

# College/University Community Standards

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## Alcohol and Other Drug Policy (Sample)

To comply with the Drug Free Schools and Communities Act of 1989 (DFSCA) and subsequent amendments, students and employees of College/University are informed that strictly enforced policies are in place which prohibit the possession, use or distribution of any illicit drugs, including alcohol, on College/University property or as part of any College/University-sponsored activity unless event-specific permission is given for of-age students to consume alcohol moderately. Students and employees are also subject to all applicable legal sanctions under local, state and federal law for any offenses involving illicit drugs on College/University property or at College/University-sponsored activities.<sup>1</sup>

College/University affirms that illegal drug use is unlawful and harmful. The use of illegal drugs and alcohol abuse by students and employees could result in cognitive deficits, loss of productivity, and other health risks. These risks include an increased risk of accidents, which may result in death or permanent injury. Free, confidential counseling for alcohol and other drug abuse issues is available to students and employees through the College/University Counseling Services, Health Services, and the employee assistance program. Other resources may include assessment, individual counseling, educational programs, materials, and referral and case management through community agencies, all of which might include a fee.

Students exhibiting signs of excessive alcohol consumption will be transported via Emergency Medical Services (EMS) at the student's expense for medical attention. Refusal to cooperate with EMS personnel may result in arrest **[by local/campus police]** in order to ensure the student's health and safety and/or a conduct complaint for disorderly conduct and/or failure to comply.

### A. Parental Notification Policy

College/University is concerned about students who improperly use alcohol and other drugs and the effects such use may have on their health, academic success, interpersonal relationships and, ultimately, their future.

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<sup>1</sup> Consider linking to applicable local, state and federal codes and statutes.

College/University alcohol policy expressly forbids possession and/or consumption of alcohol by students, employees or guests who are under the minimum legal drinking age of 21 years. Possession of drug paraphernalia and the use, manufacture, sale, or distribution of illegal drugs, whether on or off campus, by any student is also prohibited. In accordance with the Family Educational Rights and Privacy Act (FERPA), the Director of Student Conduct (or designee) reserves the right to notify the parents/guardians of students under 21 years of age, and the parents/guardians of dependent students, regardless of age, of any incident in which the student is found responsible for violating the College/University alcohol and drug policy.

## **B. Alcohol Policy**

The following sections describe College/University policy regarding the sale, service, distribution, and consumption of alcoholic beverages on university property or at college/university-sponsored events in accordance with federal, state and local laws.

### ***Basic Guidelines***

Students who are 21 years of age or older are permitted to possess and consume alcohol in designated university housing rooms. Students who are of legal drinking age may not share or provide alcohol to any students, employees or guests who are under 21 years of age. Those under the minimum legal drinking age of 21 years are not permitted to possess or consume alcohol anywhere on university property or at university-sponsored events. Drinking games, and simulated drinking games (e.g. water pong) are prohibited on campus.

### ***Examples of Violations of the University Alcohol Policy***

- Purchasing alcohol by a person under the age of 21.
- Selling or providing alcohol to a person under the age of 21.
- Possessing either full **[or empty]** alcohol containers by a person under the age of 21.
- Consuming alcohol by a person under the age of 21.
- Showing physical or mental impairment following or resulting from alcohol use.
- **[Possessing empty alcohol containers for decorative purposes].**
- Using or possessing common sources of alcohol including, but not limited to kegs, party balls, punch bowls, wine boxes, etc.
- Participating in or being present during the occurrence of any drinking game.
- Possessing an open container of alcohol in a common area including, but not limited to bathrooms, hallways, lounges, elevators, lobbies or outdoor spaces.
- Driving under the influence of alcohol.

As stated in Section 4 of the *Code of Student Conduct*, “failure to comply with the reasonable directives of university officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so”, is considered unacceptable behavior for a university student. An example of such behavior includes refusing to submit to a breath test when requested by a police officer, whether on or off-campus, which is considered a violation of the university *Code of Student Conduct* and may result in conduct sanctions.

A partial list of university alcohol policy violations and their subsequent sanctions is listed below. Sanctions are dependent upon a number of factors including, but not limited to: hearing officer discretion, the nature and severity of the incident, a student’s conduct history and a student’s cooperation throughout the conduct process.

a) *Minor in Possession/Consumption of Alcohol or Residence Life Alcohol Policy Violations:*

1. First Offense—Possible sanctions and institutional actions include, but are not limited to:
  - Participation in an alcohol education activity and/or a Minor in Possession course, at the student’s expense and as determined by the Director of Student Conduct (or designee);
  - Authorship of a research/reflection essay;
  - Notification of parents/guardians of dependent students and those under the minimum legal drinking age of 21 years; and/or
  - Reprimand up through suspension or expulsion from housing and/or the college/university;
  - Other sanctions as determined by the Director of Student Conduct (or designee).
2. Second Offense— Possible sanctions and institutional actions include, but are not limited to:
  - Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor’s evaluation;

- Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
  - Authorship of a research/reflection essay;
  - Notification of parents/guardians of dependent students and those under the minimum legal drinking age of 21 years; and/or
  - Reprimand up through suspension or expulsion from housing and/or the college/university;
  - Other sanctions as determined by the Director of Student Conduct (or designee).
3. Third and Subsequent Offenses— Possible sanctions and institutional actions include, but are not limited to:
- Suspension or expulsion from university housing and/or the college/university;
  - Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years; and/or
  - Other sanctions as determined by the Director of Student Conduct (or designee).

b) *Purchasing, Selling or Providing Alcohol to Minors:*

1. First Offense— Possible sanctions and institutional actions include, but are not limited to:
- Participation in an alcohol education activity at the student's expense and as determined by the Director of Student Conduct (designee);
  - Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation;

- Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
- Authorship of a research/reflection essay;
- Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years;
- Eligibility restrictions;
- Reprimand up through suspension or expulsion from housing and/or the college/university;
- Community service hours to be performed at a specific location as determined by the Director of Student Conduct (or designee); and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

2. Second and Subsequent Offenses— Possible sanctions and institutional actions include, but are not limited to:

- Suspension or expulsion from the college/university;
- Notification of law enforcement authorities;
- Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

c) *Driving Under the Influence/Driving While Intoxicated*: College/University is concerned about students who violate state and local laws regarding consumption of alcohol and the operation of motor vehicles. In accordance with state law, the university abides by the legal definition of *intoxicated* as “not having the normal use of mental or physical faculties by reason of introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body” or 0.08 Breath or Blood Alcohol Concentration. In addition,

students under the legal minimum drinking age of 21 years who are found to have any detectable amount of alcohol in their systems will be considered driving under the influence of alcohol and subject to penalties under that offense.

1. First Offense— Possible sanctions and institutional actions include, but are not limited to:
  - Loss of driving and/or parking privileges on campus for a specified period of time;
  - Participation in an alcohol education activity and/or a Minor in Possession course, at the student's expense and as determined by the Director of Student Conduct (designee);
  - Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
  - Community services hours to be performed at a specific location as determined by the Director of Student Conduct (or designee);
  - Authorship of a research/reflection essay;
  - Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years;
  - Eligibility restrictions; and/or
  - Reprimand up through suspension or expulsion the college/university;
  - Other sanctions as determined by the Director of Student Conduct (or designee).
  
