

CODE OF STUDENT CONDUCT MOUNT ST. MARY'S UNIVERSITY

ARTICLE I: PREAMBLE

Mount St. Mary's University is committed to its mission and to Catholic liberal arts and professional education. As a community, we value both the traditions and foundations on which we find our intellectual heritage, and we seek to contribute to the ongoing development of these traditions.

The University is dedicated not only to learning and the advancement of knowledge, but also to the whole development of persons within the Catholic tradition. The University seeks to achieve these goals through a sound educational program that includes clear policies governing student rights and responsibilities.

ARTICLE II: AUTHORITY AND RESPONSIBILITY

- A. Responsibility for good conduct rests with students as adult individuals. Student organizations have similar responsibility for maintaining good conduct among their members and guests and at activities they sponsor. All members of the campus community are expected to use reasonable judgment in their daily campus life and to show due concern for the welfare and rights of others.
- B. The *Vice President* is vested with the responsibility for the **Code of Student Conduct**. This responsibility includes formulating and implementing operating procedures for the consideration of conduct violations and the imposition of sanctions in an efficient, consistent, fair, legal and educational manner. The *Vice President* delegates the daily operation of the **Code of Student Conduct** to the **Dean of Students** or appropriate designee hereto in referred to as *Dean of Students/designee*.
- C. The *Vice President* of Mount St. Mary's University is authorized to assign disciplinary cases to special conference committees or officers as that are deemed appropriate.
- D. The **Dean of Students/designee** may determine the appropriateness of cases to be adjudicated either through the student conduct system or through appropriate alternatives.
- E. The *Vice President* and the **Dean of Students/designee** are vested with the authority to adjudicate all violations of the Code of Student Conduct. If it is determined that circumstances warrant different procedures, the Vice President and/or **Dean of Students/designee** may follow procedures other than those outlined below. In all cases, due process shall be afforded to any student accused of misconduct.

ARTICLE III. JURISDICTION OF THE CODE OF STUDENT CONDUCT

- A. The Code of Student Conduct and the student discipline process covers all persons taking courses through the University (including summer sessions), both full and part time, pursuing undergraduate or graduate studies, and any person residing in University housing. The University may take jurisdiction over any violation of the Code of Student Conduct committed during the time in which the student is enrolled, including incidents off campus, time between semesters, during breaks, semesters abroad, and during leaves of absences. The University reserves the right to take appropriate action when behavior of an individual or individuals presents a danger to the health, safety, and well-being of themselves and/or others in the community. It is expected that students will conduct themselves in a manner that demonstrates their respect for the rights of others. Also, individuals engaging in activities off campus have a minimal responsibility to conduct such activities within the laws and ordinances of the community.
- B. Students are expected to conduct themselves in a manner which reflects favorably for them and for the University. Students shall be held accountable for unfavorable conduct through this Code of Student Conduct.

ARTICLE IV. RESPONSIBILITY FOR THE COMMON GOOD

The University

A Catholic University is a community of learning characterized by mutual responsibility and the active concern of each for the good of all, in a common pursuit of wisdom. This mutual responsibility includes regard for the safety, security, and health of others. It also includes respect and care for what we share in common and hold in trust for the educational mission of the University: tangible goods like the physical facilities of the University; intangible goods like traditions of mutual respect and civil behavior. Finally, it includes an atmosphere in which learning may occur: an atmosphere of openness, freedom, and creativity, but also an atmosphere characterized by the order, peace and tranquility necessary for study and reflection. The regulations are established to protect the common good.

A. Respect for the Dignity of the Person

Respect and dignity for every person is at the core of the Mount's Catholic identity. At the University, it is particularly necessary that this respect encompasses diversity and differences of opinion. Individuals deserve to be free from the threat of physical violence or verbal abuse. Offenses against persons because of their race, religion, ethnicity, disability, gender or sexual orientation are especially intolerable in view of the University's commitment to respect for the person. The dignity of persons includes the secure possession of property and unimpeded access to facilities appropriate for their use. The regulations and prohibitions that follow protect the dignity of the whole human person.

B. Personal Integrity

The education offered by Mount St. Mary's University is an education that instills in its students the virtues of humility, civility, integrity, respect and reverence. Especially appropriate in a University community are virtues of truthfulness, honesty and personal honor. Misrepresentation of any kind, whether inside or outside the classroom, is a violation of truth. As a Catholic university, the Mount expects students to realize values of mutual care and responsibility in their personal relationships. In their sexual behavior, students are expected to exercise responsibility and to show appropriate regard for the Mount's Catholic teachings. Finally, the University believes that students must accept their responsibility as citizens to obey local and Federal laws. For the sake of their own self-respect and well-being, it is incumbent on all students to exercise temperance in the consumption of alcohol. Only students who are twenty-one (21) years of age or older are permitted to possess or consume alcohol. Students will not be excused from responsibility for actions committed under the influence of drugs or alcohol. The regulations and prohibitions that follow ensure the personal integrity expected of every Mount student.

C. Good Samaritan Policy

Student health and safety are the primary concerns of the Mount community. Consumption of excessive amounts of alcohol or controlled substances can place a person at risk of serious illness or even death. When a student believes that assistance for an intoxicated/impaired student is needed, he/she are expected to contact Public Safety for assistance. Public Safety officers are trained in first aid and will assess intoxicated/impaired individuals to provide assistance, and if necessary, facilitate transport to the appropriate medical facilities for treatment. When a student contacts University officials for assistance, the student contacting and the student in need of assistance will normally be relieved of Student Conduct action for possession or consumption of alcohol. In lieu of student conduct charges, students will normally be required to complete alcohol education or an alcohol evaluation. Students calling for assistance for themselves or others despite other possible policy violations may have their responsible action taken as a mitigating factor in the student conduct process. The full text of this policy can be found by visiting: www.msmary.edu/studentconduct.

