/alumni sponsors of College events where students may or may not be present and where alcohol will be offered are required to submit an Alcohol Service Form to SIL two (2) weeks prior to the event. This document lists the sponsor(s) of the event and requires acknowledgment of understanding and agreement to adhere to College policies and procedures.

GUIDELINES FOR OFF-CAMPUS EVENTS

Saint Mary's College recognizes the role and importance of off-campus events. Groups associated with the College who participate in and sponsor social, service, and educational events must adhere with the Policy and understand their responsibility as a result of their association with the College. In addition, sponsoring groups must provide supervision by designated College official(s) for the duration of the event.

The following guidelines regarding the availability of alcoholic beverages at off-campus events pertain to all members of the College community. These guidelines in no way relieve any public establishment of their obligation to observe and enforce the law.

1. The sponsoring group must abide by applicable laws and local ordinances or codes regarding alcohol. The group should take appropriate steps to prevent underage drinking and the consumption of alcohol by intoxicated persons.
2. The sponsoring group should promote responsible behavior and the general welfare of the sponsoring group, its individual members, and others participating in or associated with the event during that time.
3. At such events, the behavior of the group, individuals, and guests are governed by the regulations set forth in the Code and other College policies.

PUBLICITY AND SPONSORSHIP FOR STUDENT SPONSORED EVENTS

The consumption of alcoholic beverages shall neither be the primary purpose of a student event (including, but not limited to, progressive drinking events) nor be used as an inducement to participate in an event. Promotion and advertising of an event may indicate that alcohol will be available for purchase and must indicate that "ID will be required." Also, the promotion and advertising of an event shall not portray symbols of alcoholic beverage consumption (including, but not limited to, foaming mugs, cans, glasses and kegs), excessive consumption (including, but not limited to, drinking contests and competitions) or emphasize frequency or quantity of alcoholic beverage consumption.

The sponsorship of events by alcoholic beverage companies is limited to cash donations, donated materials for College alcohol educational programs, and donated products (other than those which directly promote or advertise alcoholic beverages) in support of fund-raising or other special events as approved by the Vice Provost for Student Life or the dean of the school.

Amorous Relationships

Amorous relationships are those romantic or sexual relationships to which both parties appear to have freely consented. When such a relationship involves a power differential between two members of the College community, it is of concern to the College, and such relationships should be avoided due to:

- The potential conflict of interest that arises when an individual supervises, evaluates, coordinates, directs, advises, hires, terminates, instructs, promotes, or grants pay raises or other benefits to another person, or provides professional services (e.g., counseling) to another individual with whom that person has an amorous relationship.
- The potential for unintended consequences that results because these types of relationships may develop or exist solely as a result of the power differential, which may or may not involve sexual harassment as proscribed by the College's policy prohibiting sexual harassment.

POLICY

The College discourages amorous relationships where there is a power differential between the parties or where the potential exists for such a power differential in the foreseeable future. Four examples of relationships involving power differentials are (This list is not all-inclusive.):

- That between faculty and student, including those involved in formal instruction, advising and tutoring.
- That between staff and student.
- That between employee and supervisor.
- That between the provider (e.g., staff) and recipient of educationally related College or College-related services (including those involved in counseling, student services such as registration and financial aid, and athletic coaching).

Of special concern to the College are amorous relationships initiated between a faculty or staff member and a student while the former is instructing, advising or mentoring the latter. Such circumstances pose extraordinary risks of compromising or appearing to compromise the College's central mission and of breaching the faculty's commitment to the welfare of its students. Hence, the College expects faculty members and staff employees to refrain from initiating or participating in such a relationship.

PROCEDURES

If an amorous relationship exists or develops between individuals having a power differential within the College, the person with greater power shall report the relationship to an appropriate supervisor or to the Director of Human Resources. The supervisor or the Director shall make suitable arrangements:

- To ensure the objective evaluation of that person's performance, and
- To protect affected individuals and the integrity of the College's functioning as well as the confidentiality of all those involved.

OTHER CONSIDERATIONS

Employees engaged in conduct of the type described in this policy may also violate the College's policy prohibiting sexual harassment. In addition, all faculty members, supervisors, and other employees should understand that there are substantial risks even in consenting amorous relationships where a power differential exists. Even if the conflict of interest issues are resolved, charges of sexual harassment may develop. A faculty member's or supervisor's protection under applicable law, including legal representation provided by the College, may not apply because such relationships may be outside the scope of one's employment. Furthermore, in administrative actions or lawsuits resulting from allegations of sexual harassment, consent may be very difficult to establish where a power differential exists. Even relationships in which there is no direct power differential may cause difficulties because faculty or staff employees engaged in such a relationship may, in the future, be placed in a position of responsibility for the students or employee's instruction or evaluation.

SANCTIONS

The process for investigating an alleged violation of the College's Amorous Relationship policies and the sanctions for a violation of this Policy are the same as the process for investigating possible violations of the College's Non-Discrimination (Sexual Harassment) and Retaliation Policies and the sanctions for violation of these Policy, which may include administrative leave without pay, transfer, demotion and termination.

Community Assembly

Saint Mary's College is a community dedicated to the intellectual enrichment and personal development of all its members through study, inquiry and continuing communication with one another. Every member of the community bears the responsibility of acting in an orderly and civil manner in communication with others. Rational discussion is the hallmark of such communication in this educational environment committed to the active pursuit of truth, understanding, and the dignity of all.

Formal and informal dialogue, participation in committees, and the proceedings of the student government and College committees are accepted avenues of communication. The College recognizes the right of members of the community to express their views individually and collectively in matters of institutional policy or on matters of interest to the community as a whole. The College will not officially recognize any student organization, club, or group organized to advocate or promote behavior which is illegal or in conflict with the official teachings of the Catholic Church. Registration and/or approval of the gathering must be obtained from the dean of the school prior to publicizing the actual event. All public assemblies, therefore, are expected to assure the following factors in order to be considered both appropriate and permissible at the College:

1. It is orderly and peaceful.
2. Participants do not restrict the freedom of expression, of movement, or any other fundamental freedom of others.
3. Participants do not threaten or cause personal injury, damage or destruction of property.

4. It does not threaten, disrupt, or impair the regular or essential operations of the College, especially those of an academic or administrative nature, or of an extracurricular or social function.
5. The event or material distributed does not advocate behavior that is illegal or in conflict with the Catholic values and traditions of the College.

FERPA Policy (Family Educational Rights and Privacy Act of 1974)

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. FERPA also protects the privacy of these records and requires the College to inform all students of the granted rights and safeguards. FERPA gives students the following rights:

A. The right to inspect and review the student's education records:

A student may review education records directly concerning the student within 45 days of the day the College receives a request for access. Students shall submit their requests to the Office of the Registrar, who is authorized to review each request and to approve requests which are proper. The Registrar will make arrangements for access and will notify the student of the time and place where the records may be inspected. Students may request copies of their records. A student may be charged for this service, but the amount will not exceed the actual cost of producing the records. The College does not provide copies of documents (discipline record, high school transcripts, transcripts from other colleges, test scores, letters of recommendation, etc.), unless failure to receive a copy would interfere with the student's ability to inspect or review his/her education record or other arrangements cannot be made in order for the student to review and inspect their record.

There are certain records which a student may not review, including, (i) financial records of parents; (ii) confidential letters and recommendations relating to admissions, employment and honors, for which a waiver of the right of access has been signed by the student, provided that upon request the student is given the names of those persons writing letters; (iii) a physician's or psychologist's records (a student may, however, provide the College with written authorization to have his or her own physician or other appropriate professional review the records); and (iv) records of personnel of the College which are "sole possession records" (e.g. memory aids or reference tools/notes used by the maker thereof and are not made accessible to or revealed to other persons). In addition, where a record contains information that concerns more than one student, a student requesting inspection will be informed about the information only insofar as it pertains to that student.