2. Second and Subsequent Offenses— Possible sanctions and institutional actions include, but are not limited to:
  - Suspension or expulsion from the university;
  - Notification of law enforcement authorities;

- Notification of parents/guardians of dependent students and those under the minimum legal drinking age of 21 years; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

### **C. Illegal Drug Policy**

The following sections describe College/University's policy regarding the sale, manufacture, distribution, possession and use of illegal drugs on or off College/University property or at College/University-sponsored events or programs in accordance with federal, state and local laws. Examples of violations include:

- Misuse of over-the-counter drugs.
- Misuse or sharing of prescription drugs.
- Possessing, using, being under the influence of, distributing, or manufacturing any form of illegal drug.
- Possessing paraphernalia (i.e., rolling papers, pipes, bongs, etc.) for intended or implied use of any form of illegal drug.
- Possessing paraphernalia that contains or appears to contain illegal drug residue.
- Purchasing or passing illegal drugs from one person to another.
- Using mail services to purchase, pass, or distribute illegal drugs.

This policy provides flexibility for the College/University in addressing drug-related offenses which occur on- or off-campus. Moreover, it permits the College/University to address its fundamental mission of holistic education and the development of human potential. While recognizing that there is a need to address violations related to the use or possession of controlled substances, the College/University must address the education and well-being of all its students and employees. In addition to College/University imposed sanctions, students and employees are subject to all legal sanctions under federal, state and local law for any offenses involving illegal drugs on College/University property or at College/University activities.<sup>2</sup>

#### ***Safe Harbor***

The College/University has a Safe Harbor rule for students. The College/University believes that students who have a drug and/or addiction problem deserve help. If any College/University student brings their own use, addiction or dependency to the attention of College/University officials outside the threat of drug tests or imposition of the conduct process and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by

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<sup>2</sup> Consider linking to laws and penalties.

the student. Failure to follow the action plan will nullify the Safe Harbor protection and the campus conduct process will be initiated.

***Violations of the College/University Illegal Drug Policy (Sample)***

A partial list of College/University drug policy violations and their subsequent sanctions is listed below.

a) *Manufacture, Sale or Distribution of Illegal Drugs:*

1. First Offense—Possible sanctions include, but are not limited to:

- Expulsion from the College/University;
- Notification of parents/guardians of students under 21 years of age and older dependent students;
- Notification of law enforcement authorities; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

b) *For the Possession or Use of Drug Paraphernalia, Synthetic Substances and/or Illegal Drugs:* Drug paraphernalia (e.g. bongs), illegal drugs, and synthetic substances (e.g. K2, Spice) whose common purpose is to replicate the effects of illegal substances are prohibited on campus.

1. First Offense—Possible sanctions include, but are not limited to:

- Suspension or expulsion from College/University housing;
- Suspension from the College/University for a period of not less than the remainder of the semester in which the infraction occurred;
- Participation in a drug education activity, at the student's expense and as determined by the Director of Student Conduct (or designee);
- Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation;



- Observation of one or more sessions the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
  - Authorship of a research/reflection essay;
  - Notification of parents/guardians of students under 21 years of age and older dependent students;
  - Notification of law enforcement authorities; and/or
  - Other sanctions as determined by the Director of Student Conduct (or designee).
2. Second Offense— Possible sanctions include, but are not limited to:
- Expulsion from the College/University;
  - Notification of parents/guardians of students under 21 years of age and older dependent students;
  - Notification of law enforcement authorities; and/or
  - Other sanctions as determined by the Director of Student Conduct (or designee).

## Information Regarding the Impact of Alcohol and Other Drug Use

### Risks of Alcohol Use

The following is a partial list of the adverse effects of alcohol use on the individual and society arranged by source.

#### ***The Truth about Alcohol: Tips for Teens* (U.S. Department of Health & Human Services, 2003)**

- a) *Alcohol affects your brain.*  
Drinking alcohol leads to a loss of coordination, poor judgment, slowed reflexes, distorted vision, memory lapses, and even blackouts.
- b) *Alcohol affects your body.*  
Alcohol can damage every organ in your body. It is absorbed directly into your bloodstream and can increase your risk for a variety of life-threatening diseases, including cancer.
- c) *Alcohol affects your self-control.*  
Alcohol depresses your central nervous system, lowers your inhibitions, and impairs your judgment. Drinking can lead to risky behaviors, including having unprotected sex. This may expose you to HIV/AIDS and other sexually transmitted diseases or cause unwanted pregnancy.
- d) *Alcohol can kill you.*  
Drinking large amounts of alcohol can lead to coma or even death. Also, in 1998, 35% of traffic deaths of 15- to 20-year-olds were alcohol-related.

#### **From *Top Ten Myths About Alcohol* (National Institute on Alcohol Abuse and Alcoholism: National Institutes of Health)**

- a) Can you hold your liquor? That is not a good thing. If you have to drink increasingly larger amounts of alcohol to get a “buzz” or get “high”, you are developing tolerance. This increases your vulnerability to many serious problems, including alcoholism.
- b) One in three 18- to 24-year-olds admitted to emergency rooms for serious injuries are intoxicated. And alcohol is also associated with homicides, suicides, and drownings.

#### ***The Naked Truth: Alcohol and Your Body* (FactsOnTap.org)**

- a) The amount of alcohol it takes to make you pass out is dangerously close to the amount of alcohol it takes to kill you.
- b) A hangover is caused partly by the body's being poisoned by alcohol and partly by the body's reaction to withdrawal from alcohol.

***Harmful Interactions: Mixing Alcohol with Medicines (U.S. Department of Health & Human Services)***

- a) Some medicines that you might never have suspected can react with alcohol, including many medications that can be purchased 'over-the-counter'—that is, without a prescription. Even some herbal remedies can have harmful effects when combined with alcohol.
- b) Mixing alcohol with certain medications [both prescription and over-the-counter] can cause nausea and vomiting, headaches, drowsiness, fainting, or loss of coordination. It can also put you at risk for internal bleeding, heart problems, and difficulties in breathing. In addition to these dangers, alcohol can make a medication less effective or even useless, or it may make the medication harmful or toxic to your body.
- c) Alcohol and medicines can interact harmfully even if they are not taken at the same time.
- d) Medications are safe and effective when used appropriately. Your pharmacist or other health care provider can help you determine which medications interact harmfully with alcohol.

***Facts About Women and Alcohol (Texas Commission on Alcohol and Drug Abuse)***

- a) Women are more susceptible to the influence of alcohol just prior to or during their menstrual cycle than at other times during their cycle.
- b) On average, a woman weighing 120 pounds requires 2.5 hours to metabolize one [standard] drink.
- c) The course of alcohol addiction progresses at a faster rate among women than men.

**Risks of Drug Use**

The following is a partial list of the adverse effects of drug use on the individual and society arranged by source.

***Marijuana...It Can Leave You Breathless! (Texas Commission on Alcohol and Drug Abuse)***

- a) Marijuana contains over 400 different chemicals including THC.
- b) "THC, the active ingredient in marijuana, remains in the fat cells of the body from 14 – 30 days."
- c) Marijuana use...
  - 1. Slows reaction time;
  - 2. Impairs thinking;
  - 3. Interferes with Coordination;
  - 4. Impairs comprehension skills;
  - 5. Impairs mathematical skills;
  - 6. Impairs reading skills;
  - 7. Impairs verbal skills; and
  - 8. Can lead to psychological dependency.
- d) Long term, regular use of marijuana can have a permanent, negative effect on attention span, concentration, memory, judgment and logical thought.
- e) Smoking one marijuana cigarette is as harmful to the lungs as smoking approximately 4 - 5 regular cigarettes. Smoking both greatly increases the risk of developing emphysema, cancer and other lung diseases.
- f) Regular use of marijuana can affect fertility in males as it can suppress testosterone production.

