

**ST MARY'S**  
COLLEGE *of* MARYLAND

# **To the Point**

Student Handbook

2020 - 2021

# Table of Contents

St. Mary's College of Maryland Mission Statement.....	3
Student Code and Student Rights and Responsibilities .....	4
Basic Rights and Responsibilities .....	4
Code of Student Conduct.....	5
Judicial Procedures for Academic Misconduct.....	6
Procedures for Behavioral Misconduct.....	11
Appeals .....	16
Rights of the Respondent and Complainant.....	18
Sanctions.....	19
Glossary .....	21
College Policies and Procedures.....	23
Access and Security for College Facilities .....	24
Accessibility Processes, Policies, and Procedures for Appeals.....	24
Alcohol .....	27
Attendance .....	28
Campus Housing.....	28
Computer Violations.....	30
Drones.....	31
Drugs.....	31
Email .....	33
Emergencies and Urgent Situations.....	33
Grade Grievance .....	33
Hazing.....	34
Hoverboards .....	35
ID Cards .....	36
Inclement Weather .....	36
Medical Amnesty and Good Samaritan Policy .....	36
Missing Student Policy .....	37
No Contact Order Policy .....	38
Non-discrimination .....	39
Parking.....	40
Pets .....	44
Privacy of Student Records (the Buckley Amendment).....	45
Response to Emotional and Behavioral Crises.....	46
Service Animals .....	48
Sexual Misconduct.....	50
Smoking.....	50
Solicitation, Selling, and Collecting Contributions.....	50
Weapons and Dangerous Objects .....	51
Timely Warning Policy.....	52
COVID-19 and Public Health-Informed Policies.....	52

## **ST. MARY'S COLLEGE OF MARYLAND**

Founded on the site of Maryland's first capital, the College stands as a living legacy to the ideals of freedom and inclusiveness. Our beautiful residential campus on the banks of the St. Mary's River inspires our work, our play, and our commitment to the environment.

### **Mission**

St. Mary's College of Maryland is Maryland's Honors College, a selective, public liberal arts college—a vibrant community of scholars and learners. We foster a rigorous and innovative curriculum; experiential learning; scholarship and creativity; close mentoring relationships; and a community dedicated to honesty, civility, and integrity. We are committed to diversity, access, and affordability. Our students, faculty and staff serve local, national, and global communities and cultivate and promote social responsibility.

### **Vision**

St. Mary's College of Maryland will increasingly serve as the liberal arts college of choice for intellectually ambitious students, faculty, and staff from diverse backgrounds, attracted by a rigorous, innovative, and distinctive curriculum that integrates theory and practice; a talented, professionally engaged, and student-centered faculty and staff; and a strong infrastructure. Students will be part of a collaborative learning community that embraces intellectual curiosity and innovation, the power of diversity, and the College's unique environment. Our graduates will thrive as responsible and thoughtful global citizens and leaders.

### **Core Values**

- Advancement of the College mission and vision
- Intellectual, creative, and scholarly exploration
- Innovation in academic and administrative enterprises
- Clear and effective communication
- Integration of theory and practice
- The power of a diverse community
- Local, national, and global engagement
- Access and affordability
- Environmental stewardship
- Student-centered ethos
- Social responsibility and civic-mindedness
- Civility and respect for self, others, and the environment

## **STUDENT CODE AND STUDENT RIGHTS AND RESPONSIBILITIES**

St. Mary's College recognizes its responsibility to provide an environment conducive to free inquiry and free expression, and to encourage fair and just relationships among the members of the College community. The purpose of the Code is to set forth the standards, policies, and procedures essential to safeguard students' rights and their freedom to learn, as well as to provide a fair and efficient process for adjudicating complaints concerning student misconduct. In addition, this code aims to provide students with an educational experience with regard to protecting community standards.

The authority for student conduct and discipline is delegated to the dean of students. The dean oversees actions of the conduct system and delegates the operations to the assistant dean of students. The dean acts as the appeal officer.

The goal of the campus conduct process is to help students develop responsibility, commitment, and understanding. As a result of compliance with this Code, each member of the College community will be able to live in a community based on mutual trust, guided by a spirit of self-regulation. If a student is in violation of College regulations, or of local, state, or federal laws, campus conduct action may be required.

The philosophy of this College is that most violations are best handled in a way so as to inform and guide students toward the development of personal responsibility and mature, moral, and ethical standards. Conduct proceedings in the College are administrative in nature rather than criminal. The emphasis of the College conduct system rests upon the questions of student responsibility rather than questions of legal or criminal guilt. The authority of the College to discipline students for violations of its regulations, and the power of civil authorities to deal with violations of criminal law are clearly separate proceedings, each with a different nature and purpose. The aim of the College conduct proceedings is to arrive at fair, impartial, and consistent decisions that presume that individuals are fully responsible for their actions and which ensure the rights, freedom, and safety of all members of this educational community.

### Article I

## **BASIC RIGHTS AND RESPONSIBILITIES**

### Section 1: Rights and Responsibilities

Students, as members of the College community, shall have certain rights. These rights shall include the freedom to pursue educational goals, the freedom of expression and inquiry, the right to privacy and confidentiality of records, and the right to due process as established in the Code of Student Conduct. These rights are subject to the limitations of the Code.

Students also have certain responsibilities:

- The responsibility to act in such a manner as to ensure that other students may enjoy the rights mentioned above.
- The responsibility to respect and comply with College rules and regulations.
- The responsibility to respect and comply with local, state, and federal law.
- The responsibility to act in a manner which promotes an atmosphere of learning and free expression.
- The responsibility to respect the human rights, dignity, and worth of every individual in the College community.

### Section 2: Campus Expression

Discussions and expressions of various opinions and views are encouraged within the College, provided that order is maintained, individual rights are preserved, and College operations are not disrupted.

### Section 3: Student Housing

Any student living in College housing is subject to the regulations outlined in the Housing Contract and the housing regulations. Failure to abide by the Code of Student Conduct will result in disciplinary action. All violations of the Student Housing Contract shall be referred to the executive director of student life for appropriate action.

### Section 4: Student Records

The Family Education Rights and Privacy Act of 1974 (The Buckley Amendment) regulates the maintenance, confidentiality, and accessibility of students' educational records. This Act protects the privacy of students by providing them with certain rights regarding specified records. The complete text of and information about the Act are available in the Registrar's Office and the Office of the Dean of Students. Disciplinary records are covered by this Act and, therefore, are available to the student for inspection.

Incidents will result in the development of a student disciplinary file in the name of the referred student or student organization. The files are retained in the Office of the Dean of Students, except for academic misconduct files which are retained by the Office of the Associate Dean of Faculty. Student files will be retained as disciplinary records seven years from when the student graduates or leaves the College due to death, withdrawal, or academic dismissal. Files for student organizations will be retained at the discretion of the Dean of Students. Student disciplinary records of cases resulting in suspension, expulsion, or organizational deactivation may be retained for longer periods of time or permanently at the discretion of the dean of students.

## Article II

### **CODE OF STUDENT CONDUCT**

The following misconduct is subject to disciplinary action, as provided for in this Code:

- A. Violation of published College policies, rules and regulations.
- B. Violation of federal, state or local laws.
- C. Acts of dishonesty to include:
  1. Cheating, plagiarism, or other forms of academic dishonesty.
  2. Furnishing false information to any College instructor, official, or other office with an intent to deceive.
  3. Forgery, alteration, or misuse of any College document, record, instrument, or identification.
- D. Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other College-sponsored activities.
- E. Physical, written, verbal, electronic, or mental abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health, safety, or emotional well-being of one's self or others to include:
  1. Bullying: a pattern of behavior when an individual repeatedly uses power in an intentional manner, including verbal, physical, or written conduct directed at another individual.
  2. Cyberbullying: the use of electronic communication to harm or harass others in a deliberate, repeated, and hostile manner.
  3. Intimidation: Subjecting an individual to intentional action that significantly threatens and induces a sense of fear and/or inferiority.
  4. Coercion: the improper use of pressure to compel another individual to initiate or continue action.
  5. Threats: Physical, written, verbal, or electronic conduct which reasonably expresses an intention to cause an individual injury, harm, or damage.
  6. Physical restraint, assault, or any other act of physical violence, or use of physical force against an individual.
- F. Theft, destruction, misuse or abuse to property of the College or property of a member of the College community.
- G. Failure to comply with a reasonable request of authorized College personnel or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

- H. Tampering with, removal of, setting off, or damage to the equipment or alarm systems in any College building when no apparent fire or immediate danger exists.
- I. Unauthorized possession or use of keys to any College door or facility, unauthorized operation of any locking mechanism; unauthorized entry to or use of College facilities.
- J. Controlled substance violation to include:
  - 1. Use, possession, or distribution of narcotics or other controlled dangerous substances, and related paraphernalia on College premises, except as expressly permitted by law and College regulations.
  - 2. Violation of the College Alcohol Policy.
- K. Illegal or unauthorized use, possession, or distribution of firearms, explosives, or other dangerous weapons or chemicals on College premises.
- L. Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace.
- M. Abuse of the Conduct System, including:
  - 1. Failure to respond to a summons of the Conduct Board or the student conduct officer.
  - 2. Initiation of a conduct proceeding knowingly without cause.
  - 3. Attempt to influence the impartiality of a member of the Conduct Board prior to or during the course of a conduct proceeding.
  - 4. Failure to complete or comply with a disciplinary sanction assigned by the Conduct Board/Hearing Officer.
  - 5. Verbal, physical, or mental harassment or intimidation of any member of the conduct body, witnesses, complainants, or respondents prior to, during, or after a conduct proceeding.
- N. Violation of the College Policy Against Sexual Misconduct.
- O. Violation of the College Hazing Policy.
- P. Harassment, which is defined as (a) unwelcome conduct based on a legally protected class, including: race, color, religion, sex, national origin, gender identity/expression, sexual orientation, ethnicity, age, marital status, physical or mental disability, protected veteran status, or any other characteristic protected by law; and (b) that is so severe or pervasive that it interferes with an individual's work or academic performance or creates an intimidating, hostile, or offensive working environment.