B. The right to request the amendment of the student's education records:

A student may ask the College to amend a record that the student believes is inaccurate. The student should write the College official responsible for the record, clearly identify the part of the record he or she wants changed, and specify why it is inaccurate. A student also has the right to insert in his or her records written explanations concerning the content of his or her records if a request to make a change has been denied (see below). Please note that FERPA does not give any student

the right to contest a grade given in a course, but does give the student the right to seek to correct an improperly recorded grade. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. A representative from the office of Academic Affairs has been designated as the hearing officer. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

C. The right to consent to disclosures of personally identifiable information:

Personally identifiable information contained in the student's education records may not be disclosed without the student's consent, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including public safety personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a discipline or grievance committee, or assisting another school official in performing his or her tasks. In addition, the College may, but is not required to, disclose personally identifiable information from an education record of a student without consent if the disclosure meets one or more of the following conditions:

1. The disclosure to officials of other universities in which a student seeks enrollment, provided that the student is given notice of the disclosure, is provided with a copy of the records disclosed (if so requested by the student), and is given the opportunity to review and challenge the records sought. College policy is to forward only Saint Mary's College transcripts and only upon a student's written request.
2. The disclosure is to an authorized representative of the Comptroller General of the United States or to certain federal, state and local educational authorities.
3. The disclosure is in connection with financial aid for which the student has applied or which the student has received.
4. The disclosure is to State and local officials or authorities under applicable state laws concerning the juvenile justice system.
5. The disclosure is to organizations conducting studies, provided that the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted.
6. The disclosure is to accrediting organizations to carry out their accrediting functions.
7. The disclosure is to parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.

8. The disclosure is to comply with a judicial order or lawfully issued subpoena and the College has made a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
9. The College initiates legal action against a parent or student and has made a reasonable effort to notify the parent or eligible student so that the parent or eligible student may seek protective action.
10. The disclosure is in connection with a health or safety emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
11. The disclosure is information the educational agency or institution has designated as "directory information" (see below).
12. The disclosure is to an alleged victim of any crime of violence of the results of any discipline proceeding conducted by an institution of post-secondary education against the alleged perpetrator of that crime with respect to that crime.

D. The right to file a complaint with the U.S. Department of Education:

A student may file a complaint concerning an educational institution's alleged failure to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, Washington, DC 20202-4605.

DIRECTORY INFORMATION

Material classified as "directory" information can be released without student consent. Directory information, as defined by the College, includes the following: the student's name, date/place of birth, photographs, periods of enrollment, degrees, awards and honors received, major fields, campus or home address, e-mail address, student class schedules, telephone numbers, height/weight of student athletes and the most recent previous educational institution attended by the student. A student may, however, have all of the information withheld upon written notice to the Office of the Registrar given within ten days after the beginning of each semester.

USA PATRIOT ACT AND FERPA

This Act permits designated federal officials to apply for a court order to obtain copies of student records relevant to an investigation of terrorism or other crimes, without notifying the student. All requests for such information should be referred to the Office of General Counsel.

Film Policy

Only films that have been rated G, PG, PG-13, NC-17 or R by the Motion Picture Association of America (MPAA) may be rented with College funds and shown in a College facility. Any film unrated or rated X by the MPAA may not be secured with College funds or shown in a College facility. Use of films is restricted to those films rented through the appropriate distributor holding the necessary rights for public performance. Screening of any other films (for example, privately owned

tapes/DVDs or those rented from a video store) for public viewing is a violation of copyright law, even when such screening is free, and is therefore prohibited on campus.

Medical Leave of Absence

One of Saint Mary's College's goals for students is to ensure a quality education while fostering an environment that promotes education, service, and the growth and safety of all members of its community. College officials may become aware of a student who may be seriously interfering with some aspect of that goal because of a physical, emotional, or psychological health condition. In these situations, College officials may consider the appropriateness of (1) utilizing the regular student disciplinary system, or (2) involuntary examination, hospitalization, and treatment for mental illness. In addition to, or instead of, either of those procedures, the matter may be handled as a potential medical leave of absence according to the procedures described in this policy.

Involuntary medical leave of absence is not a substitute for appropriate disciplinary action. A student suffering from a mental disorder who is accused of a disciplinary violation should not be diverted from the disciplinary process unless, as a result of the mental disorder, the student either lacks the capacity to respond to the charges, or did not know the nature and quality of the act in question. This policy should not be used to dismiss students who have not otherwise engaged in conduct which poses a danger to themselves or to others, or which substantially disrupts normal College activities.

The College may also request or require a student to withdraw from the College when, as a result of their physical, psychological, or emotional health, the student engages or threatens to engage in conduct that: (1) poses a direct threat of harm to themselves or others, or (2) is disruptive to the extent that it either causes emotional, psychological, or physical distress to other members of the College community, or (3) substantially impedes the ability of other students, faculty, or staff to participate in the educational programs or employment opportunities offered by the College.

Students may also be requested or required to withdraw from the College if they refuse to cooperate with recommended procedures that allow for an accurate assessment of the student's physical or psychological functioning. Withdrawal may also be requested or required if a student's physical or psychological condition is of sufficient severity to substantially exceed the normal limits of the College's or locally available treatment resources and whose condition will deteriorate without additional resources.

VOLUNTARY MEDICAL LEAVE OF ABSENCE

The following guidelines outline the College's procedure for granting a voluntary medical leave of absence. These guidelines are intended to provide a mechanism whereby an ill student will not be penalized for seeking treatment for his/her illness.

A student can be granted a voluntary medical leave of absence from the College in those cases in which the student's health is impeding normal academic progress. The student must submit written documentation establishing the need for leave to the Dean of Academic Advising & Achievement from the student's treating licensed and relevant non-familial health care professional. The Dean of Academic Advising

& Achievement will decide whether to grant the leave of absence, and may do so in consultation with the Director of Student Health & Wellness and/or other relevant private health care professionals. It is preferable, but not mandatory, that the Director of Student Health & Wellness or the Director of Counseling be involved before a student departs on a voluntary medical leave of absence. In the event that a student is injured or becomes ill away from the College, a student may submit a written request to the Dean of Academic Advising & Achievement for a medical leave of absence and include documentation on the need for a medical leave from the treating physician.

Upon receiving a voluntary medical leave, the Dean of Academic Advising & Achievement will provide written communication to the student that shall include a rationale, the conditions and requirements that must be met and the process by which the student requests readmission. For administrative purposes students who have voluntarily withdrawn may be considered on leave from the College and the Dean of Academic Advising & Achievement will inform the Registrar.

Within five (5) days of receiving the written decision of the Dean of Academic Advising & Achievement, if a student is denied a voluntary medical leave, the student may appeal to the dean of the school. The student shall state in writing the specific points the student wishes the dean or designee to consider. The dean's decision is final.

When a student is placed on a voluntary medical leave of absence, the student will be withdrawn from all classes. Tuition and room and board reimbursement will be in accordance with established College withdrawal policy.

IMMEDIATE INTERIM SUSPENSION

In certain circumstances, the dean of the school or designee may impose an Immediate Interim Suspension to immediately remove an individual from the College community for any of the following reasons: (1) to ensure the safety and well-being of members of the College community or to preserve College property; (2) to ensure a student's own safety or well-being; or, (3) if a student poses a threat of disruptions or interference with the normal operations of the College. Every attempt will be made by the dean of the school or designee to meet as soon as possible with the student before deciding on an Immediate Interim Suspension. If the student is to be suspended, the decision will be communicated in writing to the student. During the period of the Immediate Interim Suspension, the student may be denied access to College activities, facilities and/or classes or other privileges for which the student might otherwise be eligible, as the dean of the school or designee may determine to be appropriate. The Immediate Interim Suspension shall remain in effect until the dean of the school or designee determines that the reason for imposing the suspension no longer exists.

INVOLUNTARY MEDICAL LEAVE OF ABSENCE

The dean of the school should be notified whenever a student appears to have a serious physical, psychological, or emotional disorder which offers reasonable cause to believe she or he may be a danger to self or others, or may disrupt proper activities of the College community and its members.

The dean of the school will contact the student and seek voluntary resolution of the situation through investigation and

review. Voluntary withdrawals are encouraged to maximize the participation of the student and his or her family in this process. Depending upon circumstances, an immediate professional assessment of the student's condition by the appropriate medical or mental health specialists, or both, or other appropriate resources may be required, including a report of the findings to the Health Review Team. A student who fails to meet the conditions for evaluation may be subject to an Immediate Interim Suspension.

The Health Review Team is comprised of the following individuals: Director of Student Health and Wellness or the Director of Counseling, and the Dean of Students who serves as the chairperson. In the absence of any individual, a designee may be appointed by the Vice Provost of Student Life.

Students who agree or are required to undergo an assessment will be scheduled to participate in a general review of status by the Health Review Team. This normally includes a personal interview of the student by the Team. The Team may also interview other individuals who have prior knowledge of the matter.

Additional assessments including, but not limited to, psychological testing, medical examination, or referral for psychiatric consultation may be required. The student must sign a waiver(s) allowing any attending medical or behavioral health professional to release the records and allow them to discuss these records with the Health Review Team.