***Drugs & Pregnancy...No Way to Start a Life! and Drug Abuse & Pregnancy (Texas Commission on Alcohol and Drug Abuse)***

- a) The use of marijuana during pregnancy may result in low birth weight and smaller length and head circumference in babies.
- b) Babies whose mothers smoked marijuana during pregnancy may have vision problems and shorter attention spans. Also, THC, the ingredient in marijuana that causes the 'high,' accumulates in the mother's milk and transfers to nursing infants where it could cause harm to the baby's development.
- c) The use of cocaine during pregnancy increases the risk of hemorrhage and premature delivery. Chronic use of cocaine causes increased risk of spontaneous abortion.

- d) Nursing babies of cocaine abusers can also receive doses of cocaine through their mother's milk.
- e) Mental retardation and abnormal facial features have been seen in babies whose mothers used inhalants or solvents in combination with alcohol while they were pregnant.
- f) The use of solvents during pregnancy has also been linked to central nervous system defects in newborns.
- g) Heroin use during pregnancy increases the likelihood of stillbirths and neonatal deaths, and babies born to opiate-addicted mothers experience withdrawal symptoms such as restlessness, tremulousness [tremors], sweating, vomiting, diarrhea, high-pitched crying, frantic fist sucking and seizures.

***Inhalants...Deadly Fumes! (Texas Commission on Alcohol and Drug Abuse)***

- a) Products such as spray paint, glues, felt-tip markers, typewriter correction fluid, poppers and RUSH are considered inhalants.
- b) The immediate effects of sniffing inhalants are disorientation, confusion, feelings of drunkenness, possible hallucinations, incoherence and loss of memory.
- c) Sniffing inhalants can cause unpredictable or violent behavior in some persons. In other cases, it may cause someone to become withdrawn and isolated.
- d) Inhalant abuse can cause permanent brain, liver, heart and lung damage.

***Amphetamines...A Dead End Street! (Texas Commission on Alcohol and Drug Abuse)***

- a) Amphetamines are used to treat some forms of Attention Deficit Disorder (ADD) and narcolepsy.
- b) The term *amphetamines* refers to three related drugs: amphetamine, dextroamphetamine and methamphetamine.
- c) Street names for amphetamines include: speed, white crosses, uppers, and crystal.
- d) Health risks associated with amphetamine use:
  - 1. Brain damage;
  - 2. Skin Disorders;
  - 3. Lung Disease;
  - 4. Delusions;

5. Paranoia;
6. Malnutrition;
7. Ulcers;
8. Heart Disease; and
9. Hallucinations.

### ***Steroids (Texas Commission on Alcohol and Drug Abuse)***

- a) Synthetic anabolic steroids are drugs which act like the male hormone, testosterone...Some athletes use steroids to increase their strength, muscle mass, and endurance. While not all athletes use steroids, many weight lifters and body builders do...Also, some non-athletes who want well-defined muscular shape and attractive over-all body appearance use steroids.
- b) A partial list of the adverse side-effects experienced by male users includes:
  1. Enlarged breasts;
  2. Permanent premature hair loss;
  3. Shrinkage of the testicles;
  4. Risk of heart and blood vessel disease; and
  5. Sterility.
- a) A partial list of the adverse side-effects experienced by female users includes:
  1. Male-sounding voice;
  2. Growth of permanent facial hair;
  3. Reduction in breast size;
  4. Male-like muscle growth;
  5. Increased sex drive; and
  6. Permanent sterility.
- d) A partial list of the adverse side-effects shared by male and female users includes:
  1. Pimples & skin blemishes;
  2. Inability to release body heat through sweating;
  3. Abnormal blood clotting;
  4. Unusually aggressive behavior;
  5. Violent rages;
  6. High blood pressure;
  7. Liver dysfunction;
  8. Depression and frustration;
  9. Drug dependency; and

10. Liver cancer.

## Free Speech Policy

College/University supports every individual's right to freedom of expression consistent with the forum (area of campus) in which the expression is made. College/University also recognizes the importance of fostering a culture of tolerance and civility that is a cornerstone for the accomplishment of its educational goals.

Within the classroom, visual and/or aural demonstrations, depictions or conduct that may be offensive to an individual will not be restricted when there is a legitimate pedagogical context, such as material having an appropriate connection to course subject matter. Similarly, campus discourse on topics of political, artistic or social issues that are conducted consistent with the nature of the forum and reasonable institutional limitations (registration to use space, time, place and manner regulations, etc.) that are clear and unambiguous will be supported.

Expression that is severe, persistent, and objectively offensive, that is directed toward an individual based upon that individual's protected status (e.g., sex/gender, race, ethnicity, national origin, disability or age) and has the effect of limiting or deny educational or employment access, benefits or opportunities is not a protected form of speech or expression, and can form the basis of a violation of the campus harassment, bullying or discrimination policies. Other limitations on free speech include: endangering someone or threatening them; inciting violence; using "fighting words" directed at an individual or group that directly provoke violence; defamation; obscenity; and expression that has a discriminatory effect such that it limits or denies someone's educational or employment access, benefits and/or opportunities.

## Gambling Policy

Students are expected to abide by the federal laws and the laws of **[State]** prohibiting illegal gambling, including online gaming. Gambling for money or other things of value on campus or at College/University-sponsored activities is prohibited except as permitted by law. Such prohibited activity includes, but is not limited to: betting on, wagering on, or selling pools on any College/University athletic event; possessing on one's person or premises (e.g., room, residence unit, car) any card, book or other device for registering bets; knowingly permitting the use of one's premises or one's phone or other electronic communications device for illegal gambling; knowingly receiving or delivering a letter, package or parcel related to illegal gambling; offering, soliciting or

accepting a bribe to influence the outcome of an athletic event; and involvement in bookmaking or wagering pools with respect to athletic events.

## **Guest Speakers Policy**

It is the policy of the campus to foster a spirit of free inquiry and to encourage the timely discussion of the broad range of issues that concern our community, provided that the views expressed are stated openly and are subject to critical evaluation.

### **A. Student Organization Responsibilities**

A registered student organization, may invite guest speakers to the campus, subject to the following provisions:

- a) Sponsorship must be by a registered student organization [OPTIONAL: substitute “an institutionally recognized”].
- b) Proper arrangements for the use of college/university facilities must be made, consistent with institutional policy.
- c) It must be clear that the student organization, not the College/University, is extending the invitation and that any views the speaker may express are his or her own and not those of the College/University.
- d) The student organization must take whatever steps are necessary to ensure that the meeting is conducted in an orderly manner. This may necessitate consultation with campus security and/or hiring of outside security.
- e) The student organization must comply with any and all conditions for the orderly and scholarly conduct of the meeting.