### Article III

## **PROCEDURES FOR ACADEMIC MISCONDUCT**

### Preface

St. Mary's College of Maryland is committed to the ideals of honesty, personal integrity, and mutual trust. Academic integrity is a responsibility of all students, members of the faculty, and administrative officers. All students are expected to uphold the highest ideals of academic integrity throughout their career at St. Mary's. The following policy has been adopted for fair judgment in cases of suspected academic misconduct. Students who commit acts of academic misconduct (see "Definitions of Academic Misconduct" below) are subject to in-class penalties imposed by the instructor and to a hearing before the Academic Judicial Board with possibilities of additional penalties.

**Please see glossary of terms on page 21.**

### Section 1: Definitions of Academic Misconduct

Academic misconduct may include, but is not limited to, the following acts:

- 1. Cheating
  - Cheating involves dishonest conduct on work submitted for assessment. Specific instances of cheating include, but are not limited to, the following:

- a) Assisting another student or receiving assistance from anyone to complete quizzes, tests, examinations, or other assignments without the consent of the instructor.
- b) Using aids unauthorized by the instructor to complete quizzes, tests, examinations, or other assignments.

2. Plagiarism

Plagiarism is the act of appropriating and using the words, ideas, symbols, images, or other works of original expression of others as one's own without giving credit to the person who created the work. If students have any questions regarding the definition of plagiarism, they should consult their instructor for general principles regarding the use of others' work. Among sources commonly used for documenting use of others' work are the style manuals published by the American Psychological Association, the Council of Biology Editors, the Modern Language Association, and Turabian's Manual for Writers of Term Papers. The final authority concerning methods of documentation is the course instructor. Specific instances of plagiarism include, but are not limited to, the following:

- a) Word-for-word copying of sentences or paragraphs from one or more sources that are the work or data of other persons (e.g., professional or peers; including books, articles, theses, unpublished works, working papers, seminar and conference papers, lecture notes or tapes, graphs, images, charts, data, electronically based materials, etc.), without clearly identifying their origin by appropriate referencing.
- b) Closely paraphrasing ideas or information (in whatever form) without appropriate acknowledgement by reference to the original work or works.
- c) Presenting material obtained from the Internet as if it were the student's own work.
- d) Minor alterations, such as adding, subtracting, or rearranging words, or paraphrasing sections of a source without appropriate acknowledgement of the original work or works.

3. Falsification

Falsification involves misrepresentation in an academic exercise. Misrepresentation includes, but is not limited to:

- a) Falsely attributing data or judgments to scholarly sources.
- b) Falsely reporting the results of calculations or the output of computer programs, or materials from other electronic sources.
- c) Presenting copied, falsified, or improperly obtained data as if it were the result of laboratory work, field trips, or other investigatory work.

4. Resubmission of work

No student may turn in work for evaluation in more than one course without the permission of the instructors of both courses.

## Section 2: Procedures

1. Confidentiality requirements: All parts of an academic misconduct procedure are confidential. The following guidelines should be followed:

1.1. If an instructor seeks advice from colleagues or the school administration concerning a suspected case of academic misconduct, he or she should not divulge the name of the student or students involved before taking any action.

1.2. If the instructor imposes an in-course penalty (section 2 below), he or she may not divulge the name of the student or students involved except to the Office of the Associate Dean of Faculty.

1.3. If the instructor or the associate dean of faculty requests a hearing from the Academic Judicial Board (AJB), the associate dean of faculty shall inform the hearing officer of the AJB about the case, provide the hearing officer with a statement of purpose of the hearing, and provide the hearing officer with the materials in the files.

1.4. All hearings of the AJB (as described below) are confidential. The AJB shall submit its rulings and recommendations only to the student or students accused of misconduct, the instructor involved in the case, the associate dean of faculty, and other relevant SMCM personnel.

1.5. All records of academic misconduct are kept by the Office of the Associate Dean of Faculty. All such records are confidential and may not be discussed with the faculty or other staff members of the College, with the following two exceptions:

1.5.1. As outlined below, the Office of the Associate Dean of Faculty shall forward relevant information concerning penalties for academic misconduct to the hearing officer of the AJB, the registrar, the dean of students, and any parties involved with the imposition of these penalties;

1.5.2. The Office of the Associate Dean of Faculty shall inform the hearing officer of the AJB if the student or students involved in any action have been previously charged with or penalized for academic misconduct.

2. In-course penalties:

If an instructor has compelling evidence of a student's academic misconduct, he or she may impose an academic penalty, including assigning a final grade of "F" to the student for an assignment or for the course. The instructor shall send the student an Academic Misconduct form and /or a letter outlining the evidence of the student's academic misconduct and informing him or her of the penalty within four weeks of discovery of the misconduct. The written documentation shall be sent to the student using the student's official College email address. The instructor shall send a copy of the documentation to the Office of the Associate Dean of Faculty. If the instructor submits an F for the course, the registrar will be informed that the student may not withdraw from the relevant course because of a penalty for academic misconduct.

3. Requests for a hearing by the Academic Judicial Board:

3.1. If the instructor believes that the matter warrants a review before the Academic Judicial Board (AJB), he or she may ask the associate dean of faculty to request the Academic Judicial Board to schedule a hearing on the matter. The instructor shall send copies of the request to the student and the associate dean of faculty.

3.2. If, after review of the documentation and any prior records in the student's file, the associate dean of faculty may request the Academic Judicial Board to schedule a hearing. The associate dean of faculty shall send copies of the request to the student and the instructor.

3.3. Appeal by the student: The student may appeal in writing an instructor's process for decision of responsibility or in-class penalty to the associate dean of faculty, who shall schedule a hearing on the appeal before the AJB. The student has 10 business days from the date the penalty letter was sent to make the appeal. If students have any questions or concerns about the process, please contact the associate dean of faculty.

4. Hearing Procedures:

4.1. The AJB will inform the student of the hearing date within 14 business days from the time the hearing officer receives the request. The hearing shall take place as soon as the hearing participants' schedules will allow. If the request is received during a school holiday, the hearing will take place after classes resume. If the student is graduating, and the matter arises during the student's final semester, the student may not graduate until the hearing procedures have been completed.

4.2. The student may not withdraw from the class or from the College before a decision is reached and the imposition of any penalties by the Office of the Associate Dean of Faculty.

4.3 Students that have a disability that necessitates assistance during a hearing may be entitled to reasonable accommodations. Students seeking an accommodation for the hearing process are urged to submit their request for an accommodation as soon as practicably possible, by contacting the Office of Accessibility ([adasupport@smcm.edu](mailto:adasupport@smcm.edu); 240-895-4388, in Glendening 230).

4.4. The AJB shall meet privately before the hearing to discuss the proceedings. The hearing shall be adjudicated by the members of the AJB. At least five members of the AJB must be present at any hearing, unless it is impossible to find a quorum of the regularly appointed members of the AJB within the set time. In this case, the hearing officer, in consultation with the student conduct officer, may appoint substitutes. The hearing officer of the AJB or his or her designate shall preside.



4.5. The hearing officer shall keep a record of the hearing. The hearing officer shall forward all records of the hearing to the Office of the Associate Dean of Faculty for final storage. All records are held in the Office of the Associate Dean of Faculty for seven years before they are destroyed.

4.6. The hearing shall consist of four phases:

4.6.1. Presentation of Evidence: The instructor shall present the evidence of academic misconduct to the board. The AJB shall also hear witnesses which it or the instructor may call.

4.6.2. Presentation of Defense: The student shall present his or her defense. The student may call witnesses. The names of such witnesses shall be presented to the hearing officer of the AJB five business days prior to the hearing. The AJB may limit the number of witnesses called during the first two phases of the hearing. The AJB may question the instructor, the student, and any other parties giving evidence. AJB proceedings are not a court of law and should not be held to the same standard of procedure and evidence. At the conclusion of the presentation of all testimony, both the complainant and the respondent student will be given the opportunity to ask questions of the AJB concerning any discrepancies in testimony.