ARTICLE V. FREEDOM OF INQUIRY AND EXPRESSION

A. Campus Expression

Students enjoy freedom of speech and expression on campus and at University-sponsored off-campus events or activities. Civil discourse, characterized by mutual respect for individuals and for opposing viewpoints, is an inherent responsibility of all members of the University community.

Free speech and expression does not include illegal activity or activity that endangers or threatens to endanger the safety of any member of the community, or any of the University's physical facilities, or any activity that disrupts or impedes the functions of the University or threatens such disruption or hindrance.

Offensive expression on matters including but not limited to race, ethnicity, religion, gender, disability, or sexual orientation is inappropriate in the Mount community and will be treated as harassment.

B. Classroom Expression

Students enjoy freedom of speech and research, of legitimate classroom discussion, and of advocacy of alternative opinions to those expressed in the classroom. Students will be evaluated on knowledge and academic performance and not on the basis of personal or political beliefs.

C. Public Speakers

Students may invite and hear speakers of their choice on subjects of their choice, subject to the limitation that the University may withhold approval of an event or a speaker if holding such an event or providing a forum for the speaker is determined to be contrary to the mission of the University. Any community member inviting a speaker to campus should reference the University speaker policy located in the Mount St. Mary's governing documents.

D. Campus Publications and Communications

The student press, television and radio station enjoy reasonable editorial freedom. This freedom carries with it the obligation to operate responsibly according to journalistic and broadcast ethics, consistent with the University's mission and any applicable legal regulations. Student editors and managers will not be suspended because of student, faculty, administration, alumni, or community disapproval of reasonable editorial policy or content.

E. Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained search for truth. Freedom for the individual is defined as the right to act or speak, so long as it does not adversely affect the rights of others. Believing in this concept, Mount St. Mary's University will protect freedom of action and freedom of speech for students, so long as it is not of an inflammatory or demeaning nature, is truthful and accurate and does not interfere with the students' living and study conditions. It shall constitute a disruptive act for any member of the campus community to engage in any conduct which would substantially obstruct, interfere with or impair instruction, research, administration, authorized use of University facilities, the rights and privileges of other members of the Mount community, or student conduct proceedings.

ARTICLE VI. POLICIES AND PROHIBITED CONDUCT

The following constitutes the official record of general violations of conduct rules and regulations at Mount St. Mary's University. Students and student organizations are expected

to abide by these regulations. These regulations are not designed to define prohibitive conduct in exhaustive terms. Additional rules and regulations may be adopted and will be communicated through campus email and web sources. A student or student organization that is responsible for misconduct or is responsible of being an accessory to misconduct shall be subject to sanctions authorized by this code. Areas of misconduct include:

1. Acts of Dishonesty or Falsifying University Records

It is the expectation of the University that students are honest, cooperative and forthcoming when questioned by University officials on any subject. Violations of this policy include but are not limited to:

- a.)** Falsifying, forging, altering, causing the alteration of, or furnishing false information (written or oral) on, or relative to, University records, or to University officials;
- b.)** Falsifying, forging, altering, causing the alteration of, or furnishing false information related to identification cards, absence excuses, parking permits, transcripts, computer records, or other University documents;
- c.)** Unauthorized possession or use of University records, documents, instruments, or property (e.g. Mount Card, identification cards, key);
- d.)** Providing false or misleading information on Public Safety or Residence Life Reports: or to any University official or office.
- e.)** Misrepresenting ownership of University or private property (e.g. selling textbooks as an authorized owner/seller).

2. Alcohol Policy

Students are subject to all applicable local, State and Federal laws regarding alcohol and other drugs, and are not exempt from enforcement of these laws by virtue of their status as students or their presence on University property. This policy is not intended to be, and is not, a comprehensive statement of applicable laws. This rule prohibits, but is not limited to, the following:

- a.)** Possessing or consuming alcoholic beverages while under the age of 21;
- b.)** Providing alcoholic beverages to other persons under the age of 21;
- c.)** Misrepresenting one's age or that of another person in order to obtain alcoholic beverages-whether for yourself or others;
- d.)** Possessing and/or consuming from a common source of alcohol (kegs, punch bowls);
- e.)** Participating in or being in the presence of activities (e.g. drinking games including but not limited to beer pong, water pong, flip cup, king's cup, spades, quarters) that promote and encourage the consumption of alcohol; regardless of the age of the participants
- f.)** Intoxication; defined as behaviors which exhibit impairment due to consumption of alcohol or other drugs.
- g.)** The possession of alcohol in excess of one 30 pack of beer; a single bottle/ box of wine; or a single bottle of liquor up to 1.75 liters, per legal aged student is prohibited;
- h.)** Possession of liquor in excess of 100 proof or possession of beer/malt beverages in excess of 9% alcohol by volume on campus or in any University owned or

- operated facility or property;
- i.) Possession of open containers of alcohol on campus anywhere on campus with the exception of within a legal-aged student's private residence, or at a specified University-sponsored event. An opened container of alcohol is defined as any can or bottle where the seal has been broken or any secondary container that contains alcohol (whether covered or not).
 - j.) Possessing or consuming, regardless of a person's age, caffeinated alcoholic beverages (*including but not limited to Four Loko, Sparks, Joose, Spykes, 24/7, 3Sum, Tilt, and Torque*).