## **Hazing Policy**

All acts of hazing, as defined by this policy, by any individual student or sanctioned or promoted by any College/University registered student club or organization and any of its members or alumni are prohibited. Students are entitled to be treated with consideration and respect, and no individual may perform an act that is likely to cause physical or psychological harm to any other person within the College/University community. Accordingly, any such behavior is expressly forbidden when related to the admission, initiation, pledging, joining, or any other group-affiliation activity.

Any student or organization found to be involved in any hazing activity will face conduct action and may be subjected to suspension or expulsion from the College/University. A violation of this policy may exist irrespective of any alleged voluntary or consensual participation in the activity by the person(s) being abused.



### **Examples**

- a) Clem was inducted into an unrecognized club that was made up of some members of the College/University marching band. As part of the induction activities, Clem was asked to do calisthenics half-naked in extreme heat at the request of club leaders. Clem was told he did not have to do them, but that all members did them and it improved their on-field stamina. Clem voluntarily engaged in the calisthenics. *This type of behavior violates the hazing policy, regardless of the “voluntariness” of Clem’s decision.*
  
- b) Rick joined Omega Pi Lambda, a fraternity. His pledge class took an oath not to haze, and was repeatedly warned of the fraternity’s anti-hazing policy by current members. Rick’s pledge class had heard of the long history of hazing that had gone on in their fraternity before they joined, and they felt like they were missing out. All the members had earned their stripes, but Rick’s class was under new rules. They wanted to prove themselves to their brothers, so one night Rick and his pledge class secretly invaded Rho Mu Alpha, and stole their flag. The following Sunday, in a solemn presentation, Rick and his cohorts presented the flag of their rival to their chapter leaders, who accepted it with honor and much conversation about how the covert mission was accomplished. The leaders of Omega Pi Lambda faced accusations of violating the College/University’s abusive affiliation policy. They argued that they did not take the flag, and expressly told the new initiates not to haze. *The College/University found them in violation for encouraging the activity by accepting the flag, glamorizing its theft, and failing to report the behavior to College/University officials once they were aware of it.*

**[College/University may choose to include the language from the State Hazing Law here, with a reminder that alleged violations of law are also subject to the (optional) Violation of Law provision of the code (with a hyperlink).]**

### **Posting**

The College/University supports the freedom to publicize activities and distribute materials by internal or external entities relating to functions on-and off-campus which benefit the College/University community and are consistent with the College/University’s values.

#### **General Posting Policy**

Approval must be obtained prior to making use of the residence halls or campus facilities for the sale, promotion, posting or distribution of any type of material. All material must have a sponsor responsible for the material stated directly on each piece and adhere to all policies that apply.

All printed materials posted or distributed on campus by students and guests must receive approval from the Director of College/University Events and Student Programs. Printed materials include flyers, posters, banners, announcements and advertisements. Bring one sample to the Student life office for stamped approval and make copies from that sample. Allow 24 hours turnaround time for approval.

Review and approval of postings will be based on the time, place and manner of posting, not the posting's content.

### ***Additional Approvals***

The Director of College/University Events and Student Programs (or designee) must approve all promotional material for any and all activities before being posted. The Career Services office must also approve announcements advertising employment opportunities for students. All religious organizations and events religious in nature must have the additional approval of the College/University office of Mission and Ministry.

Academic and Administrative office posters do not need the approval of College/University Events and Student Programs but should be marked with department and date, (i.e., Financial Aid Office, December 10, 2013, Do not remove until December 31, 2013).

The promoting group must obtain permission of the appropriate department to post on bulletin boards in Academic/Administrative areas for non-departmental ads.

### ***Literature Distribution***

Literature distribution must be supervised by a student member of the sponsoring registered organization. Non-students may not distribute literature on campus without specific approval of the Director of College/University Events and Student Programs or the Dean of Students.

Each sponsoring organization will be held responsible for the conduct of the distribution activity, including the behavior of any non-student participant.

On Campus: The distribution must be made only in designated areas. Calling out to people to facilitate the distribution of literature is not permitted. Absolutely no printed materials may be placed on automobiles parked on College/University property.

Off Campus: Posting or distribution of materials at an off-campus location requires permission of the proprietor.

### ***Posting Guidelines***

A maximum of 50 posters, 150 flyers or announcements, and up to four banners are permitted per event. Refer to the list of approved flyers posting locations in the next column.

Masking tape or tacks are suitable for posting. Persons posting are responsible for providing all materials.

Materials may remain posted for a maximum of 30 days or until the day after the announced event, whichever is sooner, and the sponsoring group is responsible for removal. Groups may be fined if materials are not removed the day after an event.

### ***Approved Posting Locations***

- Academic Bldgs: Bulletin boards in ...
- Admin Bldg: Bulletin boards in...
- Chapel Offices: Bulletin boards.
- Library: ?
- Parking Garage: None allowed inside
- Residence Halls: Give to the Residence Life Office for RAs to post inside residence halls.
- Sidewalks: Chalking is acceptable no more than two days before an event; messages must be removed no later than 24 hours after the event.
- Student Center: Bulletin boards & outside walls. No items may be taped to painted pillars
- Wellness Center: Lobby area bulletin boards; ask desk personnel for specific location.

### ***Posting Violations***

- Posting materials without proper approval(s).
- Posting materials on painted pillars.
- Posters with alcohol as the primary emphasis.
- Use of two-sided, electrical or duct tape.
- Covering another announcement or impairing an individual's line of sight.
- Posting on glass doors or windows, painted or varnished surfaces.
- Distribution on cars parked on campus.

Failure to adhere to this policy may result in losing the privilege to distribute or post printed materials on campus for a period of time to be specified by the Director of College/University Events and Student Programs.

### **Sales and Solicitation**

Canvassing or solicitation for funds, sales, or subscriptions is prohibited on campus or in College/University buildings unless written permission has been granted by the Dean of Students (or designee). Additionally, outside and for-profit groups are not allowed to sell items or solicit members of the College/University community on campus without prior approval from the Dean of Students (or designee).

Posters, flyers and other event advertisements pertaining to sales and solicitation for funds, sales or subscriptions must be approved by the Office of the Dean of Students (or designee) prior to posting or distribution.

The sale of merchandise, or publications or service on College/University property, other than by contracted vendors, authorized stores, restaurants, departments or divisions of the College/University, is likewise prohibited except upon written permission of the Dean of Students (or designee).

## Sex/Gender Discrimination Policy

College/University is committed to complying with all requirements as set forth by Title IX of the Education Amendments of 1972 ("Title IX"). As such, discrimination on the basis of sex or gender will not be tolerated in any of College/University's education programs or activities. Such discrimination includes, but is not limited to: sexual harassment; sexual violence; sex or gender-based bullying; hazing; stalking; relationship violence (including domestic violence and dating violence), and failure to provide equal opportunity in admissions, activities, employment or athletics. Student workers will be covered by this policy, and may also fall under the jurisdiction of human resources, which will jointly resolve all complaints with the Dean of Students.

The College/University Title IX Coordinator will be informed of, and oversee, all complaints of sex discrimination and is responsible for identifying and addressing any patterns or systemic problems that arise during the review of such complaints. Questions or concerns regarding the College/University's procedures and Title IX may be directed to one or more of the following resources:

Name:

Title IX/Equity/AA Coordinator

Office of [ ]

Location/Address:

(###) ###-###

Email:

Include list of Deputies here as well

Inquiries may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education

400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

The College/University will make every effort to successfully complete the grievance process for complaints of sex discrimination over a period of 60 days or less. The complaining party will receive periodic status updates on the progress of the complaint and any subsequent appeals.