The Health Review Team will receive all medical, psychological or observational reports submitted with regard to or on behalf of the student as may pertain to determining health status. Treatment and evaluative reports should include information pertaining to diagnosis, treatment, and prognosis.

Within a reasonable period of time after all personal interviews and other possible assessments are conducted and reviewed, the Health Review Team will render a decision. The written communication to the student shall include a rationale, the conditions and requirements that must be met and the process by which the student requests readmission. For administrative purposes students who have been involuntarily withdrawn may be considered on leave from the College and the dean of the school will inform the Registrar.

Within five (5) days of receiving the written decision of the Health Review Team, if a student disagrees with the decision regarding involuntary withdrawal or readmission, the student may appeal to the dean of their school. The student shall state in writing the specific points the student wishes the dean to consider. The dean's decision is final.

When a student is placed on an involuntary medical leave of absence, the student will be withdrawn from all classes. Tuition and reimbursement will be in accordance with established College withdrawal policy.

READMISSION

During any medical leave of absence, the College expects the student to undergo professional health-care treatment as the primary method of resolving the initial problem. Failure to seek ongoing treatment will raise serious doubt as to the student's readiness to return, and in such cases the College may withhold readmission until appropriate treatment has been received. The College expects that ill health which results

in a medical leave must be treated satisfactorily in order for the student to return to the intellectual and emotional demands of campus life.

The College also requires that the student's off-campus primary health care provider make contact with the Director of Student Health and Wellness or the Director of Counseling and discuss the nature of the problem that led to the student's taking medical leave. To facilitate this communication, the student must provide written releases to both parties to communicate freely with each other. This communication must occur prior to the beginning of the student's treatment to ensure that there is clarity regarding the medical and/or psychological problems that need to be addressed in treatment.

When a student is placed on a medical leave of absence, a letter from the Dean of Academic Advising & Achievement or the dean of the school to the student will include the conditions and requirements that must be met and the process by which the student requests readmission. A student who has withdrawn under the Medical Leave of Absence policy may not seek readmission to the College before the start of the next term.

A student wishing to return from a medical leave must initiate a request for readmission by writing a letter to the dean of the school less than four (4) weeks prior to the start of the fall or spring terms. The Health Review Team will consider the student's request based on a review of the entire record including any and all new information relevant to the matter, and may impose conditions on the student's readmission. The Team may interview the student but is not required to do so.

TRANSCRIPTS

A student who, under the Medical Leave of Absence policy, is allowed to withdraw or who is withdrawn will be given a "W" grade for each course in which the student is currently enrolled. An administrative hold will be placed on the student's record to prevent any unauthorized readmission by the student. All records concerning medical leaves of absence are considered confidential and will only be kept by the appropriate office(s) at the College.

NONDISCRIMINATION DISCLOSURE

In compliance with applicable law and its own policy, Saint Mary's College of California is committed to recruiting and retaining a diverse student and employee population and does not discriminate in its admission of students, hiring of employees, or in the provision of its employment benefits to its employees and its educational programs, activities, benefits and services to its students, including but not limited to scholarship and loan programs, on the basis of race, color, religion, national origin, age, sex/gender, marital status, ancestry, sexual orientation, medical condition or physical or mental disability.

Policy Prohibiting Discrimination and Harassment, Including Sexual, and Retaliation

Saint Mary's College of California is committed to creating and maintaining a community in which all persons who participate in Saint Mary's programs and activities can work and learn together in an atmosphere free of all forms of discrimination, exploitation, intimidation, or harassment, including sexual, based on a legally protected characteristic or status. Every member of the Saint Mary's community should be aware that Saint Mary's will not tolerate harassment or discrimination on

the basis of race, color, religion, national origin, ancestry, age, gender, sexual orientation, marital status, medical condition, or physical or mental disability, gender stereotyping, taking a protected leave (e.g. family medical or pregnancy leave) or on any other basis protected by applicable laws. Such behavior is prohibited both by law and by Saint Mary's policy. It is Saint Mary's intention to take whatever action may be needed to prevent, correct, and if necessary, discipline behavior which violates this policy, which may include suspension, termination, expulsion, or another sanction appropriate to the circumstances and violation. All members of the Saint Mary's community, including faculty, students, and staff are responsible for maintaining an environment that is free of sexual harassment and other forms of discrimination, harassment and retaliation as described in this Policy.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination, which is illegal under both federal and state laws. It can be verbal, visual, or physical. Although what constitutes sexual harassment will vary with the particular circumstances, it is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in a College activity; or
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting that individual; or
- Such conduct has the effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or abusive working or learning environment.

Sexual harassment does not include verbal expression or written material that is relevant and appropriately related to course subject matter or curriculum, and nothing in this policy is intended to interfere with Saint Mary's educational mission or academic freedom, e.g., the ability of a teacher or student to examine examples of harassment appropriate to a particular subject.

A determination of whether particular conduct creates an intimidating, hostile or abusive work or learning environment is assessed from the point of view of a reasonable person in the complainant's position. Such a determination also takes into account the totality of the circumstances, including, but not limited to, the following:

- the frequency of the offensive conduct
- its seriousness
- whether it is physically threatening or humiliating
- the location of the conduct and the context in which it occurred
- the degree to which the conduct affected the education or employment environment
- the relationship between the parties

Examples of Conduct Which May Be Sexual Harassment

Examples of verbal, physical or visual conduct which may be sexual harassment include, but are not limited to:

- direct propositions of a sexual nature
- sexual innuendoes and other seductive behavior, including subtle pressure for sexual activity such as repeated, unwanted requests for dates, and repeated inappropriate personal comments, staring, or touching
- direct or implied threats that submission to sexual advances will be a condition of employment, promotion, grades, etc
- conduct (not legitimately related to the subject matter of a course or curriculum, if one is involved) that has the effect of discomforting, humiliating or both, and that includes one or more of the following: comments of a sexual nature, including sexually explicit statements, questions, jokes, anecdotes, or graphic material (e.g., visuals, such as screen savers, which are sexually explicit)
- unnecessary or unwanted touching, patting, massaging, hugging or brushing against a person's body or other conduct of a physical nature
- remarks of a sexual nature about a person's clothing or body
- insulting sounds or gestures, whistles, or catcalls
- invading someone's personal space or blocking her/his path
- unwelcome and inappropriate letters, telephone calls, electronic mail, or other communications
- displaying sexually suggestive objects, pictures, cartoons or posters (e.g. screen savers).
- a consensual romantic or sexual relationship which: causes adverse treatment of third parties; or creates a hostile or intimidating working or learning environment for third parties
- stalking (which is also criminal behavior)
- sexual assault (which is also criminal behavior)

Some conduct that may appear to be consensual may also be unacceptable.

Sex/gender based discrimination, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on a person's gender or gender-based characteristics, but not involving conduct of a sexual nature (e.g., the repeated sabotaging of female students' laboratory experiments by male students in the class), may be a form of sex discrimination prohibited by law. While sex/gender-based discrimination may be distinguished from sexual harassment, acts of sex/gender-based discrimination may contribute to the creation of a hostile work or academic environment. Thus, a determination of whether a hostile environment due to sexual harassment exists may take into account acts of sex/gender-based discrimination.

Not all sexual harassment occurs between persons of differing power. Sexual harassment may also occur between peers. In addition, while the majority of reported cases of sexual harassment involve a male harassing a female, sexual harassment may also involve a female harassing a male, or an individual harassing a person of the same gender.

NOTE: Nothing in Saint Mary's policy prohibiting sexual harassment should be construed to prevent employees from rigorously challenging fundamental beliefs held by students and society. However, employees may not interject into the academic setting sexual material that is unrelated to any legitimate educational objective or allow the educational setting to be so sexually charged that Saint Mary's students

are prevented from effectively participating in the academic environment.

Retaliation and/or Violation of Interim Protections

Threats or other forms of intimidation and/or retaliation against a student or employee for bringing a complaint of alleged discrimination, harassment (including sexual or sexual assault) or of any other violations of College policies, including but not limited to the Student Code of Conduct, are prohibited. This prohibition includes threats or other forms of intimidation and/or retaliation against the family or friends of a student or employee who brings a complaint under this policy, or those who assist a student or employee in bringing a complaint, or those who participate in an investigation and/or student discipline process for an alleged violation of the Student Code or other policy.