3. Behavior Which Jeopardizes the Emotional or Physical Safety of Self or Others

This rule prohibits, but is not limited to, the following:

- 1) Possession, storage, or use of weapons or firearms (e.g. bb, soft pellet, paintball guns);
- 2) Acts, or threats, of physical assault or abuse;
- 3) Violence;
- 4) Intimidation;
- 6) Physical or emotional harassment;
- 7) Suicide attempts;
- 9) Forcible detention;
- 10) Threatening behavior;
- 11) Indecent exposure;
- 12) Alcohol poisoning;
- 13) Drug overdose;
- 14) Stalking;

4. Complicity

It is expected that students remove themselves from any situation in which violations of the Code of Conduct are occurring or are anticipated. Furthermore is the expectation of the University that Mount students will be good citizens and as leaders, speak out against University violations by their peers. This rule prohibits condoning, supporting or encouraging a violation of University policy.

5. Disorderly Conduct

This rule prohibits, but is not limited to, the following:

- 1.) Acting in a manner to annoy, disturb, interfere with, obstruct or be offensive to another/others;
- 2.) Shouting or making excessive noise either inside or outside a building to the annoyance or disturbance of others;
- 3.) Behaving in a lewd or indecent manner (e.g. public urination, indecent exposure)

6. Disruption of any University Activity

This rule prohibits, but is not limited to, the following:

- 1.) Acts inhibiting, interfering with, obstructing, or damaging either an academic activity or an organized student activity
- 2.) Any intentional act substantially interfering with the freedom of expression of

others on University property or at University sponsored activities;
3.) Any activity which disrupts or interferes with normal University functions or operations

7. Failure to Comply with the Request of a University Official

This rule prohibits, but is not limited to, the following:

- 1) Failure to comply with a reasonable and lawful request or directions by a University official; (e.g. faculty, staff, administrators, Resident Assistants, and/or Public Safety Officers) such as failure to provide student identification, or other identification to University officials upon request;
- 2) Interference with students, faculty, staff, or Public Safety officials acting in the performance of their official duties;
- 3) Failure to comply with a conduct letter or communication from the **Dean of Students**/designee;
- 4) Fleeing the scene of an incident while an investigation or inquiry is in progress.

8. Fire and Safety Regulations

This rule prohibits, but is not limited to, the following:

- a.) Failure to comply with evacuation procedures;
- b.) Tampering with fire protection apparatus;
- c.) Possession, use, or threatened use of fireworks, bombs, or explosive devices of any character;
- d.) Use of open flame devices (e.g., smoking, candles), or combustible materials, including chemicals, which endanger the safety or well-being of the University Community.
- e) Unauthorized use of, tampering with, or misuse of electrical equipment, fire exit doors, or giving false alarms or false reports of fire or emergency.

9. Firearms, Other Weapons, and Explosives

This rule prohibits, but is not limited to, the following:

- a.) Possession, storage, or use of firearms or ammunition (e.g. bb guns, soft pellet guns, air soft guns, paint ball guns);
- b.) Possession, storage, or use of any weapons (e.g. brass knuckles, swords, nunchuakus, butterfly knives, spring assisted/automatically opening knives, or knives with blades greater than three (3) inches in length). Students may not be in possession of more than two knives on campus. Items that are designed and typically used for kitchen applications, and that are used and housed there, are permitted;
- c.) Possession, storage, or use of explosives (e.g. fireworks).

10. Harassment

All Students and University employees are to be treated with respect. Abusive language, including but not limited to, profanity and threats, racist or degrading language, remarks, or “jokes,” unwanted physical contact, or inappropriate sexual language, gestures, or activity are considered harassment and/or offensive behavior. Such behavior degrades the

dignity due to all persons and will be dealt with severely. This rule prohibits but is not limited to the following:

- a.) verbal;
- b.) written messages (e.g. graffiti, letter, bulletin posting);
- c.) email, voicemail, phone call, text message, instant message, social networking site posting or message, blog, or any other internet technology including violation of the University Electronic Communication Acceptable Use Policy;

11. Hazing

Abusive affiliation/initiation practices that endanger, intimidate, degrade, or have the capacity to endanger the emotional or physical well being of a person or group (including athletic teams), regardless of consent.

The rule prohibits, but is not limited to, the following:

- a.) theft of personal, public or University property
- b.) coerced or forced consumption of alcohol or drugs
- c.) acts of a physical or psychological nature that may endanger a person or group

12. Illegal Drugs and Controlled Substances

Mount St. Mary's University strictly forbids the possession, use, transfer and/or sales of illegal drugs whether on or off campus. The University does not provide sanctuary from the law, nor are students immune from legal investigation or arrest from police officials resulting from the provisions below. Mount St. Mary's University cannot and will not protect students, faculty, or staff from prosecution under federal, state, or local laws. Persons suspected of using illegal drugs or voluntarily being in the presence of their use may be subject to conduct action by the University.

This rule prohibits, but is not limited to, the following:

- a.) Possession, use, or sale of drug paraphernalia (e.g. hookahs, rolling papers, bowls, pipes, bong, vaporizers, handmade devices);
- b.) Possession, use, distribution, sale, intent to sell or purchase, manufacture, or transfer of illegal, synthetic or un-prescribed narcotics, illegal drugs, hallucinogens, and counterfeit or otherwise dangerous substances as determined by University officials (e.g. Salvia, Ketamine, Spice/K2);
- c.) Possession, use, sale, intention to sell or purchase, or distribution of legal drugs which were not prescribed to the person in possession;
- d.) Misuse of prescribed drugs and/or over the counter drugs
- e.) Failure to take prescribed drugs or over the counter drugs as agreed in a contract between a University Official and the student

13. Improper Uses of Computers and Technology

This rule prohibits but is not limited to any violation of the Electronic Communications Acceptable Use Policy; pornography; plagiarism of programs; misuse of computer accounts; unauthorized destruction of files; creating illegal accounts; possession of unauthorized passwords; and disruptive, annoying, or illegal (as defined by State or Federal statutes) behavior on the University's computer systems, or the attempts of such acts is prohibited. The full policy can be read at www.msmary.edu/studentconduct.