4.6.3. Board Ruling: The board shall then rule on whether the student is responsible or not of academic misconduct if the instructor's ruling was appealed by the student. All deliberations by the AJB shall be made in private, with only members of the AJB present, and their counsel, if any. All decisions of the AJB are made by a majority vote of those voting, with all members, including the hearing officer, eligible to vote. If a student is found not responsible in a charge of academic misconduct, he or she may not be tried again for the same instance of misconduct.

4.6.4. Assessment of Penalty

4.6.4.1. If a student is found not responsible for academic misconduct, the AJB may recommend that the instructor remove any penalty that has been imposed. Because there may still be a dispute over the student's grade or class standing, the AJB shall recommend a course of action for the instructor to take concerning the student. The recommendation shall be made in consultation with both the student and the instructor. The associate dean of faculty shall arbitrate any disputes which cannot be resolved in this manner. The associate dean of faculty shall also consult with the AJB hearing officer privately to discuss the board's reasoning behind its recommendations.

4.6.4.2. If a student is found responsible of academic misconduct, mitigating circumstances may be taken into account when recommending a penalty. It is, however, the student's responsibility to know the policies and definitions regarding academic misconduct. If appropriate, the AJB shall then recommend an alternate academic penalty to the associate dean of faculty. The AJB may interview the student to learn of any possible mitigating circumstances before recommending any penalty.

4.6.4.3. If the case was referred to the AJB at the request of the instructor or the associate dean of faculty, or if the student appeals her/his responsibility and is found responsible, the penalty may range from simply upholding any penalty given by the instructor to expulsion from the College. In this case, the board may not recommend a penalty lighter than any imposed by the instructor. If the case was referred to the AJB because of an appeal of an in-class penalty by the student, the board may recommend that the faculty member consider a lesser penalty if deemed appropriate.

4.6.4.4. The penalties that may be recommended by the AJB include, but are not limited to:

- Upholding any in-class penalty applied by the professor (e.g.) F for the course
- Non-removable F for the course
- Non-repeatable F for the course
- Notation on the transcript that the F was due to academic misconduct
- Suspension for a semester or a year
- Ineligibility to participate in sports and/or study abroad
- Any combination of these penalties
- Expulsion

- 4.7. The hearing officer shall send a letter to the student informing him or her of the ruling and (if appropriate) any penalty recommendations. The official letter shall be sent to the student by email using the student's official College email address (read receipt enabled). The hearing officer has the option of sending an unofficial electronic copy of the letter to all persons involved. A copy of the letter will also be sent to the associate dean of faculty, and the AJB hearing officer may divulge any pertinent information to the board members.
5. Further Procedures and Policies:
- 5.1. In any hearing, the student shall be presumed not responsible unless a preponderance of the evidence establishes his or her responsibility.
- 5.2. All hearings are private. The only people present at the hearings shall be those determined by the AJB to be material to the proceedings.
- 5.3. The student may request that an employee or student member of the College community be present to offer advice to and consult with the student concerning procedural matters during the hearing. This individual shall not testify at the hearing. Both parties have the right to be assisted by an attorney. They may do so only if they notify the hearing officer of the AJB or his or her designee 48 hours in advance of the hearing. The attorney may not participate in the hearing and may not address the board or hearing officer. Attorneys are present as a support and have no speaking role in the hearing process.
- 5.4. In cases where several students are accused of a linked act of academic misconduct, the students may petition the AJB to sever their cases (treat them separately). It is up to the AJB to decide on this matter.
- 5.5. The student may not be compelled to testify against him- or herself.
- 5.6. An accused student who fails to attend a hearing may be found responsible of violation of Academic Misconduct rules and may be assessed appropriate penalties, based on the evidence presented. Should this occur, the respondent student shall be informed in writing of the outcome of the AJB hearing.
6. Penalties imposed by the associate dean of faculty:
- 6.1. The associate dean of faculty may not impose a penalty if the student was found not responsible of academic misconduct by the AJB.
- 6.2. The associate dean of faculty may meet with the student in advance of determining a penalty.
- 6.3 If the associate dean of faculty imposes a penalty for academic misconduct, he or she shall:
- 6.3.1. Send notice to the student stating the penalty.
- 6.3.2. Send a copy of the letter to the instructor and the hearing officer of the AJB.
- 6.3.3. If appropriate, inform the Office of the Registrar and the dean of students that the student may not withdraw from the relevant course or from the College because of a penalty for academic misconduct.
- 6.3.4. Send all relevant information concerning the penalty to all parties involved in the imposition of the penalty.
- 6.3.5. The penalty may range from simply confirming any penalty imposed by the instructor to expulsion from the College.
- 6.4 A student may appeal any finding of responsibility or penalty imposed by the associate dean of faculty to the Provost/Dean of Faculty. A request for appeal must be sent within 10 days after the notice of penalty from the associate dean of faculty was sent. The appeal must be sent by email using the Provost's official College email address (read receipt enabled). See Article III, Section 11 for appeal procedures.
7. Composition of the AJB
- 7.1. The Academic Judicial Board shall consist of seven members: four faculty members and three students.
- 7.2. The faculty members shall be chosen by the Faculty Senate from the full-time faculty of St. Mary's College. Faculty members shall serve for a two-year term and shall be appointed at the beginning of the school year. The Faculty Senate will appoint one of the faculty members of the AJB to serve as hearing officer during her or his term. The hearing officer will also serve as the chair of the AJB.
- 7.3. The Student Conduct Board shall choose the student members of the AJB. Student members shall serve for a one-year term and shall be appointed at the beginning of the school year.

8. Case Records

This information will be kept on file for purposes of judging any future claims of ignorance that may occur.

9. At the end of the academic year, the AJB hearing officer will submit a report of the types of penalties recommended throughout the year. This report will be available for the future AJB hearing officer.

10. Basis upon which an Appeal May Be Considered

An appeal may be made for one or more of the following purposes:

10.1 To determine whether the original hearing was conducted in conformity with the prescribed procedures of this Code. Minor deviations from designated procedures will not form the basis for sustaining an appeal unless it is determined that such deviation resulted in significant prejudice. For any substantial deviations from designated procedures, the appeals officer may, at his or her discretion, remand the matter for reconsideration.

10.2 To present new evidence which could not reasonably be made available at the time of the original hearing. Such cases, at the discretion of the appeals officer, may be remanded back to the appropriate hearing format for reconsideration in light of new evidence.

10.3 To determine whether the sanction imposed was appropriate to the violation with which the respondent student was charged.

11. Appeal Procedures

11.1 The respondent student may appeal any decision (a finding of responsibility or imposition of penalty) reached as a result of an AJB hearing.

11.2 All appeals must be made in written form specifying all reasons given for the appeal and given to the Office of the Provost and Dean of Faculty within ten (10) business days after the initial hearing. The respondent student shall be able to present in person his/her appeal to the appropriate appeals officer after submitting the written appeal. Such presentation shall be limited to no more than forty-five (45) minutes.

11.3 The Office of the Provost and Dean of Faculty or his/her designee will notify the complainant(s) and hearing officer of a pending appeal in order to permit the complainant(s) to submit an "impact statement" to be considered along with the respondent's appeal.

Article IV

**PROCEDURES FOR BEHAVIORAL MISCONDUCT**

**Please see glossary of terms on page 21.**

Section I: Components of the Conduct System

- A. Student Conduct Officer: This staff member, appointed by the assistant dean of students, is responsible for setting all cases into motion, providing notice to the complainant and respondent, making logistical arrangements for the hearings, maintaining procedures, and ensuring that the procedures are properly observed, that the records are properly maintained, and that the sanctions are properly enforced. The student conduct officer shall advise and prepare the complainant and the respondent student or student organization on all aspects of the hearing. The student conduct officer may offer a Case Resolution Meeting to the respondent(s). (See Article IV, Section 5 for Case Resolution Meeting procedures). Any questions concerning the interpretation or application of particular provisions of the Code of Student Conduct should be referred to the student conduct officer for resolution.
- B. Student Conduct Board: The Student Conduct Board shall hear complaints, except as specifically indicated otherwise within the Code of Student Conduct, made by any student or student organization or by any member of the College community or anyone else involving violations as set forth in Article II of this Code. The composition of the Student Conduct Board shall be as follows:
  - A total of three students with one taking on the role of chairperson.
  - Advisor to the Student Conduct Board (ex officio) selected from trained College professional staff.

• Student membership shall be based upon an application and interview process, as set forth in the Student Conduct Board procedures. In each conduct session, student membership to the Student Conduct Board shall be determined by assignment by the student conduct officer. Each student selected to the Student Conduct Board pool may remain in the pool for his/her duration of attendance at St. Mary's College, except for the following:

- Each member shall have and maintain a minimum grade-point average of 2.5, or be released from service.
- A student who is found responsible for a major violation of the Code shall be released from service.
- Each member shall miss no more than one Student Conduct Board hearing without reasonable cause (as determined by the student conduct officer) and must attend orientation and training sessions or be released from service.