Retaliation is a violation of College policy and may also be a violation of the law. An allegation of retaliation constitutes an independent basis for investigation and imposition of sanctions on the retaliating student or employee if determined to have occurred. All conduct that is believed to constitute retaliation should be reported immediately to the dean of the school (when the individual alleged to have engaged in retaliation is a student or student visitor) or to the Director of Human Resources (when the individual alleged to have engaged in retaliation is an employee (faculty and staff) or visitor to the College (e.g., contractors, vendors, or non-student guests). The reporting procedures described below also apply to allegations of retaliation. Interim protections mean steps the College takes to reasonably protect employees and students during an investigation and/or student discipline process.

Reporting Procedures and Resources for Addressing Complaints of Discrimination, Harassment, Including Sexual, and Retaliation

Saint Mary's has in place internal procedures to investigate and address complaints of discrimination, harassment (including sexual) and retaliation as described in this Policy. These procedures are intended to assure fairness and to maintain confidentiality in the process of responding to complaints.

Complaints of discrimination and harassment, including sexual harassment or sexual assault, based on the protected characteristics listed above and/or retaliation involving students or student visitors should be reported promptly to the dean of the school who will initiate the appropriate student discipline process to address those complaints.

Complaints of discrimination, harassment, including sexual harassment or sexual assault, based on the protected characteristics above and/or retaliation that involve employees (faculty and staff) or visitors to the College (e.g., contractors, vendors, volunteers or non-student guests) should be reported promptly to the Director of Human Resources, who is responsible for overseeing Saint Mary's compliance with this Policy and who will determine the appropriate next step for investigation and resolution. In the case of conduct involving a faculty or staff member or a visitor, then the conduct may be reported initially to the dean of the school, in addition to, or instead of, the Director of Human Resources.

All members of the Saint Mary's community shall cooperate fully with the Director of Human Resources in the fulfillment of her/his responsibilities.

In addition, individuals who believe they have experienced discrimination, harassment, including sexual harassment or sexual assault, based on the protected characteristics listed above and/or retaliation are also free to contact the Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing and/or US Dept of Education's Office of Civil Rights to pursue external legal remedies.

Non-Discrimination Seminars

Saint Mary's offers its employees during each academic year several opportunities to attend seminars regarding discrimination (which will also include an update on legal developments in the area of sexual harassment). Throughout each academic year, students have the opportunity to attend programs regarding discrimination and sexual harassment, including sexual assault. Except as described below, all employees must attend one such on-campus seminar in this area per academic year (defined as July 1 to June 30). Lecturers and adjunct faculty who have difficulty attending on-campus seminars due to either geographic distance from Moraga and/or evening teaching schedules during the academic year, as well as staff who work only at off-campus locations (excluding the Rheem campus), may comply with this requirement by completing an on-line sexual harassment seminar offered by the College once every two academic years. Employees who are on an approved and/or legally mandated leave during the academic year are not required to fulfill this requirement while on that leave, but will be expected to do so in the next academic year following their return from such leave.

Except for those faculty and staff described above, failure of a tenure-track or tenured faculty or staff member to attend an on-site College-sponsored sexual harassment seminar during each academic year, when offered, as evidenced by the absence of a record of attendance at such seminar, may result in the Board of Trustees declining to indemnify (i.e., pay any judgment against or settlement on behalf of the individual), to the extent permitted by law, the faculty or staff member should a claim for discrimination, including but not limited to sexual harassment, or retaliation be brought against that faculty or staff member.

Except for those faculty and staff as described above, failure of a non-ranked faculty member (e.g., adjunct, lecturer) to attend an on-site College-sponsored sexual harassment seminar during each academic year, when offered, as evidenced by the absence of a record of attendance at such seminar, may result in the Board of Trustees declining to indemnify (i.e., pay any judgment entered against or settlement on behalf of the individual), to the extent permitted by law, the faculty member should a claim for discrimination, including but not limited to sexual harassment, or retaliation be brought against that faculty member, as well as precluding that non-ranked faculty member from being considered for or offered another faculty appointment at the College.

Sanctions

Employees who engage in conduct in violation of this policy are acting outside the scope of their employment responsibilities and, in addition to discipline up to and including termination of their employment, may be subject to individual legal liability and damages for their action.

PUBLIC SAFETY POLICIES

Public Safety is responsible for safety and security programs, crime prevention, parking control, Lost and Found and escort services on campus property. Public Safety officers patrol the campus; respond to reports of crimes, fire alarms, medical emergencies and requests for assistance; and enforce campus traffic and parking regulations. While the Moraga Police Department is the official governmental law enforcement agency for our campus, the Department of Public Safety, as a non-sworn security organization, provides the day-to-day, 24-hour security and safety presence on campus. The College requests that all crimes be reported to the Department of Public Safety. While the Department of Public Safety contacts the Moraga Police Department for further investigation and follow-up on criminal matters as appropriate, all victims of crimes retain the right to contact the Moraga Police Department directly for any criminal matter.

TRAFFIC AND PARKING

Parking and vehicle use regulations are designed to provide for orderly parking as well as the safe flow of traffic on campus. Operators of motor vehicles (including, but not limited to, cars, trucks, motorcycles and scooters) and bicycles on campus are expected to safely operate their vehicle while maintaining a maximum speed of 15 mph and observing all College traffic rules and regulations. The rules and regulations include, but are not limited to, yielding to pedestrians, obeying traffic signs and devices, complying with all California vehicular regulations (including, but not limited to, wearing of safety belts, helmet laws, not driving under the influence of alcohol or other drugs), entry or storage in any building, and removal of vehicles from campus at the end of the academic year.

All motor vehicles on campus must be registered with the Department of Public Safety and properly display the appropriate parking permit at all times. Students are eligible for either a Resident permit or a Commuter permit—not both. Permits, parking maps with lot designations and other information are available at the Public Safety Office in Assumption Hall West or the Front Gate Kiosk. Daily visitor parking permits may be obtained at the Front Gate. Violation of these regulations may result in parking citations, vehicle immobilization, towing, and loss of parking privileges and/or referral to the student discipline process. At its discretion, the College may remove and impound motor vehicles or bicycles blocking the entry or exit of any building on campus or found improperly parked or abandoned.

The fines for tickets for parking and traffic violations are paid at the Business Office or may be appealed within fourteen (14) days from issuance. Appeal forms are available at the Public Safety Office in Assumption Hall West or at the Front Gate. Fines not paid or appealed will be doubled and placed on the student's term bill. Failure to pay fines also subjects a vehicle to being immobilized with a tire boot. Vehicles that are immobilized with a tire boot are assessed a \$50.00 boot removal fee in addition to any other fines for violation of parking regulations. The tire boot is not removed from the vehicle until the fee and all fines are paid in the Business Office. Vehicles that are towed from campus are done so at the owner's expense.

Contact the Department of Public Safety for more detailed information concerning campus parking and vehicle use regulations.

CLERY AND SEX OFFENDER NOTICE

As provided by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, Saint Mary's College of California, through its Department of Public Safety, annually provides notice and makes available copies of the Annual Security Report, to the campus community, prospective students, employees and the public. Each Security Report includes statistics for the previous three years concerning crimes and incidents (whether they occurred on campus, in off-campus building and property owned or controlled by the College, or on public property adjacent to campus) reported to campus security authorities. Each Security Report also provides campus policies and practices concerning security, how to report sexual assaults and other crimes, crime prevention efforts, policies/laws governing alcohol and drugs, victims' assistance programs, student discipline, College resources, and other matters. The Security Report is available electronically at stmarys-ca.edu/public-safety/annual-security-and-fire-safety-report. You may request a copy by phone or mail by contacting Department of Public Safety, Administrative Office, Assumption Hall West, PO Box 3111, Moraga, CA 94575-3111, (925) 631-4282. In addition, as provided by the Campus Sex Crimes Prevention Act, the Contra Costa County Sheriff's Office maintains a Megan's Law database of sex crime offenders. Information may be obtained in person from the Sheriff's office located at 500 Court Street, Martinez, CA Monday-Friday, 9:00 a.m. to 4:00 p.m. or through the California Department of Justice website which lists designated registered sex offenders in California at meganslaw.ca.gov.

IMPOUNDING OF PROHIBITED MATERIALS OR EQUIPMENT

The College may impound materials specifically prohibited by the Code, College policy or law. The College may also impound equipment used in a dangerous manner or in violation of the Code or other College policy, including but not limited to kegs, skateboards and instruments of potential violence. Once equipment is impounded, the individual will lose all further privileges of use or possession of such equipment or similar equipment on College property permanently. Prohibited materials or equipment will be destroyed without remuneration.