14. Misappropriation or Misuse of Student Organization Funds or Property

This includes, but is not limited to, misuse or over-extension of the budget of a student organization; spending receipts prior to proper deposit; and unauthorized personal use of equipment.

15. Property Damage and Vandalism

Intentional, negligent, or attempted acts resulting in property damage or vandalism are prohibited. This includes, but is not limited to, the following:

- a.) Damage, vandalism, destruction, abuse, or fraudulent use of University or private property;
- b.) Damage, vandalism, destruction, abuse, or fraudulent use of University services including computer and telephone services.

16. Theft is defined as any intentional or negligent acts or attempted acts resulting in theft are prohibited. This includes, but is not limited to, the following:

- a.) Theft or possession of stolen University property
- b.) Theft or possession of stolen personal property
- c.) Theft or possession of stolen property belonging to any local, state or federal entity (e.g. road signs, bathroom signage, business signage or logo)

17. Unauthorized Entry/Exit or Presence in or on University Property

This rule prohibits, but is not limited to, the following:

- a.) Improper or unauthorized entry or exit of a University building, facility, or campus residence (e.g. entering or exiting a residence hall or University building through a window).
- b.) Failure or refusal to leave University grounds, a University facility, or a specific portion thereof, when requested by an authorized University official.

18. Unauthorized use of the name, logo or the official seal of the University by individuals or groups.

Specific questions about the use of University branding should be directed to the Office of Communications to consult the University branding guide,

http://www.msmary.edu/about-the-mount/university-communications/style_guide.pdf

19. Violations of any of the restrictions, conditions or terms of any sanctions resulting from a previously held student conduct conference or failure to complete conditions or terms within the designated time.

20. Violation of Copyright

This rule prohibits, but is not limited to, the downloading or sharing of the intellectual property and copyrighted works of others without permission or consent of the copyright holder, including music, motion pictures, computer software, photos, data files, and configuration files and maps using Mount St. Mary's University computer resources.

21. Violations of Federal, State, and Local Laws

Students are responsible for knowing and observing all local, state and federal laws. Regardless of conviction, action or lack of such action by law enforcement will not preclude University action in the event the misconduct in question also constitutes a violation of this Code.

22. Violation of Residence Life Policies, Rules and Regulations

This rule prohibits the violation of Residence Life policies, rules, or regulations as provided in the *Community Standards* and Residence Life housing contract. Full text of these policies, procedures and regulations can be found in the Residence Life Community Standards and are applicable to all Mount St. Mary's Students and guests utilizing our residential facilities.

23. Violation of the Sexual Misconduct Policy, actual or threatened sexual assault

This includes, but is not limited to, unwanted sexual touching, sexual assault, rape, sexual harassment or misconduct, making unwelcome sexual advances, or request for sexual favors. The full policy can be read at www.msmary.edu/studentconduct.

24. Violation of the University Guest Policy

Students are responsible for the actions of their guests at all times. All students must follow the proper guest registration procedures. The full policy and procedures can be found at www.msmary.edu/studentconduct.

25. Violations of University Standards of Academic Integrity

An academic community must operate with complete openness, honesty and integrity. Responsibility for maintaining this atmosphere lies with the students, faculty and administration. Therefore, the achievement of personal and academic goals through dishonest means will not be tolerated.

Academic misconduct includes but is not limited to:

A. Cheating: the unauthorized use or exchange of information before or during a quiz, test, or semester examination. Unauthorized collaboration on a class assignment, submitting the same work in two courses without the professor's permission, and buying or selling work for a course are also forms of cheating.

B. Plagiarism: the representation of someone else's words or ideas as one's own. The various forms of plagiarism include but are not limited to copying homework, falsifying lab reports, submitting papers containing material written by another person, and failing to document correctly in one's written assignment words, arguments or ideas secured from other sources.

C. Providing or receiving assistance in a manner not authorized by the professor in the creation of work to be submitted for academic evaluation including papers, projects and examinations; presenting as one's own the ideas or words of another for academic evaluation without proper acknowledgement.

D. Doing unauthorized academic work for which another person will receive credit or be evaluated.

E. Attempting to influence one's academic evaluation by means other than academic achievement or merit.

F. Misconduct assistance: cooperation with another in an act of academic misconduct. A student who writes a paper or does an assignment for another student is an accomplice and will be held accountable just as severely as the other. Any student who knowingly permits another to copy from his or her own paper, examination, or project shall be held as accountable as the student who submits the copied material. Students are expected to safeguard their work and should not share papers, projects, or homework with other students unless specifically directed to by their professors.

Penalties for Academic Misconduct

Penalties for any infraction are cumulative in that they are imposed in light of a student's record at Mount St. Mary's. The minimum penalty for the first offense will be a grade of zero for the assignment or examination; an instructor may impose a more severe penalty if circumstances warrant it. A second offense in that course or in any other course will result in a semester grade of failure (F) for the course in which this second incident occurs. No student charged with a second offense may withdraw from the course in which this offense occurs. The penalty for the third offense may be expulsion from the University.

Procedural Guidelines for Academic Misconduct

If a professor has reason to suspect that academic misconduct has occurred, the professor will speak with his/her department chair and dean in order to determine the appropriate actions.

If a formal charge is warranted:

1. **The professor will notify the student of the infraction in writing.** Ordinarily, notification of the student should come no more than three weeks after the due date of the assignment in question. The professor is responsible for keeping the evidence of academic misconduct in its original form and need not return the original version of the materials to the student. Copies of the student's work and information about other evidence will be provided to the student upon request.
2. **The professor will notify the dean in writing** (with a copy of the notification to the department chair) and forward copies of all information and materials. The dean will consult with the associate provost about prior offenses and then will officially notify the student in writing of the charge and the student's right to appeal. The dean will maintain all records of the charge. The associate provost will be responsible for maintaining the necessary electronic records that ensure that the penalties for the second and third offenses are administered by the University.