- Each member is expected to uphold the rule of confidentiality, as defined by the student conduct officer, or be released from service.

- Each member shall be reviewed by the student conduct officer at the end of each academic year and be either retained or released from service.

C. Administrative Hearing Officers: The student conduct officer may assign a case to an administrative hearing officer(s) rather than the Conduct Board, depending on the nature of the case and/or scheduling difficulties.

Administrative hearing officers are selected from the College faculty and staff and assigned to hear a specific case by the student conduct officer.

D. College Conduct Board: The College Conduct Board shall hear complaints of the most serious, complex, and controversial nature, as assigned by the student conduct officer, made by any student or student organization or by any member of the College community or anyone else involving violations as set forth in Article II of this Code.

The composition of the College Conduct Board shall be as follows:

- A total of three members of the College community to be selected from the Student Conduct Board pool, the faculty, and the staff. One member of the College Conduct Board will take on the role of chairperson.
- Advisor to the College Conduct Board (ex officio) selected from trained College professional staff.
- Each member shall miss no more than one College Conduct Board hearing without reasonable cause (as determined by the student conduct officer) and must attend orientation and training sessions or be released from service.

- Each member is expected to uphold the rule of confidentiality, as defined by the student conduct officer, or be released from service.

E. Appeal Officer: The dean of students or designee serves as the appeal officer.

## Section 2: Jurisdiction

A. This Code covers student or student organization misconduct which occurs on College premises, contiguous properties, or which arises out of College-sponsored activities off the College premises, including study abroad, or which disrupts or endangers the College community, the College's responsibilities, or its pursuit of its objectives, or which poses a threat to the safety and well-being of any individual.

B. The student conduct officer will determine which hearing body format (College Conduct Board, Student Conduct Board, Administrative Hearing or Case Resolution Meeting) will have jurisdiction over cases of alleged student or student organization misconduct covered by Article II of this Code, with the following exceptions:

1. Alleged violations of the Policy Against Sexual Misconduct (Article II, Section N) are under the jurisdiction of the Office of the Title IX Coordinator and shall be covered under the Policy Against Sexual Misconduct and Procedures for Resolving Complaints Against a Student, which can be found at [www.smcm.edu/campus-rights](http://www.smcm.edu/campus-rights).

2. Alleged violations of Article II, Section C1 (Academic Misconduct) are under the jurisdiction of the Academic Judicial Board, the procedures for which may be found in Article III of this Code.

Students enrolled in Masters of Arts in Teaching graduate program at the College are also bound by the policies and processes of the To the Point student handbook and general academic policies at the College. In addition, these

students are bound by the policies and processes of the MAT handbook. In the event that policies and processes in the MAT handbook differ from To the Point or other campus policies, the MAT handbook is considered the superseding document.

- C. All disciplinary actions shall ultimately be acted upon by the dean of students or, in the dean's absence, by the dean's designated representative. The dean of students, in addition to other responsibilities under this Code, shall in consultation with appropriate students and College leaders develop changes in policies for the administration of the conduct program and changes in procedural rules for the conduct of hearings.
- D. Students that have a disability that necessitates assistance during a hearing may be entitled to reasonable accommodations. Students seeking an accommodation for the hearing process are urged to submit their request for an accommodation as soon as practicably possible, by contacting the Office of Accessibility ([adasupport@smcm.edu](mailto:adasupport@smcm.edu); 240-895-4388, in Glendening 230).
- E. The dean of students, the assistant dean of students, the student conduct officer, the president of the SGA or his/her designee, and the president of the Faculty Senate or his/her designee shall comprise the Student Handbook Committee. All proposed changes to the Code of Student Conduct and Student Handbook must be submitted to this committee.

### Section 3: Procedural Standards

\*For Sexual Misconduct procedures, see the Sexual Misconduct Policy at <http://www.smcm.edu/campus-rights/>.

- A. Filing of Charges: Charges may be filed against any student or student organization for conduct violations. The charges shall be prepared in writing and directed to the student conduct officer. Any student or student organization, any member of the College community, or anyone else may file charges involving violations of conduct as set forth in Article II and Article III of this Code.
- B. Preliminary Investigation and Orientation: The student conduct officer will make the choice whether to proceed with an administrative hearing, case resolution meeting, or to proceed with a hearing before one of the Conduct Boards. The student conduct officer may also meet with the respondent student or student organization to present and inform the student or student organization of the procedures of this Code.
- C. Presentation of Charges: All charges shall be presented to the respondent student or student organization in written form within ten (10) school days of their receipt by the student conduct officer. A time shall be set for the hearing which shall not be less than seventy-two (72) hours nor more than fifteen (15) school days after the letter is sent to the student or student organization advising of the charges. Hearings will be scheduled around the classes of the complainant(s) and the respondent(s). Work schedules and extracurricular activities, including but not limited to, athletics, clubs, and organizations, etc., will not be considered when scheduling conduct hearings. Maximum time limits for scheduling hearings may be extended at the discretion of the student conduct officer. Alternative delivery methods may be employed at the discretion of the student conduct officer (for example, email or phone notification of a letter to be picked up, delivery by the student's Residence Hall Coordinator, etc.). It is the student's or student organization's responsibility to check his or her mailbox on a regular basis, to keep his or her email inbox accessible for incoming messages, and respond to email or phone messages to ensure timely receipt of charge and outcome letters. Student Conduct will make reasonable accommodations for a qualified student with a disability. Students requesting an accommodation for a conduct hearing should contact the student conduct officer 48 hours in advance of their scheduled hearing.
- D. Hearing Record: A record shall be made of the conduct hearing. The student conduct officer has the responsibility to ensure that such a record is filed.
- E. Standard of Proof: The conduct board/hearing officer's determination shall be made on the basis of a preponderance of the evidence, or whether it is more likely than not that the respondent violated the Code of Student Conduct as charged.
- F. Hearing Participation: In a case where the respondent student or student organization fails to appear at the hearing, the evidence in support of the charges should be presented and considered and violation of conduct policies

established by the preponderance of evidence presented. A respondent student or student organization who fails to respond to a hearing may be charged with a violation of conduct rules and regulations as outlined in Article II, section M1 of the Code. Should this occur, the respondent student will be informed in writing of the outcome of the conduct hearing.

- G. Appeals: An appeal of any decision reached by any of the Conduct Boards or an administrative hearing shall be according to the procedures set forth in Article V of this Code.
- H. Sanctions: All sanctions determined through this Code shall conform to Article VII of this Code. It is the responsibility of the student to disclose to the student conduct officer any ADA-related information that will impact the completion of their sanctions within 10 days of the sanction being issued. To be considered, any disability must be previously registered with Academic Services. Student Conduct will consult with Academic Services to determine what accommodations are appropriate, if any.
- I. Complainants and respondents have the right to be assisted by an advisor of their choice to provide support through the conduct process. An advisor may not be a witness or other party to the proceeding. Complainants and respondents who wish to consult with an attorney may do so at their own expense. An advisor may be present for any pre-hearing meeting with the student's written permission. An advisor may attend but not participate in the hearing process; the student conduct officer must be notified no less than 48 hours in advance of the hearing with the name of any advisor. Advisors have no speaking role in the hearing and are not permitted to ask or answer questions or address the hearing board. An advisor may only provide advice to the complainant or respondent in a non-disruptive manner (such as communicating in writing). Any case must be presented by the student. Students should select an advisor whose schedule allows attendance at any scheduled pre-hearing conference and hearing. Delays will not normally be allowed due to the scheduling conflicts of an advisor. All communication regarding the conduct process will be directed to the student. An advisor will not be permitted to communicate on the student's behalf.