Retaliation

Threats or other forms of intimidation and/or retaliation against a student or employee for bringing a complaint of any alleged violation of the Code or other College policy are prohibited. This includes threats or other forms of intimidation and/or retaliation against the family or friends of a student or employee who brings a complaint, those who assist a student or employee in bringing a complaint or those who participate in an investigation and/or student discipline process for an alleged violation of the Code or other College policy. Retaliation is a violation of College policy and may also be a violation the law. An allegation of retaliation constitutes an independent basis for investigation and imposition of sanctions on the retaliating student or employee if determined to have occurred. All incidents that are believed to constitute retaliation should be reported immediately to the dean of the school (when the individual alleged to have engaged in retaliation is a student)

or to the Director of Human Resources (when the individual alleged to have engaged in retaliation is a non-student).

Sexual Assault and Sexual Misconduct Policy

Sexual assault, sexual misconduct and "having consensual sex" are not the same. Sexual assault and sexual misconduct are acts of hostility, power, control, degradation, and violence... not passion. They are attempts to control and degrade others using sex and sexual acts as weapons. Anyone can be a victim of sexual assault or sexual misconduct—women, men, and children. Perpetrators of sexual assault and sexual misconduct can be anyone: a stranger, someone you have known for a long time or someone you have just met.

Saint Mary's College of California insists that all members of its community shall be able to pursue their interests free from sexual assault, sexual misconduct and other forms of sexual harassment. This policy pertains to incidents of sexual assault and sexual misconduct between students or where the alleged perpetrator is a student. To report conduct that an individual believes is a violation of this policy when the person engaging in the conduct is a student, follow the procedures outlined below. To report a violation of this policy when person engaging in the conduct is a faculty or staff member, contact the Director of Human Resources at (925) 631-4212. For information regarding reporting other forms of sexual harassment, see the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation.

DEFINITIONS OF PROHIBITED CONDUCT

Sexual Assault is defined as engaging in sexual intercourse with any person without that person's consent. Sexual intercourse is the penetration, however slight, of the vagina, or anus with any object or body part and of the mouth with a sexual body part or sexual object. Students found responsible for violating the sexual assault section of this policy will be expelled.

Sexual Misconduct is defined as the act of making sexual contact with the intimate body part of another person without that person's consent. Intimate body parts include the sexual organs, the anus, the groin or buttocks of any person, or the breasts of a female. Students found responsible for violating the sexual misconduct section of this policy will be suspended for a minimum of one (1) year and will be required to complete an educational sanction assigned by the DHB panel.

Consent is defined as unambiguous and willing participation or cooperation in act or attitude that is commonly understood to be consistent with the exercise of free will. Consent requires participants who are fully conscious, are equally free to act, have clearly communicated their willingness, cooperation, or permission to participate in a specific sexual activity, are positive and clear in their desires, and are able to cease ongoing consensual activity at any time. Refusal to consent does not have to be verbal; it can be expressed with gestures, body language or attitude. A prior sexual history between the complainant and respondent does not constitute consent.

Consent is not freely given if:

1. It is obtained through the use of force, through the fear of or the threat of force, or by kidnap; or
2. A reasonable person in the position of the alleged perpetrator at the time the alleged conduct occurred should have known that the other person was unable to give consent for any of the following reasons:

- a. The individual is unable to make an informed decision as a result of alcohol or other drugs (including but not limited to predatory drugs or prescribed medications); or
 - b. The individual is unconscious, asleep, or suffering from shock; or
 - c. The individual is under the age of eighteen and therefore legally unable to give consent; or
 - d. The individual has a known mental disorder or developmental or physical disability, and therefore legally unable to give consent.
3. The individual has acted or spoken in a manner which expresses he or she refuses to give consent.

COLLEGE AND COMMUNITY RESOURCES

The following resources are available to students and other members of the Saint Mary's community for information and support concerning sexual assault and sexual misconduct:

SMC Campus Assault Resources & Empowerment (CARE) • (925) 878-9207

The College's Sexual Assault Crisis Response Team is available 24-hours a day, seven days a week via published cell phone number, (925) 878-9207, for confidential referral and support services when the College is in session. Members of the team are trained to assist students by providing information and discussing available resources and options (medical, legal, emotional, and academic), making referrals, providing access to appropriate College and community services, and providing on-going follow-up. Members of the Sexual Assault Crisis Response Team do not act as counselors.

The Sexual Assault Crisis Response Team assures confidentiality if contact is made via the Response Team cell phone number. The victim's name and personal information will be kept confidential within the team unless written permission is received to release the information or unless one of the following exceptions exists:

- Knowledge of suicidal or homicidal thoughts; or
- Knowledge that child/elder abuse has occurred; or
- Information release is court-ordered; or
- There is an imminent threat to the safety of the caller, another student and/or a member of the College community.

If any of the above exists the Sexual Assault Crisis Response Team coordinator will consult with appropriate staff regarding next steps.

Students who believe they have experienced conduct that is a violation of the Sexual Assault and Sexual Misconduct Policy or of the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation may choose to contact the Sexual Assault Crisis Response Team for assistance via the Response Team cell phone. When an individual contacts the response team via the cell phone number, no College discipline action will take place unless the individual chooses to move forward and make a formal report to the dean of the school, or designee, or Director of Human Resources as described in the following section on Reporting. Any reports not initiated through the response team cell phone will be considered formal reports and will initiate College action.

CAMPUS RESOURCES

SMC Campus Assault Resources
& Empowerment (CARE) (925) 878-9207

Sexual Assault Awareness Coordinator (925) 631-4193
Advocacy, support, information, and resource referral
Mitty Hall, Garden Level

Women's Resource Center..... (925) 631-4192
Information, advocacy and resource referral
Mitty Hall, Garden Level

Public Safety Department
Emergency 9-1-1 OR (925) 631-4282
General Information/Administration (925) 631-4052

Counseling Center..... (925) 631-4364
Counseling services, support and information
Augustine Hall, Ground Floor

Health and Wellness Center..... (925) 631-4254
Medical and information resource
Augustine Hall, Ground Floor

Student Involvement and Leadership (925) 631-4704

Student Life..... (925) 631-4235

COMMUNITY RESOURCES

Contra Costa County Crisis & Suicide
Intervention 24-hour Hotline 1-800-833-2900

Contra Costa Rape Crisis 24-hour Hotline..... 1-800-670-7273

National Sexual Assault Hotline... 1-800-656-HOPE (4673)
www.RAINN.org

STAND! Against Domestic Violence 1-888-215-5555
24-hour crisis counseling and emergency resource

Moraga Police Department 24-hour number (925) 284-5010

REPORTING

If a student believes he or she has experienced conduct that is a violation of the Sexual Assault and Sexual Misconduct Policy, there are several reporting options available. Students may contact the Sexual Assault Crisis Response Team for information about all available reporting options by calling (925) 878-9207. Please note that any report of conduct made outside of this phone number will initiate College discipline action. To report other forms of sexual harassment see the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation.

To the College

Individuals are strongly encouraged to report conduct that they believe may constitute sexual assault or sexual misconduct to the College and the police. All reports of alleged conduct that, if determined by the DHB to have occurred, would be violations of this Policy received outside of the Sexual Assault Crisis Response Team phone number will be investigated and appropriate disciplinary action will be taken regardless of whether a police report has been filed. The College will evaluate all reports of conduct that might constitute sexual assault and sexual misconduct and, when appropriate, will take disciplinary action in accordance with the student discipline process set forth in this Policy. All complaints must be made within: (a) one year of the date of the conduct, and (b) prior to the actual physical receipt by the respondent of the terminal degree from the College. Reports of conduct can also be made directly to the Office of Public Safety or dean of the school. If the person engaging in the alleged conduct is an employee, reports should be made directly to the Director of Human Resources.

To the Police

Individuals are strongly encouraged to report all conduct they believe to constitute sexual assault or sexual misconduct to the police; however, it is the individual's decision whether or not to file a police report. If the individual wishes, the College will provide assistance in contacting the police and accompanying her/him to the hospital and/or police station. Individuals involved in the report of conduct will have access to support and referral services on-campus regardless of whether or not a report of the conduct is made to the police. Individuals are strongly encouraged to have both a medical exam to ensure their well-being AND a rape kit collected in order to gather forensic evidence.