Procedures for Appeals of Academic Misconduct Charges

A student may appeal a charge of academic misconduct, though not the specific penalties. He or she may register an appeal with the associate provost, who will determine whether or not to convene an academic appeals board. Written appeals must be registered with the associate provost within four weeks of formal notice of the charge to the student by the divisional dean.

GRADE APPEALS

A student may appeal the final grade in a course only on the grounds that a grading policy is unclear or has been unfairly applied. Recourse should be made first to the

professor concerned, then to the chair of the department in which the course is taken, and then to the appropriate dean. A student wishing to pursue the matter further must register a written appeal with the associate provost no later than the fourth week of the semester following the posting of the grade. Upon receiving the appeal, the associate provost will determine whether or not to convene an academic appeals board.

ACADEMIC APPEALS BOARD

An academic appeals board addresses student appeals in cases of cheating and plagiarism and in grade protests taken beyond the department level. The board is convened by the associate provost. The board will include two members of the student government association Academic Committee and three faculty members appointed by the Undergraduate Academic Committee, one of whom shall be from the department affected in the dispute. The associate provost will name one of the faculty members to serve as chair of the appeals board. On the basis of written information provided by the instructor, the student and any other relevant party, the board will then determine by majority vote whether an appeal is warranted. If the board decides to hear an appeal, it will invite spoken testimony from the student and professor involved in the case and may, at its discretion, solicit other pertinent information. Decisions in appeals hearings will be made by majority vote. The board's decision may be appealed to the associate provost by the student(s) or by the professor involved. The associate provost has final jurisdiction in such matters.

ARTICLE VIII. STUDENT CONDUCT PROCESS

All students and student organizations are subject to the student conduct procedures prescribed in this code. If a student, allegedly involved in a violation of the Code of Student Conduct, separates or graduates from the University prior to resolution, the student conduct process can continue at the discretion of the University. If a conference is not pursued upon the separation of the student, the pending charges will be resolved, at the discretion of the University, prior to any future readmission.

A. Initiation of Charges. The **Dean of Students**/designee bears the responsibility for the initiation of student conduct procedures against a student for alleged misconduct. The Dean of Students/designee will review instances of reported misconduct to determine if student conduct proceedings should be initiated. Any member of the campus community may register a complaint in writing with the **Dean of Students**/designee against a student for alleged violation of University policy. In the absence of sufficient information as determined by the **Dean of Students**/designee, a complaint will be dismissed.

B. Notification of Charges. Once it is determined that student conduct proceedings will be initiated, all charges and dispositions will be issued to the charged student. All charge notices will be (a) e-mailed to the student's University e-mail account, (b) mailed to the on-campus address of the charged student, or (c) mailed by certified, return receipt requested first class mail to the off-campus address on file in the University Registrar's Office. Notices sent to off-campus addresses may be copied and sent First Class U.S. Mail. Electronic notices will be sent to the University assigned email account. Notices sent by these methods will be

presumed to be delivered unless returned as undeliverable. Students are responsible for ensuring that their mailing address of record is current and complete. Students are also responsible for checking their University assigned e-mail account. In some cases, the Dean of Students/designee may notify a student of charges in person.

C. Failure to Respond. The student will be considered properly notified when the formal charge letter scheduling the conference has been (a) e-mailed to the student's University e-mail account, (b) mailed to the on-campus address of the charged student, or (c) mailed by certified, return receipt requested first class mail to the off-campus address on file in the University Registrar's Office. If the charged student has been properly notified of the charges and the student conduct conference date, and still does not attend the scheduled conference, a decision of responsibility will be made based upon the available information.

D. Student Conduct Conference Procedures

1. The **Dean of Students**/designee is responsible for scheduling, coordinating, and presenting all cases.
2. **Options for Resolution of Student Conduct Charges:** It should be clearly understood that there is a fundamental difference between the nature of student discipline and that of criminal law. Regardless of the options exercised for resolution of charges, the discipline of students within the University community must be consistent with the educational mission of the institution. At the conference with the Dean of Students/designee, the charged student will have all the resolution options outlined below fully explained:
3. Make a statement of not responsible to the charge(s) and present evidence and testimony relevant to the charged student's alleged violations and/or misconduct. The **Dean of Students**/designee shall make determination of responsibility on the basis of whether it is more likely than not that the charged student violated the Code of Student Conduct. If held responsible by the **Dean of Students**/designee, an appropriate sanction(s) will be determined.
4. Accept responsibility for the charge(s) and elect for the **Dean of Students**/designee to determine an appropriate sanction(s).
5. During a conference, the charged student is entitled to:
 - a. Appear in person, hear all information presented and present any relevant information, have an advisor or call witnesses.
 - i. A witness must be a person who has firsthand knowledge of the event or actions in question.
 - ii. Witnesses who wish to testify to the character of the student charged with the violations may not be called at this stage in the process.
 - iii. A student must submit in writing the names of any witnesses that he/she wishes to give testimony. The list of witnesses must be submitted to the **Dean of Students**/designee at least 24 hours prior to the scheduled conference.
 - iv. May have an advisor present at the conference. The name of the Advisor must be submitted to the **Dean of Students**/designee in writing, at least 24 hours prior to the scheduled conference. The advisor may not address the conference authority or other persons at the conference unless permitted

by the conference authority. The role of the advisor will be to consult with the accused at reasonable intervals during the course of the conference. Students may request a current member of the faculty or administration to serve as their advisor. Attorneys are not permitted in the conference regardless of their relationship to the University. Parents, guardians, or other family members may not serve as advisors or attend a formal student conduct conference.