#### Section 4: Student Conduct Board, College Conduct Board, and Administrative Hearing Procedures

- A. Hearings shall be closed.
- B. The complainant may request to give testimony and allow for questioning by means other than being in the same room as the respondent. The complainant must submit this request in writing to student conduct officer no less than 48 hours prior to the hearing.
- C. Both the respondent and complainant have the privilege of presenting a reasonable number of relevant eyewitnesses. The student conduct officer must be notified with the name(s) and statements of the eyewitnesses no less than 48 hours in advance of the hearing. Character witnesses are not permitted at hearings. All witnesses are subject to questioning by the Conduct Board or administrative hearing officer. The respondent, complainant, and the Conduct Board advisor may raise questions of discrepancies in the testimony with the Board or hearing officer.
- D. Formal rules of evidence do not apply to these proceedings. Evidence which is reasonable and prudent shall be accepted for consideration by the hearing body at its discretion. Examples of types of evidence include, but are not limited to, testimony of people such as the complainant(s), respondent(s), victims, eyewitnesses, and investigating Public Safety Officers; pictures showing the violation(s) (such as damage or vandalism, behavior, injury, etc.), which may be from both electronic and physical sources; and other types of documentation such as hospital or doctor's reports, Residence Life, Public Safety, or Sheriff's Office reports, etc. All evidence must be submitted no less than 48 hours in advance of the hearing to the student conduct officer.
- E. In a conduct matter involving more than one student, a student organization, and/or more than one student organization, group hearings or severance (separate hearings) may be permitted.
- F. The student conduct officer shall decide upon a chairperson or select an administrative hearing officer. The chairperson/hearing officer shall declare the purpose of the hearing, introduce all members of the Conduct Board, and request the names of all persons present at the hearing. The chairperson/hearing officer shall then explain the following guidelines:

1. A respondent is presumed not responsible of all charges of violations of conduct until the contrary is established by a preponderance of evidence.
  2. Witnesses shall be sequestered and will only be present for their own testimony and questioning.
- G. The chairperson/hearing officer will read the charges, and then ask the respondent to indicate responsible or not responsible for violation of the Code of Student Conduct as charged.
  - H. The chairperson/hearing officer will ask the complainant (or in their absence, the advisor to the Board) to read the incident report(s). The complainant will also be asked for any additional information for purposes of clarification.
  - I. Witnesses for the complainant will then be asked to give their accounts of the incident. If the witness(es) are not in attendance, but have submitted a written statement, the advisor to the Board will read the witness statement(s).
  - J. At the conclusion of the presentation of each witness, both the complainant and the respondent will be given the opportunity to ask questions of the Board or hearing officer concerning any discrepancies in testimony.
  - K. The respondent will be asked to give an account of the incident.
  - L. Witnesses for the respondent will then be asked to give their accounts of the incident.
  - M. At the conclusion of the presentation of each witness, both the complainant and the respondent will be given the opportunity to ask questions of the Board or hearing officer concerning any discrepancies in testimony.
  - N. At the conclusion of the presentation of all testimony, both the complainant and the respondent will be given the opportunity to ask questions of the Board or hearing officer concerning any discrepancies in testimony.
  - O. Board members/hearing officers reserve the right to ask questions at any time during the course of the hearing and the right to separate witnesses from each other during presentations. Once the board/hearing officer has completed questioning of the witnesses, the witnesses will be excused. Further questioning of the respondent may occur.
  - P. When all aspects of the case have been discussed to the satisfaction of all Board members, the chairperson/hearing officer will clear the hearing room, with the exception of the Board members and the Conduct Board advisor, for the deliberation.
  - Q. During the deliberation, the Board or administrative hearing officer will first determine the facts of the case. The Board or hearing officer will then decide whether or not the accused student or student organization is in violation of conduct regulations as charged. If the decision is "yes," the Board advisor will inform the Board members of past violations and sanctions to be taken into account when determining sanction(s). The Board or administrative hearing officer will then decide on sanctions for the respondent. All decisions and determinations of the Board shall then be made by majority vote. All aspects of the hearing and deliberations are confidential.
  - R. The respondent will be asked to return to the hearing room, and the decision will be read. If there are multiple respondents, they will be called back in individually. If found to be in violation, the respondent will be informed of the right to appeal as set forth in Article V of this Code.
  - S. At the conclusion of the conduct session, the chairperson/hearing officer will remind the Board as to the confidentiality of the proceedings and then adjourn the Board.
  - T. Victims and complainants directly involved with a case may obtain outcome information from the student conduct officer on a need-to-know basis in compliance with FERPA and Title IX regulations. The student conduct officer retains the right to keep outcome information confidential if there is insufficient reason to disclose this information.
  - U. The student conduct officer will, upon written request, disclose to the alleged victim of any crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student or student organization that is an alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased, the next of kin of such victim shall be treated as the alleged victim.

## Section 5: Case Resolution Meetings

A Case Resolution meeting is a formal meeting with the student conduct officer (or designee) to review the charges and options available to the respondent, allowing the respondent to resolve the case without a formal conduct or administrative hearing.

A Case Resolution Meeting (CRM) shall be conducted according to the following guidelines:

1. The student conduct officer (or designee) shall meet with the respondent to review the details of the case, pending charges and possible sanctions.
2. If the respondent pleads “responsible” during the CRM and an agreement is reached, the respondent then agrees to complete the outlined sanctions.
  - a) By reaching an agreement with the student conduct officer during a CRM the respondent waives the right to an appeal.
  - b) A copy of accepted sanctions will become a part of the student’s or student organization's conduct record.
3. If an agreement is not reached during the CRM, the respondent will proceed through a formal conduct board or administrative hearing.

#### Section 6: Student Organization Conduct

- A. A student organization and/or its individual members may be held responsible for any violation of the Code of Student Conduct as outlined in Article II.
- B. Executive board members, captains, or other identified leaders will be designated as representatives of the organization and will be responsible for attending any hearing or resolution meeting, presenting any evidence or defense, communicating the outcome to members, and/or compliance with any sanctions.
- C. A student organization alleged to have violated the Code of Student Conduct, Article II, section N (Sexual Misconduct Policy) will be handled under the procedures found in the Sexual Misconduct Policy and Procedures for Resolving Complaints Against a Student (<http://www.smcm.edu/campus-rights/>).
- D. A student organization may be sanctioned with any sanction or combination of sanctions listed in Article VII, sections 1 and 2.
- E. Any sanctions imposed through the conduct system will be separate from and may be in addition to any sanctions imposed by Athletics and Recreation or the Student Government Association.

#### Article V

### **APPEALS**

#### Section 1: Basis upon which an Appeal May Be Considered

Dissatisfaction with the outcome of a hearing is not grounds for appeal. An appeal may be made only for one or more of the following purposes:

1. To determine whether the original hearing was conducted in conformity with the prescribed procedures of this Code. Minor deviations from designated procedures will not form the basis for sustaining an appeal unless it is determined that such deviation resulted in significant prejudice. For any substantial deviations from designated procedures, the appeals officer may, at his or her discretion, remand the matter for reconsideration.
2. To present new evidence which could not reasonably be made available at the time of the original hearing. Such cases, at the discretion of the appeals officer, may be remanded back to the appropriate hearing format for reconsideration in light of new evidence.
3. To determine whether the sanction imposed was appropriate to the violation with which the respondent student or student organization was charged.



## Section 2: Appeal Procedures

- A. The respondent student or student organization, or the complainant, may appeal any decision reached as a result of a Conduct Board or administrative hearing to the dean of students or designee.
- B. All appeals must be filed in writing within seven calendar days of receiving the written outcome. The appeal should consist of a plain, concise, and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal.
- C. Respondents should submit the appeal via the link found in their hearing results letter within seven calendar days of receiving the written outcome. Complainants should submit appeals directly to the student conduct officer within seven calendar days of receiving the written outcome. The student conduct officer will forward the appeal and the conduct file to the dean of students (except violations of Article II, Section C1). All appeals concerning violations of Article II, Section C1 (academic misconduct) shall be forwarded to the vice president for academic affairs and dean of faculty.
- D. The receipt of the appeal will be acknowledged in writing (which can include email). The appeals documents from each party will be considered together in one appeal review process. Both parties will have the opportunity to schedule a meeting with the appeal officer to discuss their written appeal. Such meeting will be limited to no more than forty-five minutes.
- E. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The dean of students shall first consider whether the appeal is timely filed and if so, whether the appeal is properly framed based on one or more of the three grounds listed in Section 1 above. If the dean of students determines that the appeal is not properly framed, the appeal will be denied.
- F. If the appeal is based on procedural or substantive error, the dean of students may return the case to the original hearing board with instructions to reconvene to cure the error, or in rare cases where the error cannot be cured, the dean of students can ask that a new hearing occur before a newly constituted hearing board. In the case of new and relevant information, the dean of students can recommend that the case be returned to the original hearing board to assess the weight and effect of the new information and render a determination after considering the new facts. The reconsideration of the hearing board is final.
- G. Appeals are not intended to be a full rehearing of the case. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. This is not an opportunity for the dean of students to substitute his/her judgment for that of the original hearing body merely because s/he disagrees with its finding and/or sanctions. Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error. The dean of students can affirm or alter the original findings, depending on the basis of the requested appeal.
- H. Sanctions will typically be stayed pending the outcome of any appeal process. If a respondent is suspended on an interim basis prior to the hearing and is suspended or expelled as a result of the hearing, the interim suspension will continue pending the outcome of any appeal.
- I. The dean of students will render a written decision on the appeal to the respondent (and complainant, if applicable) within fifteen business days from the date of submission of all appeal documents by both parties. Appeal decisions are final.

## Section 3: Sanction Reduction

- A. In keeping with the educational mission of the College, the Office of the Dean of Students will accept requests for sanction reduction. These requests are available to all students and student organizations after one calendar year of the date the sanction was assigned.
- B. A three-person panel consisting of the dean of students or the dean's designee and two students from the student conduct board will hear all requests. Requests should be submitted in writing to the student conduct officer along with one letter of recommendation from a member of the College community.