DISCIPLINE PROCESS

The discipline process described here applies to alleged violations of this policy and the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation (for all other alleged violations of the code or other College policy, refer to the Hearing Process defined in the Rights and Responsibilities section of this handbook). Upon receipt of a report or of conduct, whether oral or written, of an alleged violation, the dean of the school or designee will begin a preliminary investigation and determine if there is enough information to merit a disciplinary hearing regarding the allegation. The dean of the school or designee will meet with the complainant and the respondent separately to explain the student discipline process and obtain from each a written statement and list of witnesses, if any, who have information pertinent to the incident.

After meeting with the complainant and respondent, the Dean of Students or designee will prepare the case to be heard by the DHB panel. The complainant and respondent will generally be given at least twenty-four (24) hour advance notice of the scheduled meeting time for the DHB panel.

Students are expected to participate in the student discipline process when they are called as a complainant, respondent or witness to a hearing. Should a student fail to appear for a hearing when proper notification has been given or should the student fail to provide a statement during the hearing, the hearing will proceed without benefit of that student's input. Meetings with the DHB panel will be scheduled taking into consideration the student's regular academic schedule only.

Truthfulness

All individuals participating in the student discipline process are expected to tell the full and complete truth in all disciplinary matters. In order to ensure this is possible, individuals participating in student discipline hearings regarding an alleged violation of the Sexual Assault and Sexual Misconduct Policy will not be charged and held responsible for minor violations of the code or other College policy. However, if there is a concern about a student's safety and/or use of alcohol and other drugs, the College may recommend counseling or other educational resources to the affected student.

Confidentiality/Privacy

Every reasonable and appropriate effort will be taken by all involved staff to protect the privacy of all individuals involved in a student discipline proceeding, as well as the confidentiality of the details and content of the student discipline process, including, but not limited to the preliminary investigation, DHB hearing, appeal process, and except where permitted by College policy and consistent with applicable law, the sanctions imposed and on whom. However, the College cannot guarantee absolute confidentiality. Students involved in the student discipline process, either directly, or as a witness, are expected to maintain the confidentiality of the process and be mindful of the privacy of others involved.

Rights of the Individual Alleging the Violation/Complainant

- The right to an advisor who will assist the individual through the student discipline process.
- The right to confidentiality of the student discipline process to the extent possible (see above).
- The right to request a change of on-campus residence.
- The right to request academic schedule adjustments.
- The right to on-campus emergency counseling sessions with a member of the Counseling Center staff.
- The right to seek off-campus medical and counseling services.
- The right to seek confidential assistance from the Sexual Assault Crisis Response Team, a member of the Counseling Center staff in a client relationship, or a priest in a confessor relationship.
- The right to make a complaint which will initiate the student discipline process.
- The right to request an on-campus no contact order for the respondent as an interim measure through the student discipline process.
- The right to file a police report and take legal action separate from and/or in addition to student discipline action.

Rights of the Respondent

- The right to an advisor who will assist the individual through the student discipline process.
- The right to confidentiality of the student discipline process to the extent possible (see above).
- The right to on-campus emergency counseling sessions with a member of the Counseling Center staff.
- The right to seek confidential assistance from a member of the Counseling Center staff in a client relationship, or a priest in a confessor relationship.
- The right to seek outside counseling support.

Advisors

Both the complainant and the respondent involved in a disciplinary matter alleging a violation of this policy or the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation, have the option of choosing a member of the College community (faculty, staff, or student) as an advisor to accompany them through the process. The advisor may not be a parent, relative, an attorney or a representative of an attorney.

Members of the DHB panel or individuals who will be serving as a witness in the case may not serve as an advisor. The advisor is not an advocate for the student in the proceedings and may not address the DHB panel or speak on behalf of the student. The advisor may speak with the student privately and in a manner that is not disruptive to the hearing or student discipline process. The respective student's advisor may be present at any time at which the student they are advising is meeting with the DHB panel or other member of the College staff regarding the disciplinary matter and at which the student wishes for them to be present. Additionally, written statements signed by either an advisor or an individual who is not eligible to serve as an advisor (including an attorney) will not be accepted as part of the student discipline process, including any appeals filed by the student(s) subsequent to the DHB hearing.

The advisor is obligated to maintain the confidentiality of the nature of the allegation(s), the content of the student discipline process, and the privacy of the complainant, respondent, and any witnesses known to the advisor.

A list of individuals who have volunteered and have been trained to serve as advisors in sexual assault, sexual misconduct and sexual harassment cases is available from the Dean of Students or designee to both the complainant and the respondent. Students are strongly encouraged to choose an advisor to assist them in the student discipline process. It is the student's decision if they want an advisor and who that advisor will be.

Disciplinary Hearing Board Panel

The DHB panel for sexual assault, sexual misconduct and sexual harassment cases is comprised of faculty and staff who have been trained to hear these cases. Three (3) members of the DHB pool will generally be called to sit on a DHB panel, with one member serving as chair. Members of the DHB pool are appointed the Dean of Students. The Dean of Students or designee serves as the discipline process facilitator for all sexual assault, sexual misconduct and sexual harassment cases and is present during the hearing. The facilitator's role is to assist the chair and to ensure compliance with the process and procedures outlined below.

It is expected that DHB panel members will exhibit the highest ethical standards and disqualify themselves if they believe they cannot be impartial or fulfill their obligation to maintain the confidentiality of the process and the dignity and privacy of the respondent, the complainant, and any witnesses before, during, and after the disciplinary hearing. Both the respondent and complainant may raise issues of concern about the impartiality of a member of the DHB panel convened for a particular case. The Dean of Students has the sole discretion to decide whether a DHB panel member can be impartial and will remove anyone whom he/she determines is unable to be impartial and/or respectful of the confidentiality of the process and privacy of the individuals involved.

Outline of Hearing

1. DHB panel proceedings are closed to all parties except the individual student(s), the DHB panel, the facilitator, witnesses, and the respective students' advisor(s).
2. The chair will convene the DHB panel.
3. The chair will introduce the DHB panel to the complainant and explain the process.
4. The complainant will be asked to submit a written statement or make an oral statement to the DHB panel. Upon completion of the statement, the complainant will answer questions from the DHB panel. The complainant will be excused until the DHB panel recalls him/her for further questions.
5. The chair will invite the respondent into the hearing and will introduce the DHB panel to the respondent and explain the process. The facilitator will read to the respondent the complaint (including material information supporting it, e.g. time, place and specific conduct alleged), the College Policy that the conduct, if found to have occurred, would violate and the complainant's statement.

The respondent will be asked to submit a written statement or make an oral statement. Upon completion of the statement, the respondent will answer questions from the DHB panel. The respondent will be excused until the DHB panel recalls him/her for further questions.

The chair will recall the complainant. The facilitator will read the respondent's statement to the complainant. The complainant will be given the opportunity to respond to the respondent's statement at this session or he/she may request a subsequent session of the DHB panel to prepare a response.

If the complainant determines that a subsequent session of the DHB panel is not required, the complainant will respond to the statement and answer questions from the DHB panel.

If the complainant determines that a subsequent session of the DHB panel is required, the complainant will answer questions from the DHB panel and upon completion of these questions, will be excused until the DHB panel recalls him/her for the subsequent session.

The chair will recall the respondent. The facilitator will read the complainant's statement, if any, to the respondent. The respondent will be given the opportunity to respond to this statement at this session or the respondent may request a subsequent session of the DHB panel to prepare a response.

If the respondent determines that a subsequent session of the DHB panel is not required, the respondent will respond to the statement and answer questions from the DHB panel.

If the respondent determines that a subsequent session of the DHB panel is required, the respondent will answer questions from the DHB panel and upon completion of these questions, will be excused until the DHB panel recalls him/her for the subsequent session.

Any witnesses will individually be asked to make a statement and respond to questions from the DHB panel.

All participants (complainant, respondent, and any witnesses) must be available for recall by the DHB panel for additional questioning until the chair excuses them.

The chair will ask the respondent to make a closing statement to the DHB panel. The respondent is then excused from the proceedings.

The chair will ask the complainant to make a closing statement to the DHB panel. The complainant is then excused from the proceedings.

The DHB panel will deliberate in private and based on their investigation and interviews will determine an appropriate finding:

- It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for a violation of the Code or College policy, or
- It is more likely than not that the alleged conduct occurred and the respondent is responsible for a violation of the Code or College policy and impose sanctions, as appropriate.

The chair will notify the dean of the school or designee of the hearing's outcome within twenty-four (24) hours of its completion. The dean of the school or designee will communicate the finding of the DHB panel to the respondent and the complainant in writing generally within seven (7) business days. Unavoidable delay in providing notice of outcome shall not constitute an appealable procedural error.