*Students involved in a Title IX Sexual Misconduct incident, may have an advisor of their choosing accompany them during a University conduct conference. For more information please see the Sexual Misconduct – Title IX Policy: http://msmary.edu/student-life/code_of_conduct/Sexual_Misconduct_Policy.html

- b. Elect not to appear at the conference, in which case the conference shall be conducted in the accused student's absence.
 - c. Refuse to answer any questions or make a statement; the conference authority shall make its decision on the basis of information available at the time of the conference.
 - d. Confidentiality. All conferences shall be conducted in private session. All statements, information, or comments given during conferences will be held in the strictest confidence by the student, the authority, University staff, witnesses and advisers before, during, and after deliberation. Video, audio, stenographic, or photographic recording of conference proceedings are prohibited, except as authorized by **Dean of Students**/designee, Vice President of the University.
6. The **Dean of Students**/designee will exercise control over the conference to avoid needless consumption of time, repetition of information, and/or prevent the harassment or intimidation of participants. The conference can be recessed at any time by the Dean of Students/designee.
 7. All conferences shall be conducted in an informal manner and technical rules of evidence will not be applied.
 8. Conference Decision. Upon completion of the conference, the **Dean of Students**/designee shall, in private session, consider the information presented to determine responsibility or to drop the charges due to insufficient information. The conference authority shall consider only the information presented at the conference, and responsibility can only be determined if the officer feels it is more likely than not that the accused is responsible. If responsibility is acknowledged or is determined prior to the determination of the sanction, the conference authority can allow the introduction of written and/or oral statement(s) which detail the impact on the victim the violation caused.
 9. Dismissal of Charges. If the **Dean of Students**/designee determines, as a result of or prior to the conference, that insufficient information exists to justify a charge, the charge will be dismissed.

E. Serious Criminal Offenses

1. Students accused of serious criminal offenses on or off campus shall be subject to university action through the Code of Student Conduct, including Emergency Administrative Action. Serious criminal offenses shall include, but is not limited to behavior which (a) is defined as a felony under local, state or Federal laws, and (b) indicates that the student constitutes a substantial danger to the safety or property of the University, themselves or members of the campus community. The University reserves the right to take action through its Student Conduct System prior to the disposition of any action that may result from criminal proceedings.

ARTICLE IX. STUDENT CONDUCT SANCTIONS

The purpose of imposing sanctions is twofold: to protect the University community from behaviors that are detrimental to the educational process of the community; and to assist students in identifying acceptable parameters of their actions and consequences of future behaviors. The severity of the sanctions imposed is intended to correspond with the severity or frequency of violation, as well as the student's willingness to recommit him or herself to good citizenship through behaviors that fall within the conduct regulations of the University. The following student conduct sanctions may be imposed upon a student responsible for a violation either singly and/or in combination:

A. Expulsion. Expulsion is permanent separation from the University involving denial of all student privileges. Expulsion shall be effective on the date of notice of the expulsion, or later if so stated in the notice; and may be entered into the student's transcript. Students separated from the University by expulsion may not enter University premises or University-related premises without securing prior approval from the Vice President.

B. University Dismissal. Dismissal is a separation from the University involving denial of all student privileges. Dismissal shall be effective on the date of notice of the dismissal or later if so stated in the notice; may be entered into the student's transcript; and may prescribe the date and conditions upon which the student may petition for readmission. Conditions for readmission may include, but are not limited to, disciplinary probation for a specified length of time; non-residence on campus; restricted visitation to specified campus facilities; and written statement from an accredited mental health professional or medical doctor verifying the capability of the student to function successfully at the University. Readmission is at the sole discretion of the University and is not guaranteed. Students separated from the University by dismissal may not enter University premises or University-related premises without securing prior approval from the *Vice President*/designee. The dismissal notation will be removed from the student's permanent record, by the Registrar, upon the student's graduation. The dismissal notation can also possibly be removed earlier by petitioning the *Vice President*.

C. Campus Dismissal. Loss of privilege of living and being on campus except to attend classes. The student may not be on campus or University owned property/facilities for any reason during the stated period of dismissal and is prohibited from participating in all activities sponsored by the University or an organization affiliated with the University, whether on or off campus.

D. Residence Hall Separation. Residence Hall Separation involves removal from the campus residence hall community for conduct which clearly demonstrates an inability to function appropriately in the residence hall living situation. Such separation may be permanent or for a specified number of semesters. Such separation prohibits accessibility to all or designated residence halls and associated dining facilities. Visitation will not be permitted without securing prior approval from the **Dean of Students**/designee. In no case will separation be less than the remainder of the semester in which it takes place.

E. Disciplinary Probation. A period of review and observation during which a student has been officially notified that his/her conduct, although not serious enough to warrant dismissal, was very inappropriate. Subsequent violations of University rules, regulations or policies (even after a particular probationary period expires) could result in a more severe sanction. Disciplinary Probation is a status which may involve restrictions, conditions or terms imposed for a definite period of time. Restrictions, conditions, or terms of probation may include but are not limited to: ineligibility to participate in campus activities or events; periodic contact with a designated member of the campus community; restrictions on accessibility to University facilities and/or housing areas; and change of housing assignment. Restrictions, conditions, and terms will be imposed for a specific length of time not to exceed the length of the probationary period. Failure to comply with the terms and conditions of sanctioned disciplinary probation or additional behavior in violation of the Code during the probationary period will likely result in more serious disciplinary action.

F. Disciplinary Warning. Disciplinary Warning involves written notice to the student indicating that specific behavior or activity was in violation of this code and that repetition of similar or other unsatisfactory behavior would likely result in more serious judicial action. Disciplinary Warning may also involve conditions, such as those listed below (K), that are intended to be educational in nature.