- C. The student or student organization must prove to the panel's satisfaction that he/she/it has developed increased self-discipline as a result of the sanction period and can contribute to the College community through increased involvement opportunities. The request should demonstrate significant contributions, both of an academic and co-curricular nature, to the panel.
- D. All decisions of the panel are final and not subject to appeal. If a student or student organization is not granted a sanction reduction, the student or student organization may re-apply after one calendar year. If a student or student organization is granted a sanction reduction and is later found responsible for violating the Code of Student Conduct, the student or student organization could face disciplinary suspension, deactivation, or expulsion.

## Article VI

### **RIGHTS OF THE RESPONDENT AND COMPLAINANT**

#### Section 1: Rights of the Respondent

- A. The right to be presumed not responsible until a preponderance of evidence indicates otherwise.
- B. The right to have his/her case processed without prejudicial delay.
- C. The right to written notice of the charges no less than 72 hours before the hearing, except when faced with the end of a semester. In such cases, the student may waive his or her right to 72 hours notification in order to expedite the timely conclusion of a pending hearing. Otherwise, the student conduct officer may choose to have the hearing take place during the break period or be held over to the next semester.
- D. The right to written notice of the time, date, and place of the hearing.
- E. The right to testify on his/her behalf.
- F. The right to be present at the hearing.
- G. The right to request reasonable accommodations during the hearing, where the respondent has a disability that requires assistance with participating in the hearing.
- H. The right to confront any witnesses appearing or evidence presented against him/her, to produce eyewitnesses on his/her behalf, and to present evidence. The student conduct officer must have at least 48 hours in advance of the hearing the names of any witnesses, copies of witness statements, and all evidence.
- I. The right to be assisted by an advisor of his/her choice to provide support throughout the conduct process, subject to the limitations described in Article IV, Section 3I.
- J. The right to written notice of the decision of the conduct board or hearing officer.
- K. The right to file an appeal for reasons outlined in Article V, Section 1 and 2 of the Student Code.

#### Section 2: Rights of the Complainant

- A. The right to have his/her case heard by an appropriate hearing board or administrative hearing officer.
- B. The right to have his/her case processed without prejudicial delay.
- C. The right to written notice of the charges no less than 72 hours before the hearing, except when faced with the end of a semester. In such cases, the student may waive his or her right to 72 hours notification in order to expedite the timely conclusion of a pending hearing. Otherwise, the student conduct officer may choose to have the hearing take place during the break period or be held over to the next semester.
- D. The right to written notice of the time, date, and place of the hearing.
- E. The right to testify on his/her behalf.
- F. The right to be present at the hearing.
- G. The right to request reasonable accommodations during the hearing, where the complainant has a disability that requires assistance with participating in the hearing.
- H. The right to confront any witnesses appearing or evidence presented, to produce eyewitnesses on his/her behalf, and to present evidence. The student conduct officer must have at least 48 hours in advance of the hearing the names of any witnesses, copies of witness statements, and all evidence.

- I. The right to be assisted by an advisor of his/her choice to provide support throughout the conduct process, subject to the limitations described in Article IV, Section 3I.
- J. Complainants directly involved with a case may obtain outcome information from the student conduct officer on a need-to-know basis. The student conduct officer retains the right to keep outcome information confidential if there is insufficient reason for disclosure.
- K. The right to file an appeal for reasons outlined in Article V, Section 1 and 2 of the Student Code.

## Article VII

### SANCTIONS

#### Section 1: General Sanctions

Sanctions may be imposed upon a student who has been found in violation of campus regulations as follow:

- A. Warning: Written or verbal notice that the student has been found in violation of a specific regulation, and that repetition or continuation of this violation may result in further disciplinary action.
- B. Restitution: Reimbursement by the student to the College or a member of the College community to cover the cost of damage to or misappropriation of property.
- C. Restriction: Withdrawal or restriction of certain privileges for a specified period of time.
- D. Work Sanctions: The assignment of tasks or work appropriate to the violation, which will benefit all or part of the College community.
- E. Educational Sanctions: Assignments imposed in an attempt to serve an additional educational purpose. These “educational projects” may include any of the following (this list is not exhaustive): educational newsletter, interview with a professional in the community, creating a bulletin board, planning and implementing a program, or writing a paper on a related topic.
- F. Mandated Assessments: Mandated assessments are performed at the Wellness Center by trained clinicians. Student Conduct is the referring office for mandated assessments. A referral may be made for a student who has demonstrated a significant history of concerning behavior that may indicate a disposition toward alcohol or drug abuse or addiction, or inappropriate behavior. The referred student will attend between one and three mandated assessment sessions with a clinician. Counseling and Psychological Services does not provide mandated counseling. The above sessions are for assessment purposes only and do not constitute therapeutic intervention.
- G. Disciplinary Probation: An official and final warning directing the student to exhibit good conduct during a specified probation period. Further violations will require that the student automatically return to the conduct system and, if found in violation once more, face a more severe sanction. Disciplinary probation may impact a student’s ability to hold certain campus leadership positions and/or to study abroad.
- H. Housing Contract Revocation: Temporary or indefinite separation from living in on-campus housing. Housing contract revocation may also involve restriction from all housing facilities.
- I. Disciplinary Suspension: A temporary separation from the College with the right to apply for re-admission to the dean of students. The terms of the suspension may be set or indefinite, and special conditions upon re-admission may be designated. He or she loses all privileges of a regularly enrolled student and is issued a No-Trespass Order by an authorized official for the duration of the suspension. Suspended students are eligible for refunds according to the College’s established refund policy. Students placed on conduct suspension will receive a W for “withdraw” on their academic transcripts. Any suspended student who returns to the campus during the suspension period is subject to expulsion unless he or she has prior written approval from the dean of students.
- J. Expulsion: A permanent termination of a student’s status at the College for disciplinary reasons. No room refunds apply in such cases. However, students are eligible for board refunds according to the College’s established refund policy. When a student is expelled from the College, the parents are notified. Expelled students are issued a No-Trespass Order by an authorized official. Any expelled student may submit a written request for access to the

campus to the dean of students no earlier than June 1st, three years after their date of expulsion. Students who are expelled will receive a “W” for “withdraw” on their academic transcripts.

- K. Parental Notification: Correspondence from the student conduct officer to the responsible student’s parents or guardians regarding violation(s) of the College Alcohol and/or Drug policy. All correspondence with parents and guardians will be conducted in compliance with FERPA.

### Section 2: Student Organization Sanctions

Sanctions may be imposed upon a student organization that has been found in violation of campus regulations as follows:

- A. Sanctions listed above in Article VII, Section 1.
- B. Loss of selected rights and privileges for a specified period of time.
- C. Deactivation: Loss of all privileges, including College recognition, for a specified period of time.

### Section 3: Minimum Expected Sanctions

The following violations may lead to certain sanctions, depending on any mitigating circumstances.

- A. Alcohol violations (each case may be subject to an alcohol citation requiring a court appearance in Leonardtown):
  - 1. Kegs and other similar multi-liter violations:
    - First time: parent notification and housing contract revocation.
    - Second time: parent notification and suspension from the College.
  - 2. Social Host violations:
    - First time: \$100 fine per social host.
    - Second time: \$200 fine per social host.
    - Third (and subsequent) time: \$250 fine per social host.
    - Fines are assessed per social host and will not be divided among members of the residence.
  - 3. Other alcohol violations:
    - First time: warning, parent notification and alcohol education program.
    - Second time: parent notification, disciplinary probation, and educational project.
    - Third time: parent notification and housing contract revocation or suspension from the College. Referral to an alcohol treatment program may be recommended.
- B. Pulling false fire alarms:
  - First time: parent notification and housing contract revocation or suspension.
  - Second time: parent notification and expulsion.
- C. Vandalism:
  - First time: restitution and work sanction.
  - Second time: restitution, educational project, and disciplinary probation.
  - Third time: restitution, parent notification, and housing contract revocation or suspension.
- D. Drug violations (each case may be subject to criminal charges requiring a court appearance in Leonardtown):
  - First time: parent notification, disciplinary probation, and educational project.
  - Second time: parent notification and housing contract revocation or suspension.
  - Third time: parent notification and expulsion.
- E. Pet policy violations:
  - 1. Resident-student pet owners:
    - First violation: \$250 cleaning/extermination charge, community service, and/or educational project.
    - Repeat violation(s): \$250 cleaning/extermination charge disciplinary probation, and housing contract revocation or suspension.
  - 2. Commuter-student pet owners:
    - First violation: \$250 cleaning/extermination charge, community service, and/or educational project.

Repeat violation(s): \$250 cleaning/extermination charge, disciplinary probation, and residence restriction or suspension.

3. Residents who permit unauthorized pets in their room, suite, apartment, townhouse:

First violation: community service project.

Repeat violation: disciplinary probation.