During the investigation and/or grievance process for complaints of sex discrimination, the College/University may take a number of interim actions in order to ensure the preservation of the educational experience and the overall College/University environment of the party bringing the complaint. These actions may include, but are not limited to: imposing a no contact order on the responding party; residence hall room change for one or more involved parties; changes in academic schedules or assignments for one or both parties and interim suspension of the responding party.

To read more about Title IX of the Education Amendments of 1972, please visit: <http://www.dol.gov/oasam/regs/statutes/titleix.htm>.

### **Sexual Misconduct Policy<sup>3</sup>**

Members of College/University community, guests and visitors have the right to be free from sexual violence and discrimination. All members of the College/University community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The College/University sexual misconduct policy has been developed to reaffirm this expectation and to provide recourse for those individuals whose rights have been violated. The College/University maintains a policy of zero tolerance for sexual misconduct regardless of the sexual orientation or gender identity of individuals engaging in sexual activity. Zero tolerance means the College/University will remedy all unwelcome conduct of a sexual nature and will impose serious sanctions on anyone who violates this policy. Resolution by the College/University is intended to

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<sup>3</sup> When alleging a violation, the accusation is of violating the sexual misconduct policy, encompassing all four of the sub-offenses listed below. Some or all of the four sub-offenses may be relevant in any given case, and by using the accusation of sexual misconduct, you can be sure that overlapping behaviors are alleged appropriately. For example, non-consensual sexual intercourse includes the offenses of non-consensual sexual contact and sexual harassment, all of which will be covered by the accusation of sexual misconduct.

bring an end to harassing or discriminatory conduct, prevent its recurrence and remedy the effects on the victim and the community. This policy has dual purposes; it serves as a measure to determine, after-the-fact, if behaviors trespassed on community values and as a guide for students on the College/University's expectations, preventatively, for sexual communication and interaction, responsibility and respect.

While the policy below is quite detailed and specific, the expectations of this community can be summarized in this simple paragraph: Consent is clear sexual permission and can only be given by one of legal age. Consent can be given by word or action, but non-verbal consent is more ambiguous than explicitly stating one's wants and limitations. Consent to one form of sexual activity should not, and cannot, be taken as consent to any other sexual activity. Individuals who consent to sex must be able to fully understand what they are doing. Under this policy, "No" always means "No" and "Yes" may not always mean "Yes." For example, when alcohol or other drugs are used, a person will be considered unable to give valid consent if the person cannot appreciate the *who, what, where, when, why, or how* of a sexual interaction. In addition, silence—without clear actions demonstrating permission—cannot be assumed to indicate consent.

Finally, there is a difference between seduction and coercion; coercion is defined in this policy as unreasonably pressuring another person for sex. Coercing someone into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

#### **A. Violations of the College/University Sexual Misconduct Policy**

Sexual misconduct is a serious offense and such violations are subject to any combination of conduct sanctions as described in the *Code of Student Conduct* - Section 7: "Formal Conduct Procedures", with individuals found responsible for violation of the nonconsensual sexual intercourse policy facing a recommended sanction of College/University suspension or College/University expulsion. Deviations from this range are rare and only made where there are compelling mitigating circumstances. Suspensions, if given, are based on satisfying conditions rather than solely on a period of time. Predatory, pattern and/or repeat offenders face expulsion, which is also available for any serious offense whether pattern, predatory or repeat offending is evidenced or not. The other forms of sexual misconduct defined below cover a range of behaviors, and therefore a range of sanctions from warning to expulsion can be applied, depending on the nature of the misconduct. **[Any use of the campus restorative justice program in a sexual misconduct case must still result in sanctions within the offense-specific ranges defined here, though conditions may be specific to the restorative model].** A partial list of College/University sexual misconduct policy violations is listed below.

- a) *Sexual Harassment* is defined as unwelcome conduct of a sexual nature. The College/University encourages the reporting of all sexual harassment to a

supervisor and/or the Title IX Coordinator (referenced above). The College/University will promptly and effectively remedy all instances of reported sexual harassment by providing resources to the victim and addressing the effects on the victim and the community. To impose discipline on a harasser, sexual harassment must also meet the definition of hostile environment, quid pro quo or retaliation defined immediately below:

1. *Hostile Environment* includes situations where harassment is sufficiently severe, pervasive or persistent and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the University/College's educational or employment program or activities, sanctions can be imposed for the creation of a hostile environment.

The determination of whether an environment is "hostile" must be based on all the circumstances. **[These circumstances could include, but are not limited to:**

- **The frequency of the speech or conduct;**
- **The nature and severity of the speech or conduct;**
- **Whether the conduct was physically threatening;**
- **Whether the speech or conduct was humiliating;**
- **The effect of the speech or conduct on the alleged victim's mental and/or emotional state;**
- **Whether the speech or conduct was directed at more than one person;**
- **Whether the speech or conduct arose in the context of other discriminatory conduct;**
- **Whether the speech or conduct unreasonably interfered with the alleged victim's educational or work performance;**
- **Whether a statement is a mere utterance of an epithet, which engenders offense in an employee or a student or offends by mere discourtesy or rudeness.**

2. *Quid Pro Quo* sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature where submission to, or rejection of, such conduct results in adverse educational or employment action. Quid pro quo harassment may also exist when a threat of adverse action or a promise of a benefit is explicitly conditioned on submission to, or rejection of, such requests.

3. *Retaliation* exists when an individual harasses, intimidates or takes other adverse action(s) against a person because of the person's participation in an investigation of discrimination or sexual misconduct or their support of someone involved in an investigation of discrimination or sexual misconduct. Retaliatory actions include, but are not limited to, threats or actual violence against the person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism. The College/University will impose sanctions on any faculty, student or staff member found to be engaging in retaliation.

b) *Nonconsensual Sexual Intercourse* (or attempts to commit the same):

- Any sexual intercourse (anal, oral or vaginal),
- however slight,
- with any object,
- by a person upon another person,
- without consent and/or by physical force

c) *Nonconsensual Sexual Contact* (or attempts to commit the same):

- Any intentional sexual touching,
- however slight,
- with any object,
- by person upon another person,
- without consent and/or by physical force

d) *Sexual Exploitation*: Taking nonconsensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit a person other than the one being exploited. Examples of sexual exploitation include, but are not limited to:

1. Prostituting another student;
2. Non-consensual video or audio recording of sexual activity;
3. Exceeding the boundaries of explicit consent, such as allowing friends to hide in a closet to be witness to one's consensual sexual activity;
4. Engaging in voyeurism (Peeping Tommerly); and/or
5. Knowingly transmitting a sexually transmitted disease/infection or HIV to another student.