G. Restitution. A reimbursement for actual damage to, destruction of, or misappropriation of University property or property of any person which results from conduct in violation of this code. The administrative conference authority will determine the appropriate reimbursement after receiving property damage assessment or replacement costs from the appropriate University authorities on campus. Restitution is not a fine.

H. Loss of Institutional Scholarships. Should the University determine that a student is in violation of the Code of Student Conduct, it may revoke a percentage of institutionally funded scholarships. Revocation of institutionally funded scholarships is generally imposed in lieu of dismissal or more restrictive sanctions for a severe violation under the Code of Student Conduct. Once imposed, the percentage of revoked scholarship assistance will be based upon the severity of the offense as well as the student's conduct history. The revocation of institutionally funded scholarships applies to the following semester(s); however, each circumstance will be determined individually. A student may apply to the Vice President for reinstatement of aid after successful completion of the revocation period and full compliance with all related sanctions and conditions.

I. Termination of the Privileges of a Registered Student Organization. Termination of the Privileges of a Registered Student Organization is the loss of any or all privileges of a registered student organization. Imposition of this sanction does not preclude student conduct charges against individual members of the organization.

J. Termination of the Registration of a Registered Student Organization. Termination of the Registration of a Registered Student Organization is the discontinuation of the registration of the registered student organization. This means the organization can no longer function. Imposition of this sanction does not preclude student conduct charges against individual members of the organization.

K. Parental Notification for Violating the University's Drug or Alcohol Policy. When found responsible for violations of these conduct standards, the conference authority can notify the responsible students' parents or legal guardians of these violations as allowed by Federal law. This will only occur after the conference authority has discussed this possible notification with the student and the student is under the age of twenty one (21).

L. The following sanctions may be imposed, for any charged student found to have violated the Code of Student Conduct. Sanctions include, but are not limited to:

1. Alcohol Education; online education and assessment (Alcohol Edu for Sanctions).
2. Financial restitution for any loss sustained or incurred by the institution or member(s) of the University community.
3. Community restitution.
4. Attendance at or participation in an alcohol and/or other drug education program.
5. Counseling Session (mandated).
6. Educational Project/Presentation.
7. Suspension of computer account/ Internet use.
8. Restriction from specific University buildings, areas, or facilities.
9. Restriction or denial of campus driving privileges for student conduct violations involving the use or registration of motor vehicles and parking permits.
10. No contact with designated persons.
11. Residence Life housing reassignment or loss of ability to re-contract or reapply for on campus housing.
12. Monetary fines.
13. Loss of University privileges, including guest privileges, athletic privileges, housing privileges, co-curricular privileges, party reservation privileges and facility-use privileges.
14. Campus suspension for particular weekends.

ARTICLE X. APPEALS

Appeals must be presented in writing via electronic email by the student, specifically described to the next level of conference authority such as the **Dean of Students** or designated authority, the *Vice President* (see chart at the end of this section). An appeal is not a new conference. It is a review of the record of the original conference. An appeal may be dismissed if not sought on proper grounds. If an appeal is upheld, the case with procedural specifications shall be referred to the original conference authority. Any sanction imposed as a result of a conference shall remain in effect during the process of appeal. The appeal officer has the authority, under extenuating circumstances, to defer the imposed sanction while an appeal is in process. In any event, sanctions may not be increased as a result of an appeal. An appeal may be sought by the student on the following three grounds:

- A. On a claim of error in the conference procedure: Appeals on such grounds must be presented, specifically described, in writing within five calendar days of the announcement of the decision.
- B. On a claim of new evidence or information material to the case which was not available at the time of the conference: Appeals on such grounds must be presented, specifically described, in writing within five calendar days of the new evidence having been discovered.
- C. A reasonable claim that the sanction imposed is disproportionate to the gravity of the misconduct or history of misconduct. Appeals on such grounds must be presented, specifically described, in writing within five calendar days of the announcement of the decision.

The **Dean of Students** reserves the right to assign appeals to the appropriate conference authority.

The following are the University Conference and Appeal Authorities:

<u><i>Conference Authority</i></u>	<u><i>Appeal Authority</i></u>
Graduate Assistant	Associate Director
Assistant Director of Residence Life	Associate Director
Associate Director	Dean of Students or Designee
Dean of Students	Vice President

ARTICLE XI. SUMMARY SUSPENSION

A. Summary suspension is an action which requires a student to immediately leave University property, and not return during the suspension period, and/or comply with other stated conditions for a specified period. Summary suspension may be imposed upon a student by the **Dean of Students**/designee, the *Vice President* when there is reason to believe, based on available facts, that the student represents an immediate threat to the safety, health, or welfare of herself/himself, other persons, or property. This summary action is warranted by potential or threatened danger or disruption, but is used when the serious nature or immediacy of the incident makes it impractical or unsafe to follow normal disciplinary procedures. Summary actions authorized by this policy include:

1. Temporary suspension of a student's eligibility for enrollment or attendance, and denial of the student's access to University facilities or property. A student may be summarily suspended for a specified period of time or the suspension may be scheduled contingent upon certain events or conditions.
2. Temporary suspension or limitation of a student's eligibility to enjoy certain privileges, or participate in or attend certain events without the suspension of enrollment status. This summary action may prohibit a student's presence on University property or certain facilities, or impose conditions which must be met in order for that student to enjoy certain privileges, participate in activities, or attend events.