SANCTIONS

The College has established minimum sanctions for violations of the Sexual Assault and Sexual Misconduct Policy. The conduct prohibited by this Policy is described in the Definitions of Prohibited Behaviors section of this policy. A more severe, but not less than the minimum, sanction(s) may be imposed by the DHB panel depending on the circumstances of a particular case. Any one or more of the sanctions (in excess of the minimum required sanctions) may be assessed to a student found responsible for violating the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation.

APPEAL PROCESS

This process applies to an appeal of sanctions received from a violation of Sexual Assault and Sexual Misconduct Policy only. For appeal of sanctions received from a violation of the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation, refer to Section F (Appeals) as defined in the Student Conduct Code and Procedures section of this Handbook. Both the complainant and the respondent may participate in the appeal process in student discipline cases for violations of the Sexual Assault and Sexual Misconduct Policy.

The decision of the Disciplinary Hearing Board regarding responsibility may be appealed by the respondent and/or the complainant within five (5) business days of the decision. The purpose of the appeal is not to rehear the underlying student discipline case; for example, credibility determinations made by the DHB will not be revisited or reconsidered. The sole purpose of an appeal is to determine if there is, in the first instance, sufficient information based on the written record before the Appeal Board to establish its jurisdiction to consider and decide the appeal and, if so, thereafter, to determine whether the information submitted by the student appealing states sufficient grounds (see below) to grant the appeal and take any of the actions described below.

Only one request for an appeal may be submitted by either the complainant and/or the respondent. The appeal may only be submitted by the student and shall consist of:

1. A completed Appeal Request Form (available in the dean's office), and
2. A statement outlining and supporting the specific basis on which the student is appealing.

NOTE: Appeals signed by anyone other than the student appealing, including appeals signed by an advisor or someone not eligible to serve as an advisor (including an attorney), will not be accepted for appeal.

An appeal must be submitted to the dean of the school and must be based on one or more of the following grounds or it will not be accepted and considered:

1. A process or procedural error was made that was significantly prejudicial to the outcome of the hearing as it affects the student appealing.
2. New information that was not available or known to the student appealing at the time of the hearing has arisen which, when considered, may materially alter the outcome.
NOTE: Information that the appealing student chose not to present at the time of the hearing is not considered new information.
3. The severity of the sanction imposed was not appropriate based on the section of the Code or other College policy which the student was found to have violated.

If an appeal is received from either the complainant or the respondent, the Dean of the School or designee will notify, in writing, the non-appealing student within five (5) business days of receipt of the appeal that an appeal has been filed and the ground(s) upon which the appeal has been made. Within five (5) business days of such notification, the non-appealing student may submit a written statement to the Dean of the School or designee that he/she wishes to be considered by the Appeal Board.

An appeal is heard by an Appeal Board consisting of two (2) members of the DHB pool who did not serve on the original case and the Dean of the School or designee will chair the hearing. The Appeal Board will not meet with the respondent and/or the complainant or rehear the case; it will not, for example, reconsider the DHB's determinations of credibility. The Appeal Board will consider only the merits of an appeal on the basis of the information provided in the Appeal Request Form, the student's written statement, the written record of the case, and the student's entire discipline record. Based on these materials, the Appeal Board will:

1. Reject the appeal if it finds the basis for appeal unsubstantiated; or
2. Reject the appeal if it finds that any procedural errors were minor in nature and would not have altered the outcome of the hearing or the sanctions imposed; or
3. Modify the sanction(s) if they are found to be inappropriate; or

4. Return the case to the DHB panel for further consideration (which may, but does not, require a rehearing of the entire matter) if a procedural error or new information, as defined above, has arisen. In such cases, the same DHB panel who originally heard the case shall reconvene as soon as possible. If a member of the original DHB panel is no longer available, the Dean of Students will select additional DHB panel member(s) from the DHB pool.
5. Reverse the decision of the DHB panel or remand the case to a new DHB panel where substantial procedural error is determined to have unfairly influenced the hearing.

The Appeal Board chair will communicate its decision to the respondent and the complainant in writing once a decision has been reached. The decision of the Appeal Board is final and no further appeals are permitted.

During the consideration of a request for an appeal, sanctions imposed by the DHB panel shall not be in effect. However the Dean of the School or designee may impose conditions or continue existing conditions governing the respondent's status with the College during the appeal process.

Solicitation, Distribution and Advertising Policies

COPYRIGHT/USE OF COLLEGE NAME AND LOGO

The College's names, logos, seal and other marks, including but not limited to the image of the Chapel, are protected under state and federal law and the unauthorized use of these marks is prohibited. Furthermore, the De La Salle statue is protected by copyright. Permission for any student or recognized student group to use these marks must be coordinated through the Assistant Dean of Student Life for Student Involvement and Leadership, who shall obtain permission in writing from the appropriate Saint Mary's official charged with managing the use of Saint Mary's marks.

POSTING POLICY

In order to comply with established fire codes, to reduce visual clutter on campus, to reduce paper waste and to cut overall costs of event promotion for groups and organizations, a posting policy has been established by the campus Deans and Directors Committee with the approval of the President's Cabinet. The College's posting policy applies to all printed materials posted or distributed on campus.

Designated Posting Areas and Methods. Special posting areas will be designated in 27 high-traffic areas located throughout central campus. These areas will be painted a uniform color and will be clearly marked as posting areas for approved materials. No materials may be posted outside of these areas. Posting will not be permitted on any painted building surfaces (other than the designated posting areas), glass doorways, windows, floor surfaces, or areas that might appropriately be used as escape routes in a fire or other emergency. Only special masking tape ("painter's tape") may be used to secure postings. All materials must be removed once the event is over and/or College approval expires; failure to remove expired postings might result in monetary fines or loss of posting privileges. Large banners, signs, or other specialized promotional materials may be posted only with advance approval from the Office of Student Involvement and Leadership.

Posting Approval. All posted materials must be approved by the Office of Student Involvement and Leadership, unless those materials are posted on one of five public posting areas (non-designated corkboards in building hallways of Dante Hall, Garaventa Hall, and Galileo Hall). The printed material must include the name and contact information of the sponsoring organization along with the event cost, date, time, and location. Material that is inconsistent or incompatible with the College's mission and goals as determined by the Assistant Dean of Student Life for Involvement and Leadership, in consultation with the Vice Provost for Student Life, will not be posted or otherwise circulated. Any posting that does not display the stamp of the Office of Student Involvement and Leadership will be removed.

No postings are allowed in or on any residence hall without the explicit permission of the Office of Residence Life.

SOLICITATION AND COMMERCIAL ACTIVITY

The College has an obligation to preserve the student's right to personal privacy, safety, and security. Individuals or organizations wishing to engage in commercial activity on campus may do so only with the written approval of the Vice President for Finance. The College does not allow door-to-door solicitation of products or services in the residence halls. This policy applies to all College and off-campus organizations, groups and individuals.

Fundraising Policy

All solicitations of cash gifts from Saint Mary's College alumni, parents and friends must receive prior approval from the Senior Director of Development.

Student Services Policies

IDENTIFICATION CARDS (IDS)

Incoming students are issued a photo ID card at orientation or registration. The ID card is valid for the years of attendance at Saint Mary's College and provides various privileges/discounts. The ID card verifies current SMC student status, student meal, and provides library access and admission to College events. The Business Office issues replacements for lost ID cards Monday – Friday, 9:00 a.m. to 5:00 p.m. for \$10

Media Policy

Saint Mary's College recognizes that student publications can be valuable tools in establishing and maintaining an atmosphere of free and responsible discussion and exploration, bringing student concerns to the attention of all members of the College community, and for formulating student opinion. Student publications bear a responsibility to the College as an institution of higher education in the Roman Catholic tradition and as a community of persons. Respect for truth, openness of inquiry, and good taste are hallmarks of such responsibility. To maintain these principles, the following rules are applicable to student publications:

1. Student media (publications, radio, and television) are free of censorship and/or advance approval of copy, and their editors and managers shall be free to develop their editorial policies and news coverage. At the same time, this freedom entails the corollary responsibility to be governed by the canons of responsible journalism and the basic principles and traditions of the College in both print and electronic media.