## B. Confidentiality and Reporting Sexual Misconduct

College/University officials, depending on their roles at the College/University, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual unless you have requested information to be shared. Other resources exist for you to report crimes and policy violations and these resources will take action when you report victimization to them. Most resources on campus fall in the middle of these two extremes; neither the College/University nor the law requires them to divulge private information that is shared with them, except in the rare circumstances. The following describes the three reporting options at College/University:

- a) *Confidential Reporting*: If you would like the details of an incident to be kept confidential, you may speak with on-campus counselors, campus health service providers, off-campus rape crisis resources, **[advocates, peer advisors]** or clergy/chaplains who will maintain confidentiality. Campus counselors are available to help you free of charge and can be seen on an emergency basis during normal business hours.
- b) *Private Reporting*: You may seek advice from certain resources who are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. These resources include employees without supervisory responsibility or remedial authority to address sexual misconduct, such as resident advisors (RAs), **[faculty members, advisors to student organizations]**, career services staff, admissions officers, student activities personnel, and many others. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you and can help you make decisions about who can help you best. Some of these resources, such as RAs, are instructed to share incident reports with their supervisors, but they do not share any personally identifiable information about your report unless you give permission, except in the rare event that the incident reveals a need to protect you or other members of the community. If your personally identifiable information is shared, it will be shared with as few people as possible and all efforts will be made to protect your privacy to the greatest extent.
- c) *Formal Reporting Options*: You are encouraged to speak to College/University officials, such as the Title IX Coordinator, Director of Student Conduct, Campus Security/Public Safety, or Deans to make formal

reports of incidents of sexual misconduct. You have the right, and can expect, to have incidents of sexual misconduct taken seriously by the College/University when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses, and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve your rights and privacy.

### **C. Federal Timely Warning Obligations**

Victims of sexual misconduct should be aware that College/University administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College/University will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

### **D. Information Supplementing the College/University Sexual Misconduct Policy**

In addition to the information provided in the College/University Sexual Misconduct Policy, students should know that rape is a crime that can be reported to civil authorities. Rape is often thought of as a violent attack on a woman by a stranger who uses a weapon to threaten his victim, but this description does not apply to the majority of rapes that take place in the United States. "Victims of rape and sexual assault report that in nearly 3 out of 4 incidents, the offender was not a stranger...two thirds of the victims 18 to 29 years old had a prior relationship with the rapist."<sup>4</sup> Therefore, College/University students are more likely to be victimized by someone they know, and perhaps trust, than by someone who is a stranger. Both men and women can be victims. Non-consensual intercourse by a person one knows is often referred to as *date rape* or *acquaintance rape*, both of which are as serious an offense as stranger rape.

#### **a) College/University and Community Resources for Victims of Sexual Harassment and Assault**

College/University Campus Resources [**List contact information and hours of availability of each, below**]

- Campus Security/Public Safety

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<sup>4</sup> Greenfield, L.A. (1997). Sex offenses and offenders [Electronic version]. *U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics*. Retrieved July 26, 2010, from <http://www.bjs.gov/content/pub/pdf/SOO.PDF>.

- Counseling Services
- Student Health Services
- Director of Student Conduct
- College/University Title IX Coordinator
- Deputy College/University Title IX Coordinator

Community Resources

- **[List Community Resources here]**

## **b) Frequently Asked Questions**

The following are some of the most commonly asked questions regarding the College/University's sexual conduct policy and procedures.

### *1. Does a complaint remain confidential?*

Reports made to counselors, health service providers and clergy will be kept confidential. All other reports are considered private. The privacy of all parties to a complaint of sexual misconduct will be maintained, except insofar as it interferes with the College/University's obligation to fully investigate allegations of sexual misconduct. Where information is shared, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted.

In all complaints of sexual misconduct, the accusing party will be informed of the outcome. In some instances, the administration also may choose to make a brief announcement of the nature of the violation and the action taken, to the community, though personally identifying information about the victim will not be shared. Certain College/University administrators are informed privately (e.g., the President of the College/University, Director of Student Conduct, Title IX Coordinator, Director of Security, etc.) of the outcome and any change to a student's status, as necessary. The College/University must statistically report the occurrence on campus of any of seven major violent crimes, including certain sex offenses, and hate crimes in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

### *2. Will my parents/guardians be told?*

No, not unless you tell them. Whether you are the accusing party or the responding party, the College/University's primary relationship is to the student and not to the parent/guardian; however, in the event of major medical, conduct action, or academic jeopardy, students are strongly encouraged to inform their parents. College/University officials may directly inform parents when requested to do so by a student, or in a life-threatening situation, in the case that the student is a minor, or if the student has signed the permission slip at registration which allows such communication.

3. *Will I have to confront the alleged perpetrator?*

Yes, if you file a formal complaint, but not directly. Sexual misconduct is a serious offense and the responding party has the right to question the accuser; however, the College/University does provide options for allowing questioning without direct contact, including closed-circuit testimony, Skype, using a room divider or using separate hearing rooms.

4. *Do I have to name the alleged perpetrator?*

Yes, if you want formal conduct action to be taken against the alleged perpetrator. No, if you choose to respond informally and do not file a formal complaint. One should consult the complete privacy policy described above to better understand the College/University's legal obligations regarding information that is shared with various College/University officials.

5. *What should I do if I am accused of sexual misconduct?*

First, *do not* contact the alleged victim. You may immediately want to contact someone who can act as your advisor; anyone may serve as your advisor. You may also contact the Director of Student Conduct, who can explain the College/University's procedures for dealing with sexual misconduct complaints. You may also want to talk to a confidential counselor in Counseling Services.

6. *What should I do about legal advice?*

Victims of criminal sexual assault need not retain a private attorney to seek prosecution because legal issues will be handled through a representative from the District Attorney's office. You may want to retain an attorney if you are the responding party. Victims may also want to retain an attorney if you are considering filing a civil action

against the alleged perpetrator. Both the accused and the victim may also use an attorney as their advisor during the campus' investigative and hearing processes.

7. *How can the College/University help to remedy the effects of discrimination?*

If you want to move, or have the responding party moved, you may request a room change. Room changes under these circumstances are considered emergencies. It is the College/University's policy that in emergency room changes, the student is moved to the first available suitable room. Other accommodations available to you might include:

- Assistance from College/University support staff in completing the relocation;
- Arranging to dissolve a housing contract and pro-rating a refund;
- Exam, paper or assignment rescheduling;
- Taking an incomplete in a class;
- Transferring class sections;
- Temporary withdrawal; and/or
- Alternative course completion options;
- A no-contact order;
- Counseling assistance;
- Escorts or other campus safety protections.

8. *What should I do to preserve evidence of a sexual assault?*

Physical information of a sexual assault must be collected within about 120 hours of the assault for it to be useful in a criminal prosecution. If you believe you have been a victim of a sexual assault, you should go to a hospital Emergency Room before washing yourself or your clothing. A sexual assault health professional (a specially

trained nurse called a SANE) at the hospital is on call and will counsel you. **[Note here if SANE services are available on your campus]**. If you go to the hospital, local police will be called but you are not obligated to talk to the police or to prosecute. The exam will help to keep that option open for you should you decide later to exercise it.

The hospital staff will collect information, check for injuries and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet. (Plastic containers do not breathe, and may render forensic information useless.) If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as information. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear information for the police to collect.

9. *Will either party's prior use of drugs and/or alcohol be considered when reporting sexual misconduct?*

No, not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

10. *Will a student be sanctioned when reporting an act of sexual misconduct if the student has illegally used drugs or alcohol?*

No. The College/University offers amnesty in such situations. The seriousness of sexual misconduct is a major concern and the College/University does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.**[See "Amnesty" policy in Section 7(C) of the Code of Student Conduct]**

11. *What should I do if I am uncertain about what happened?*

If you believe that you have experienced non-consensual sexual contact, but are unsure of whether it was a violation of the College/University's sexual misconduct policy, you should contact the Title IX Coordinator and/or Director of Student Conduct. The College/University also provides **[advocates/counselors/etc.]** who can help you to define and clarify the event(s), and advise you of your options.