#### Section 4: Interim Suspension

- A. The dean of students or a designee may suspend a student for an interim period pending a conduct hearing and/or threat assessment.
- B. The interim suspension may become immediately effective without prior notice whenever there is evidence that the continued presence of the respondent student on the College campus poses a substantial threat to others, or to the stability and continuance of normal College functions.
- C. A student suspended on an interim basis shall be given a prompt opportunity to speak with the dean of students or designee in order to discuss the following issues only: the reliability of the information concerning the student's conduct, including the matter of the student's identity; and/or whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the College campus poses a substantial threat to others or to the stability and continuance of normal College functions.
- D. A student suspended on an interim basis shall be given an opportunity to have a hearing within an expedited time frame.
- E. In cases where there is an appeal following a hearing concerning interim suspension, the respondent student's appeal shall be directed to the president of the College or designee.
- F. A student suspended on an interim basis may not withdraw from the College before the conclusion of his/her conduct case.

#### Section 5: Withholding of Degree

The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any. The College may withhold a student's degree when addressing issues of serious, complex, and/or controversial nature that could reasonably result in a student's suspension or expulsion if the student is found responsible for the alleged policy violation.

#### Glossary

- A. College community: the faculty, staff, students, and administration of this institution.
- B. Complainant: the individual who files a charge or reports a concern to the dean of students, title IX coordinator, Public Safety, or other school official relating to a violation of a campus conduct regulation.
- C. Confidentiality: the term "confidentiality" is used throughout College policies to refer to information that will not be disclosed to others within or outside the College unless determined that doing so is required to effectively address a reported complaint or concern. Members of the College community may from time to time also be asked or instructed to maintain the confidentiality of a matter – and not disclose the matter to others – pursuant to College policy.
- D. Cross-examination: the questioning of an opposing party in a hearing or proceeding.
- E. Due process: legal fairness which is applied in College proceedings, affording individuals notice of a charge and an opportunity to be heard.
- F. Ex officio: by virtue of the office and without the right to vote.
- G. Good Standing: In order to be in good standing with respect to the Student Code of Conduct, students must have completed any and all disciplinary sanctions.
- H. Preponderance of evidence: the evidentiary standard that is applied in hearings related to charges under College policy (including, but not limited to the Code of Student Conduct and Policy Against Sexual Misconduct), that

requires an adjudicator or other appropriate College official or designee to determine that it is more likely than not that a policy violation has occurred.

- I. Read-receipt enabled: computer terminology referring to a student's email that has been turned on.
- J. Respondent: a student who answers charges or concerns relating to a violation of campus conduct regulations.
- K. Severance: the term severance is used in the Code of Student Conduct in the context of matters involving more than one student. Severance refers to such matters being addressed by separate hearings.
- L. Student: the term student includes all persons taking courses at the College, either full-time or part-time, pursuing undergraduate or graduate studies. Persons who withdraw after allegedly violating the Code of Conduct, who are on leave of absence, or who have been notified of their acceptance of admission may be considered students.
- M. Suspension: a temporary separation from the College with the right to apply for re-admission to the dean of students. The terms of the suspension may be set or indefinite, and special conditions upon re-admission may be designated. He or she loses all privileges of a regularly enrolled student and is issued a No-Trespass Order by an authorized official for the duration of the suspension. Suspended students are eligible for refunds according to the College's established refund policy. Students placed on conduct suspension will receive a W for "withdraw" on their academic transcripts. Any suspended student who returns to the campus during the suspension period is subject to expulsion unless he or she has prior written approval from the dean of students.
- N. Expulsion: the permanent termination of a student's status at the College for disciplinary reasons. No room refunds apply in such cases. However, students are eligible for board refunds according to the College's established refund policy. When a student is expelled from the College, the parents are notified. Expelled students are issued a No-Trespass Order by an authorized official. Any expelled student may submit a written request for access to the campus to the dean of students no earlier than June 1st, three years after their date of expulsion. Students who are expelled will receive a "W" for "withdraw" on their academic transcripts.
- O. Student Organization: any group of students recognized by the Student Government Association (SGA), governed by Athletics and Recreation, or that receives funding or support from the College.
- P. Threat Assessment: a process by which the College assesses the physical risk that an individual/group (whether known or unknown) poses to the College community or member of the College community.

# COLLEGE POLICIES AND PROCEDURES\*

\*Please note: *To The Point* contains a selected list of College policies and procedures. Students are required to know and adhere to all published College policies, rules, and regulations, and are strongly encouraged to familiarize themselves with other official sources, including:

- Resident Student Handbook (<http://www.smcm.edu/residencelife/resources/housing-policies/>)
- Course Catalog (<http://www.smcm.edu/catalog>)
- Office of Information Technology policies (<http://it.smcm.edu/oit-policies/>)

**ACCESS AND SECURITY FOR COLLEGE FACILITIES**

All academic and administration buildings are checked and locked every night. Students with a need to enter a locked building must do so by obtaining a valid building "pass" from a faculty or staff member. A faculty or staff member should also submit a list of students needing access to the Office of Public Safety. All traditional residence halls and Waring Commons are equipped with card-access control of at least two entrances per building. The card-accessed buildings are locked 24 hours a day, seven days a week, allowing entry to all current students with their ID card from 7 a.m. until 12 midnight during the week and until 1 a.m. on weekends and, thereafter, only to building occupants. Public Safety officers make periodic security patrols within the halls on a 24-hour basis. The building access systems are inspected and tested on a regular basis, and malfunctions are given priority for repair. Residents living in the Lewis Quad suites are issued keys that operate the outside entry doors and their assigned bedroom doors. Residents living in the Townhouses are issued keys which operate the outside entry doors. Residents are strongly urged to keep the doors locked to prevent theft, unwanted false fire alarms (especially in Lewis Quad), and other problematic behavior. Residents are expected to comply with all residence and guest policies, to use available security locks, and to not prop locked doors open, or to allow entrance to uninvited people. Each residence staff office is open until midnight during the week and until 2 a.m. on weekends and managed by trained and experienced student staff members. Information about security at individual halls is available through the Office of Residence Life. All St. Mary's College students and employees are issued photo ID cards and are required to carry them while on campus.

**ACCESSIBILITY PROCESSES, POLICIES, AND PROCEDURES FOR APPEALS**

It is the policy of St. Mary's College of Maryland not to discriminate against any individual on the basis of handicap or disability in matters of admissions and educational activities, and programs and services, in accordance with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, as amended, and applicable state law. Upon request and as required by law, the College will provide reasonable accommodation to a qualified student with a disability or health condition that has a significant impact on their life. The procedures for requesting an accommodation and processing those requests are contained below.

In addition to these procedures, a student may file a complaint with the U.S. Department of Education, Office of Civil Rights, for alleged violations of the ADA and Section 504 of the Rehabilitation Act of 1973, as amended.

Examples of disability and accommodations:

<b>Functional Limitation</b>	<b>Reasonable Accommodation</b>	<b>Possible Disability</b>
Substantial difficulty with reading rate and/or reading comprehension.	<ul style="list-style-type: none"> <li>• Extended test time</li> <li>• Reader or taped exams</li> <li>• Enlarged text</li> </ul>	<ul style="list-style-type: none"> <li>• Learning Disability (LD)</li> <li>• Attention Deficit/Hyperactivity Disorder (AD/HD)</li> <li>• Low or Limited Vision</li> <li>• Traumatic Brain Injury (TBI)</li> </ul>



		<ul style="list-style-type: none"> <li>Anxiety, Mood or Thought Disorders</li> </ul>
Difficulty writing quickly and/or legibly.	<ul style="list-style-type: none"> <li>Classroom note-taker</li> <li>Use of computer for exams</li> <li>Access to a keyboard for written work</li> </ul>	<ul style="list-style-type: none"> <li>Learning Disability</li> <li>Traumatic Brain Injury</li> <li>Paraplegia</li> <li>Quadriplegia</li> <li>Muscular Disorders</li> <li>Arthritis</li> <li>Low Vision or Blindness</li> </ul>
Difficulty understanding or following a classroom lecture.	<ul style="list-style-type: none"> <li>Assistance finding a Sign Language Interpreter</li> <li>Classroom note-taker</li> </ul>	<ul style="list-style-type: none"> <li>Deaf or Hard of Hearing</li> <li>Learning Disability</li> <li>TBI</li> <li>AD/HD</li> <li>Anxiety, Mood or Thought Disorders</li> </ul>
Limited mobility in walking or moving about the classrooms, or other buildings.	<ul style="list-style-type: none"> <li>Locating classes in accessible buildings</li> <li>Assistance finding Paratransit Services</li> </ul>	<ul style="list-style-type: none"> <li>Paraplegia</li> <li>Quadriplegia</li> <li>Arthritis</li> <li>Vascular or Pulmonary Disease</li> <li>Other Health Impairment</li> </ul>

### Step I: Initial Request for an Accommodation

After the admissions process has been completed and the student has been accepted, a student with a disability may contact Accessibility Services (located within the Office of Student Support Services) to request reasonable accommodation for their disability or health condition. Currently, accommodation requests are submitted via the Accommodate software platform; submission information is posted on the website for Accessibility Services. As part of this request, the student must submit documentation of their disability/health condition that explains the nature of their needs and the specific accommodations (housing, dietary, or academic) that are being sought. Incomplete or missing documentation may be grounds for denying the request for an accommodation. Specific documentation includes:

- Accommodation Request Form
- Diagnostic test results and/or a copy of the student's IEP or 504 plan.
- A letter from the student's clinician(s) outlining specific, recommended accommodations that are suitable for the college environment and are justified by the diagnostic information.