B. When a student is summarily suspended, she or he will be given a verbal or written explanation, the reason for, and duration of the suspension, as well as any conditions that may apply. A student notified of such summary action shall, upon written request; be given an opportunity to meet with the *Vice President* or a designee within seven business days from the date of the request. This meeting shall be held to consider only the following issues related to the summary action:

1. The reliability of information alleging a student's misconduct, and
2. Whether the conduct or surrounding circumstances reasonably indicate the student's presence on campus or continued unrestricted participation in campus affairs would pose an immediate threat to the safety, health, or welfare of persons or property.

C. Following the imposition of summary suspension, standard University disciplinary procedures shall be provided as expeditiously as possible. Unless circumstances render the implementation of standard disciplinary procedures impossible or unreasonably difficult, these procedures shall be initiated within 10 business days from the effective date of the summary action. Circumstances reasonably indicate the student's presence on campus or continued unrestricted participation in campus affairs would pose an immediate threat to the safety, health, or welfare of persons or property.

D. Any student who is summarily suspended and returns to the campus or University property and/or violates other stated conditions during the specified period shall be subject to further separate action and may be treated as a trespasser. Permission to be on campus for a specific purpose (e.g., to take an exam, to consult with the *Vice President* or designee, or to participate in disciplinary procedures) must be requested and obtained in writing or by telephone prior to any conduct contrary to the suspension or conditions, and may be granted by the *Vice President* or their designee.

ARTICLE XII. Notice of Restriction

- A. The University reserves the right to restrict a student from any building or area on University property in preparation of a conduct hearing and/or as a sanction of the conduct hearing.

ARTICLE XIII. Order of No Contact

On a limited basis and in rare occasions, the University may decide that it is in the best interest of the University community and/or the well-being of certain students or parties to have no contact. In such cases, the University, without prejudice, will restrict and mandate a no contact order between said students or parties. Such restrictions and mandates may involve limited access to facilities or residence hall relocation.

ARTICLE XIV. STUDENT CONDUCT FILES - RETENTION AND ACCESS

The *Family Educational Rights and Privacy Act* (FERPA) of 1974, as amended, is a federal law which states that a written institutional policy with respect to student records must be established and that a statement of adopted policy procedures covering the privacy rights of students be made available annually. The law provides that the University will maintain confidentiality of student records. The general requirements of this law with respect to student discipline records are covered in the information that follows.

Any student has the right to inspect his/her own student conduct file. The information contained therein will be made available to the student by the Office of the **Dean of Students**/designee upon written request. After a request is received, a copy of the file (excluding other student's personal information) will be made available within 72 hours of receiving the written request. No one outside the institution shall have access to the student's records nor will Mount St. Mary's University disclose any information from these records without the written consent of the student except in those cases permitted by the FERPA. Students are advised that employers and graduate schools may request information on disciplinary standing. It is the student's right to deny access. Only when a signed permission form is presented to the **Dean of Students**/designee will any information be made available. Within the University community, only those members individually or collectively, acting in the student's educational interest, are allowed access to records. It shall be the responsibility of the **Dean of Students**/designee to provide an explanation, in writing if necessary, as to the nature and severity of any violation in which the student in question has been sanctioned when an authorized inquiry to inspect the record of any student is made.

When a student is found responsible for violating the University Code of Conduct, a student conduct file is created. This file contains all the information pertinent to the disciplinary process in which a student has been involved. Each subsequent time a student is found responsible for violations, his/her record is used in determining sanctions. The records of any student contained in the disciplinary file shall be maintained by the office of the **Dean of Students**/designee until three years following graduation of the student from the University at which time it will be destroyed. In the case where the student either withdraws or is dismissed/expelled, the student's file will be maintained permanently and may have a notation of "Withdrawn" (for withdrawal and suspension) or "Dismissal" may become part of the student's academic record.

Under normal circumstances, a student is not allowed to withdraw with disciplinary action currently pending. Where, for a good cause, a student is allowed to withdraw, the University may maintain a continuing interest in a final resolution and the matter is not automatically rendered moot.

A disciplinary record may be expunged and/or a transcript notation removed for good cause by the **Dean of Students**/designee. A "Petition to Expunge" shall be submitted by the Student Petitioner to the **Dean of Students**/designee for review. Factors to be considered shall include the following:

1. the present demeanor of the Petitioner;
2. the conduct of the Petitioner since the violation;
3. the nature and severity of the violation; and
4. the nature and severity resulting from the misconduct.

Disclosure of Adjudication Outcome Policy

The University may disclose the final results of a student conduct conference (specifically, the name of the student, the violation committed, and any sanction imposed by the University against the student) only to the Respondent and to a Complainant or other individual who is the victim of the alleged violation in cases where the facts alleged constitute a crime of violence or non-forcible sex offense (as those terms are defined under FERPA).

Conclusion

The student conduct system is designed to fit within the University's larger educational system and does not function as a court of law. Mount St. Mary's University challenges students to high standards of personal behavior and responsibility through the formation of character and virtues. It is founded on principles of fostering community, upholding the common good, and respecting the dignity of the whole human person. When a student disregards these principles, he/she is held accountable and sanctions are imposed.

The student conduct system is an educational process existing between the University and the student. The Mount's student conduct process, including policies on disclosure and confidentiality, is consistent with our Catholic educational mission, the Principles of Good Practice for Student Affairs at Catholic Colleges and Universities, and Federal and State laws and regulations. The disciplinary procedures are designed to educate the individual while taking into consideration the needs of the greater community. *Influences designed to interfere or change the outcome of this educational process are violations of the integrity of the student conduct system and the holistic education of the Mount St. Mary's Student.*

ARTICLE XV. CHANGES TO THE CODE OF STUDENT CONDUCT

Any recommendation for modification of any aspect of the Code of Student Conduct shall be forwarded to the *Vice President* for approval and implementation. When appropriate, the *Vice President* will inform the President of University who retains the right to make final decisions in accordance with the governance policy of the institution.