### c) Risk Reduction Tips

Tips like these tend to make victims feel blamed if a sexual assault occurs. It is never the victim's fault, and these tips are offered in the hope that recognizing patterns can help men and women to reduce the risk of victimization. That said, only a rapist or an empowered bystander can intervene to prevent a rape or assault. Generally, an assault by a known offender will follow a four-step pattern:

1. An individual's personal space is violated in some way. For example, the perpetrator may touch the victim in a way that does not feel comfortable.
2. If the victim does not express discomfort, the perpetrator may begin to view the victim as an easy target because she/he is not acting assertively.
3. The perpetrator may take the victim to a location that is secluded and where the victim is vulnerable.
4. The victim feels trapped or unable to be assertive and is raped or assaulted.

Decisive action early in an encounter may be the key to avoiding rape. An individual who can combine assertiveness and self-defense skills, who is self-confident and definite in his/her interactions with others, is less likely to become a victim of rape. If the individual can assertively defend his/her rights initially, he/she has a better chance of avoiding being raped than does a person who resorts to techniques such as pleading or trying to talk the perpetrator out of it. If you find yourself in an uncomfortable sexual situation, these suggestions may help you to reduce your risk:

1. Make your limits known before things go too far.
2. Give clear messages. Say "yes" when you mean yes and "no" when you mean no. Leave no room for misinterpretation. Tell a sexual aggressor "NO" clearly and loudly, like you mean it.
3. Try to extricate yourself from the physical presence of a sexual aggressor.
4. Grab someone nearby and ask for help.
5. Be responsible for your alcohol intake/drug use and realize that alcohol/drugs lower your sexual inhibitions and may make you more 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. A real friend will get in your face if you are about to make a mistake. Respect them if they do.
7. Be aware of any nonverbal messages you may be sending that conflict with what you are saying. Notice your tone of voice, gestures and eye contact.
8. Be forceful and firm when necessary. Don't be concerned with being polite. Your passivity may be interpreted as permission or approval for this behavior.
9. Do not acquiesce to something you do not want just to avoid unpleasantness. Do not allow "politeness" to trap you in a dangerous situation. This is not the time to be concerned about hurt feelings.
10. Trust your feelings or instincts. If a situation does not feel comfortable to you or you feel anxious about the way your date is acting, you need to respond. Leave immediately if necessary.

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. Do not make assumptions about:
  - Consent;
  - Someone's sexual availability;
  - Whether a person is attracted to you;
  - How far you can go; or
  - Whether a person is physically and mentally able to consent to you.
2. Clearly communicate your intentions to your sexual partner and give him/her a chance to clearly relate his/her 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 your partner. Perhaps your partner has not figured out how far he/she wants to go with you yet. You need to respect the timeline with which your partner is comfortable.
4. Do not take advantage of someone's drunkenness or drugged state, even if he/she did it to him/herself.
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. Do not 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, silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying



attention to verbal and non-verbal communication and body language.

8. Do not force someone to have sex with you, or have sex with a partner who has not clearly consented to you by words or actions unmistakable in their meaning.

## **Student Sales & Fundraising**

Sales will be conducted by registered student organizations only. Sales in stationary locations on campus must be approved by the Dean of Students (or designee) appropriate paperwork to reserve facilities must be completed at least five (5) business days before the event. Individuals or organizations may not sell or solicit donations off-campus in the name of the College/University unless prior authorization is given by the Dean of Student Life and the Vice President of Institutional Advancement.

## **Smoking Policy**

The College/University is committed to provide a safe and healthy environment on campus property. To that end, the College/University provides a smoke free environment. Therefore smoking is not permitted in any College/University facilities or buildings.

All employees and students share in the cooperative responsibility of compliance with this policy. Students, faculty and staff have the responsibility to advise their visitors or guests of this policy. When conflicts arise, the health of the nonsmoker will prevail. Employees and students who do not comply with this policy will be subject to the same disciplinary actions that accompany noncompliance with other College/University rules and/or policies.

## **Religion/Association Policy**

Students have the right to exercise their religious convictions and associate with religious, political, or other organizations of their choice provided they do so in a manner that respects the rights of other members of the community and complies with the *Code of Student of Conduct*. Student organizations have the right to affiliate members who subscribe to organizational tenets, beliefs and/or principles as long as all recognized organizations also abide by the College/University's non-discrimination policy.

## **Student Right to Know and Campus Security Act of 1990**

The Student Right to Know and Campus Security Act of 1990 (now known as the Clery Act) is a federal mandate which requires that all current students and employees be provided with information on policies and procedures involving campus security, the reporting of criminal action or other emergencies, and the enforcement authority of security personnel. This information must also include descriptions of programs for students and employees about campus security and crime prevention, as well as statistics on the occurrence of specific crimes. Notification of the annual security report is made by the College/University's Director of Security and the full report is posted on the College/University website each October **[insert URL here]**. Hardcopies are available from Campus Police/Security on request.

## **Voluntary Medical/Psychological Leave Policy and Policy on Involuntary Leave for Students Who Pose a Direct Threat of Harm to Others**

### **Introduction**

The following policies and procedures are to be used to help transition a student to a safer environment more conducive to their needs when it becomes clear that remaining at the College/University is not in the best interest of the student or the College/University community. This policy also allows for a student to take a leave voluntarily when medical conditions or psychological distress make a leave in their best interest; its goal is to define the length of separation, outline the path to re-entry and ease the transition for the student's return, and to optimize the opportunities for the student's success when they return. Under certain conditions, if a student has not opted to take a leave voluntarily, the College/University may institute an involuntary leave under this policy.

#### **A. Student-Initiated Voluntary Leave of Absence**

Students may initiate a leave or withdrawal from the College/University for medical or psychological reasons (Note: College/University may opt to broaden this policy to include leaves for any reason. Should that option be taken, the College/University may outline universal conditions for return that will optimize the student's success upon return). At the discretion of the Dean of Students (or designee), and subject to the refund policies of the institution, arrangements may be made for partial or complete refund of tuition and/or fees. Incomplete grades or other academic accommodations may be made as well, subject to the academic policies of the College/University. Modifications to housing contracts may also be possible. The normal College/University procedures for leave or withdrawal will be followed, including any documentation requirements. If a student takes a voluntary leave, the leave documentation will specify the duration of the leave and options for extension. The student is permitted to return upon the end of the leave, subject only to any conditions or restrictions outlined and agreed to prior to the leave or

withdrawal. Students taking a leave or withdrawal are under no obligation to accept these conditions, but, should they accept them, they are subject to them. Any conditions should be designed to ensure the success of the student upon return.

Students who elect to fully withdraw, rather than take a leave, are required to reapply for admission after the time specified by the Office of Enrollment Management, and will be treated as any other applicant for admission at that time.

## B. College/University-Initiated Medical or Psychological Leave

If a student is behaving in a way that is threatening to others, the Dean of Students (or designee) or **[Chair of the BIT]** may initiate these procedures. Students who engage in threats to others and self-harm behaviors that cause a significant disruption to the community may also be subject to the *Code of Student Conduct*.