2. Editors and managers of student media supported by recognized College bodies shall be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content that does not otherwise violate College policy or applicable laws or regulations. Only for proper and stated causes will editors and managers be subject to removal and then by orderly and prescribed procedures.
3. All student publications, radio and television should carry a statement that the opinions expressed are not necessarily those of the College or the Associated Students of Saint Mary's College.

Technology Policy

The Technology Policy is available online at:

stmarys-ca.edu/human-resources/2014-staff-handbook/appendix-b-saint-mary's-college-of-california-technology-use

Whistleblower Policy: Fraudulent or Dishonest Conduct

Saint Mary's College of California, reflecting its Lasallian and Catholic values, expects that its faculty, staff and students will act in a manner that is consistent with those values in their use of College resources and property. To protect the integrity of Saint Mary's learning community and to ensure the highest standards of conduct by and among members of that community, the College will investigate any possible fraudulent or dishonest use or misuse of College resources or property by faculty, staff, or students. Anyone found to have engaged in fraudulent or dishonest conduct is subject to disciplinary action by the College up to and including dismissal or expulsion, and civil or criminal prosecution when warranted. All members of the College community are encouraged to report possible fraudulent or dishonest conduct. An employee should report his or her concerns to a supervisor, department chair or program director. If for any reason an employee finds it difficult to report his or her concern to a supervisor or department or program chair, the employee can report it directly to the area vice president, vice provost or dean of the employee's school. Students should report any concerns to the dean of students. Those receiving reports of suspected fraudulent or dishonest conduct involving employees are required to report such conduct to the Director of Human Resources; in the case of students, those receiving such reports (e.g., the dean of students) are required to report such conduct to the Vice Provost for Student Life.

DEFINITIONS

Whistleblower: An employee or student who informs one or more of the individuals identified in the policy statement above about an activity that the employee or student believes to be fraudulent or dishonest.

Baseless Allegations: allegations made with reckless disregard for their truth or falsity. Individuals making such allegations may be subject to the appropriate College disciplinary action and/or legal claims by the individuals accused of such conduct

Fraudulent or Dishonest Conduct: a deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:

- Forgery or alteration of documents
- Unauthorized alteration or manipulation of computer files
- Fraudulent financial reporting
- Pursuit of a benefit or advantage that would create a conflict of interest with one's responsibilities or obligations as a member of the College community
- Misappropriation or misuse of College resources, such as funds, supplies, or other assets or property.
- Authorizing or receiving compensation for goods not received or services not performed.
- Authorizing or receiving compensation for hours not worked.

WHISTLEBLOWER PROTECTIONS

The College will use best efforts to protect whistleblowers against retaliation, as described below. The College cannot guarantee confidentiality, however, and there is no such thing as an "unofficial," "informal," or "off the record" report. The party to whom such conduct is reported, will keep the whistleblower's identity confidential, unless:

- the whistleblower(s) agrees to be identified;
- identification is necessary to allow the College or law enforcement officials to investigate or respond effectively to the report;
- identification is required by law; or,
- the individual accused of violations of this Policy is entitled to the information as a matter of procedural and/or legal right in disciplinary actions.

College employees and students may not retaliate against a whistleblower with the intent or effect of adversely affecting the terms or conditions of employment or enrollment (including, but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages, or the access to educational benefits).

Whistleblowers who believe they have been retaliated against may file a written complaint with the Director of Human Resources, if an employee is involved, or with the dean of the school if a student is involved. This protection from retaliation is not intended to prohibit the individuals identified above (for receiving such reports of improper conduct) from taking action, including disciplinary action, in the usual scope of their duties and responsibilities that are based on valid employment- or student-related factors.

Whistleblowers must be cautious to avoid baseless allegations (as described earlier in this Policy).

Procedures

The Director of Human Resources, or her/his designee, shall conduct or direct the investigations of all suspected fraudulent or dishonest conduct with such College officials as may be necessary or appropriate at the discretion of the Vice President for Finance. In the case of suspected student conduct reported under this policy, the dean of the school or his/her designee either investigates the suspected conduct or may refer the investigation of such suspected conduct to the College's Disciplinary Hearing Board ("DHB"), consistent with policies and procedures in place to investigate allegations of violations of student conduct policies. Cases involving possible violation of criminal law will be investigated in cooperation with the Director of Public Safety or his/her designee.

If the facts reported could be a violation of this Policy, the Director of Human Resources or her/his designee or, in the case of students, the dean of the school, will provide the individual making the accusation with a copy of this policy and review its terms. If the Director of Human Resources or her/his designee or, in the case of students, the dean of the school, or the DHB, determines that fraudulent or dishonest conduct occurred, the appropriate College disciplinary steps will be invoked consistent with applicable College policies. If it is determined that a violation of this policy has not occurred, the Director of Human Resources or the dean of the school will explain to the person who has reported the concern or conduct the reason for the determination and advise the person of any other available reporting channels (administrative (to appropriate government agencies) or criminal (to appropriate law enforcement agencies)). Consistent with the requirements of California law, the College posts in Filippi Hall near the Human Resources Department, among other locations, a toll-free phone number for reporting violations of a state or federal statute or regulation to a government or law enforcement agency, or for reporting retaliation by the College for making such disclosures.

Student Complaints Policy and Procedure

This protocol gives instructions for addressing student complaints which are not otherwise covered in any subject-matter-specific grievance, complaint or appeal policy applicable to the student.

Students at Saint Mary's College of California may report a concern or complaint regarding any area of academic or student life without fear of coercion, harassment, intimidation, or reprisal from the College or any of its employees. Students have the right to expect a timely response to a complaint. Every effort will be made to resolve matters fairly and promptly. If additional follow-up and investigation is warranted, Saint Mary's will attempt to conduct the additional follow-up in a timely manner so as to not unduly delay the resolution of the complaint.

Because no single process can serve the wide range of possible complaints, Saint Mary's College provides specific processes for responding to certain kinds of student complaints. Where College policy provides a specific complaint or grievance procedure, an aggrieved student must use that procedure. As a general guide, students should refer to the Undergraduate or Graduate and Professional Student Handbooks. Students are made aware of the Student Handbooks via email at the beginning of the Fall semester.

The following are some examples of established procedures for specific types of student complaints found in the Student Handbooks:

- Bias Incident or Hate Crime
- Discipline process
- Discrimination or Harassment
- Grades and other Academic Complaints Procedures
- Student Disability Accommodations

Any student at Saint Mary's who has a complaint that directly implicates the College's program of education, should do the following:

1. Submit the complaint in writing to the Dean of Students. This correspondence must be submitted in one of the following ways:
 - Electronic mail – ecc4@stmarys-ca.edu
 - Postal mail – Dean of Students, Ferroggiaro 200, PMB 4327, Moraga, CA 94575
 - Fax – (925) 377-0493
 - Or online form: <http://www.stmarys-ca.edu/student-life/your-safety-resources/dean-of-students>
2. The correspondence should describe in detail the behavior, program, process, or other matter that is the subject of the complaint, and should explain how the matter implicates the College's program of education.
3. For a response to take place, the complaint must contain the complaining student's name, student ID#, Saint Mary's email address, and current mailing address.
4. The Dean of Students will acknowledge the complaint within three business days of receipt of the written complaint. Acknowledgment may be made by electronic mail, postal service, fax or by personal delivery, at the discretion of the Dean of Students.
5. Within three weeks of acknowledgment of the complaint, the Dean of Students or designee, shall either meet with the complaining student, or respond to the substance of the complaint in writing. If further investigation is needed, the correspondence will indicate so and will also indicate when the investigation is anticipated to be completed. Upon completion of the initial review and any further investigation, if needed, Saint Mary's will provide the student with a substantive response regarding the final disposition of the complaint.
6. Appeals regarding decisions on complaints should be addressed to the Vice Provost of Student Life. Any decision made on appeal by the Vice Provost of Student Life shall be final.
7. A copy of the complaint and a summary of the process and resolution of the complaint shall be kept in the Office of the Dean of Students for a period of eight years from the date of final resolution of the complaint.

Any reports, questions or concerns can be directed to the Dean of Students at (925) 631-4238. **Please note that this procedure is not designed to address imminent emergencies.** If you have an emergency to report, please call Public Safety at (925) 631-4282.

Any student may contact the Bureau for Private Postsecondary Education for review of a complaint. The bureau may be contacted at 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833, <http://www.bppe.ca.gov>, (916) 431-6924 (telephone), or (916) 263-1897 (fax).

For review of a complaint, contact the Bureau for Private Postsecondary Education at; bppe.ca.gov; phone: (916) 431-6924, or fax: (916) 263-1897.