### a) Standard for Involuntary Leave on the Basis of Threat of Harm to Others

#### 1. *Standard for Separating a Student on the Basis of Behaviors Resulting from a Condition of Disability:*

This section applies to all involuntary leaves from housing or from the College/University for any student who is at significant risk of harm to others as a result of a condition covered by disabilities law. When the potential for harm to others is present, involuntary leave actions must consider whether the endangering behavior results from a condition of disability. If so, the student will be protected by Section 504 of the Rehabilitation Act of 1973. Under this federal statute, an individual with a disability may only be separated on the basis of this disability when they are not otherwise qualified to participate in the education program of the institution. The objective of this section is to determine whether it is more likely than not that a student is a direct threat. When a student is a direct threat, they are not otherwise qualified under disabilities law, and may be placed on leave.

A direct threat exists when a student poses a significant risk to the health or safety of others. A significant risk constitutes a high probability of substantial harm. Significance will be determined by:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that the potential harm will occur; and
- The imminence of the potential harm.

The College/University must determine whether reasonable accommodations to policies, practices or procedures will sufficiently mitigate the risk, unless those reasonable accommodations would cause undue hardship for the College/University.

Determining that a student is a direct threat requires an objective and individualized assessment and hearing. The assessment must be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. This standard also applies to the reinstatement of a student who has been placed on leave. They are entitled to return upon a showing they no longer pose a direct threat of harm to others. The College/University's Behavioral Intervention and/or Threat Assessment Team will likely assist in this determination.

## 2. *Status of Conduct Proceedings:*

If the student has been accused of a violation of the *Code of Student Conduct*, but it appears that the student is not capable of understanding the nature or inappropriateness of the action, this policy may be activated prior to issuance of a determination in the conduct process. Interim suspension for threat of harm to others will also likely be imposed.

If the student is placed on medical leave from the College/University, or another action is taken under these provisions following a finding that the student's behavior was the result of a lack of capacity, such action terminates the pending conduct action. If the student is found not to be subject to medical leave, conduct proceedings may be reinstated.

### b) Referral for Assessment or Evaluation

The appropriate official (or Behavioral Intervention Team) may refer or mandate a student for evaluation by a campus or independent licensed psychiatrist or psychologist (or licensed professional counselor, social worker, licensed clinical social worker, etc.) chosen by the College/University. Such evaluation may be appropriate if it is believed that the student may meet the criteria set forth in this policy or if a student subject to conduct proceedings provides notification that information concerning a mental health/behavioral condition or disorder will be introduced.

Students referred or mandated for evaluation will be so informed in writing with personal and/or certified delivery, and will be given a copy of these standards

and procedures. The evaluation must be completed per the direction of the referral letter, unless the Dean of Students (or designee) grants an extension. A student who fails to complete the evaluation in accordance with these standards and procedures, and/or who fails to give permission for the results to be shared with appropriate administrators, will be referred for conduct action for “Failure to Comply” under the *Code of Student Conduct*.

c) College/University-Initiated Leave Hearing Procedures for Direct Threat of Harm to Others

1. *Administrative Hearing Option*

The Dean of Students (or designee) may invoke informal resolution procedures to determine the need for an involuntary leave without a formal hearing. This process is also known as an *administrative hearing*. In administrative hearings, medical and administrative evidence (e.g. BIT assessment) will be heard, and final determinations will be made by the Dean of Students (or designee). If the medical evaluation and/or administrative assessment (e.g. BIT assessment) support the need for a leave, the Dean of Student life will render a written decision within two business days, barring exigent circumstances, stating the rationale for his/her determination. The decision will be delivered to the student directly, electronically, and/or by regular and certified mail. If the determination is made that a leave is warranted, the notification will include information regarding how long the leave may endure, as well as specifying any conditions of reinstatement. If other actions are pending, the appropriate individuals will be notified and may proceed with their actions.

2. *Formal Hearing Option*

The student subject to an involuntary leave may request a formal hearing in lieu of the administrative hearing described above. If the medical evaluation and/or administrative assessment (e.g. BIT assessment) support the need for a leave, a hearing will be scheduled before the Dean of Students (or designee), and core members of the College/University administration. The student will be informed, in writing electronically and through regular and/or certified delivery, of the time, date and place of the hearing. The student will be given at least two business days to independently review the psychological or psychiatric evaluation prior to the hearing. The student will be notified of who is expected to present information at the hearing, and is expected to notify the Dean of Students (or designee) of any parties

with relevant information whom the Dean should contact to request their appearance at the hearing as a witness. The student may, at the discretion of the Dean of Students (or designee), be assisted by an advisor in the hearing. An advisor is defined in this process as a current member of the faculty, staff or administration of the College/University. Law permits<sup>5</sup> a student to have an attorney present to attend/advise, but no advisor will be allowed to speak for or formally represent the student during a formal involuntary leave hearing.

The student and the student's advisor may present information about the necessity of involuntary leave and the student will be given the opportunity to ask questions of others presenting information. The hearing should be conversational and non-adversarial; however the Dean of Students (or designee) will exercise active control over the proceeding, to include deciding who may present information. Formal rules of evidence will not apply. Anyone who disrupts the hearing may be excluded. There will be a single verbatim record, such as a tape recording, for all involuntary leave hearings. The record will be the property of the College/University and maintained according to the College/University's record retention policy for such hearings.

A written decision will be rendered by the committee within two business days, barring exigent circumstances, stating the rationale for its determination. The decision will be delivered to the student in writing electronically and through regular and/or certified delivery. If the determination is made that a leave is warranted, the notification will include information regarding how long the leave may endure, as well as specifying any conditions of reinstatement. If other actions are pending, the appropriate individuals will be notified and may proceed with their actions.

### 3. *Appeals Process*

The determination of the involuntary leave hearing, administrative or formal, is subject to appeal to the Vice President for Student Affairs in accordance with the following process:

Students subject to involuntary leave may petition for a review of the determination within three (3) business days of issuance of the hearing committee's written decision. All petitions must be in writing and delivered to the Vice President for Student Affairs (or designee).

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<sup>5</sup> Note: The legal requirement of allowing an attorney to be present depends on the jurisdiction.

Reviews will only be considered for one or more of the following purposes:

- To consider new information which was unavailable at the time of the original hearing and could be outcome determinative;
- To assess whether a material deviation from written procedures impacted the fairness or outcome of the hearing;
- To decide if an involuntary leave is disproportionate to the severity of the threat evidenced in the hearing;
- To determine if the decision does not align with the information provided in the hearing or whether reasonable accommodations might mitigate the risk without a leave; or
- To assess whether bias on the part of a hearing committee member deprived the process of impartiality.

Except as required to explain the basis of new information unavailable at the time of a hearing, review of a hearing will be limited to the verbatim record of the initial hearing and/or all supporting documents. The review and appeal decision of the Vice President for Student Affairs (or designee) is final.

#### C. Readmission Following an Involuntary Leave

A student who is seeking reinstatement to the College/University after an involuntary leave 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 and is otherwise qualified to participate in the College/University's educational programs. Any other conditions outlined in accordance with this policy and/or any conduct sanctions must also be completed. A hearing, as outlined above, may be held to determine whether it is more likely than not that the student is no longer a direct threat.