## Step II: Review and Decision

Once all of the required documents are received, the review process begins. Housing accommodations (e.g. comfort animal requests, single room requests) are reviewed by a committee that includes representatives from Residence Life and the Wellness Center. Academic accommodations are reviewed by multiple members of the team of Accessibility Services/Office of Student Support Services. Most requests are able to be processed within 10 days of submission of a complete file; missing or vague documents will delay the review process. Students are not guaranteed the specific accommodations they request. While the office shall give consideration to the accommodation requested, the office has discretion to suggest an alternative reasonable accommodation, including one that is less expensive or easier to provide than the accommodation requested by the student. The student will receive a letter (typically by email) regarding which accommodations have been approved. Students may schedule an appointment with a staff member in the Office of Student Support Services to discuss accommodations that were not approved.

Students approved for academic and/or housing accommodations will receive several copies of a letter at the start of each semester to share with their advisor and/or instructors. For academic accommodations, copies of the letters must be shared with the instructors to 'activate' the accommodations; students are expected to discuss the requested accommodations with instructors in case there are questions about specific course expectations. Accommodations are considered active from the moment the faculty receive the letter.

If a student disagrees with the decision of Accessibility Services about an academic accommodation, the student may seek review of the decision by appealing in writing to the associate dean for curriculum within ten (10) working days from the date of the written decision from Accessibility Services/Office of Student Support Services. The appeal should contain an explanation of the grounds for appeal and any additional written materials that the student believes should be considered in processing their appeal.

If a student disagrees with the decision of Accessibility Services about a housing accommodation, the student may seek review of the decision by appealing in writing to the assistant dean of students within ten (10) working days from the date of the written decision from Accessibility Services/Office of Student Support Services. The appeal should contain an explanation of the grounds for appeal and any additional written materials that the student believes should be considered in processing their appeal.

## Step III: Review of Appeal

The purpose of the review of the appeal by the associate dean of curriculum or assistant dean of students is to determine whether College policy has been followed and, if not, to address the consequences that may have resulted and that may need to be corrected. The associate dean of curriculum or assistant dean of students may decide the appeal based on the written records provided by the student and/or Accessibility Services/Office of Student Support Services. Alternatively, at his/her sole discretion, the associate dean of curriculum or assistant dean of students may request additional information relevant to the appeal and may conduct interviews of any person who may have information relevant to the appeal.

Within ten (10) working days following receipt of the written appeal, the associate dean of curriculum or assistant dean of students will provide a written decision to the student regarding the student's appeal. This deadline may be waived by the associate dean of curriculum or assistant dean of students if further investigation is needed.

#### Step IV: Vice President of Academic Affairs or Vice President of Student Affairs Review and Final Decision

If the student disagrees with the associate dean's decision, an appeal may be made to the vice president for academic affairs (for academic accommodations) or vice president of student affairs (for housing or dietary accommodations) within ten (10) working days of the written decision by the respective associate/assistant dean. The vice president will decide the appeal based on the written record and the student's written appeal. The vice president's decision is the final decision of the College and may not be appealed. The vice president will take all action necessary to implement his/her final decision.

A student who makes use of the review process shall not be retaliated against.

#### **Receiving and Maintaining Confidential Student Records**

A student's disability documentation is considered confidential. Documentation of the disability is maintained at the Office of Student Support Services and is not part of a student's permanent student record. Communications about a disability or accommodations should respect a student's right to privacy at all times. Conversations between instructors and students about disability-related matters, including accommodation arrangements, during class, or in other public settings are discouraged.

When a faculty member has a question about the appropriateness of the accommodation for a specific course or course activity, Accessibility Services/Office of Student Support Services should be contacted to address the faculty member's concern.

#### **ADA and Student Conduct**

A student who has a disability that necessitates special assistance may be entitled to reasonable accommodations when that student is involved in a hearing, review, or process under the Student Code of Conduct.

Students with disabilities that necessitate assistance during a conduct process, may request accommodations by contacting the Office of Accessibility Services ([adasupport@smcm.edu](mailto:adasupport@smcm.edu); 240-895-4388, in Glendening 230). Examples of accommodations may include, but are not limited to: request for a sign-language interpreter; providing printed copies of any documents that are read from during the hearing; providing extended time to review documents during hearing. Students may request disability accommodations during a conduct process even if they have not previously requested accommodations on campus.

Students seeking a disability accommodation for their scheduled hearing are urged to submit their request as soon as practicably possible, so as to allow sufficient time for the Office of Accessibility Services to review the request and make a determination about the request in advance of the hearing. In cases where extending the time by which a conduct matter will be resolved may negatively affect another student, the determination of whether an accommodation will be provided will be made on an expedited basis. Students should be aware that untimely requests for an accommodation may delay resolution of the conduct issue. A delayed resolution may affect other student or campus processes or activities, including eligibility for study abroad and course registration.

When an accommodation request is made to the Office of Accessibility Services, the office will communicate the request to the relevant office involved with the conduct proceeding and coordinate the implementation of the accommodation with that office. More information about disabilities and the process for requesting accommodations at SMCM can be found at <http://bit.ly/SMCMAccess>.

#### **ALCOHOL**

Maryland law states that: (1) It is unlawful for any minor (a person under age 21) to possess or consume alcoholic beverages; (2) It is unlawful for any minor to misrepresent or lie about his/her age in order to obtain alcoholic beverages; (3) It is

unlawful for any person to obtain alcoholic beverages on behalf of a minor; (4) It is unlawful for any person to consume alcoholic beverages in an open outside area unless authorized to do so by proper officials; (5) A person may not be intoxicated and endanger the safety of another person or property or be intoxicated and cause a public disturbance.

It is the responsibility of all faculty, staff, and students at St. Mary's College to uphold the conditions of this state law. The unlawful use, possession, or distribution of alcohol on College property or as any part of College activities is prohibited and will result in disciplinary action, up to and including expulsion. Please refer to the College's medical amnesty and good samaritan policy where certain violations may be granted amnesty. The College also promotes an active, healthy, social life on campus and accommodates groups that request College facilities for events where alcohol is appropriate.

The Office of Public Safety and the dean of students' staff is responsible for interpreting and enforcing the following campus alcohol policy:

I. No individual (absent an authorized exception under section VI herein), regardless of age, may consume alcoholic beverages in public areas on the campus, such as the lounges, hallways of the residence halls, patios of townhouses, athletic fields, and other facilities and grounds.

II. No individual, regardless of age, may be intoxicated and cause a disturbance and/or endanger the safety of him/herself, another person, and/or property.

III. The sponsors of student events (dances, concerts, etc.) are responsible for keeping the event alcohol-free.

IV. Individuals or groups sponsoring formal or informal events off-campus are responsible for upholding the Maryland alcohol law.

V. Resident students of legal drinking age may possess and consume alcoholic beverages in the privacy of their rooms or townhouses. All alcohol must be kept within the possession of a student of legal drinking age ("of-age"). Students who are 21 years of age or older may not offer or provide alcohol to those who are underage, including roommates. It is assumed that alcohol possessed by of-age students is for their personal use and for limited distribution to others who are of age to consume alcohol. Students who are of age and who choose to drink alcohol are strongly encouraged to drink responsibly and in moderation. Kegs and other similar multi-liter containers are prohibited.

VI. No alcoholic beverages will be allowed at any event on campus unless: (1) The event is sponsored by the College for seniors, alumni, faculty-staff receptions, or any outside group; and (2) The event is held in a controlled space, such as the Alumni Lodge. Requests to sponsor such events must be made through the Events Office and must be approved by the dean of students. College budget accounts (including SGA funds) are by definition State dollars and may not be used to purchase alcohol or provide adult beverage service in any circumstance.

VII. Acting as a social host: A social host is any individual who provides a location for and/or facilitates opportunities for others to violate the College Alcohol Policy or other gathering-related policies. More specifically, a social host is an individual who provides or shares alcohol with an underage guest in his/her residence or who hosts one or more guests in his/her residence who violate the College Alcohol Policy or other gathering-related policies (e.g., quiet hours, fire code, damage, failure to comply). Additional consequences are in place for those who make the choice to host events in their residence where a violation of College policy takes place. Hosts who provide a location for others to engage in policy violations assume a greater level of responsibility for these incidents. If a student is found responsible for acting as a social host as described above, the minimum fine for the violation begins at \$100 for a first offense and increases up to \$250 for subsequent violations (see Minimum Expected Sanctions for more information). Fines will be assessed per social host, and will not be divided among the room/apartment/townhouse residents.

Legal sanctions under state law: It is illegal in the state of Maryland for any person under 21 to falsify or misrepresent his or her age to obtain alcohol, or to possess alcoholic beverages with the intent to consume them. It is also illegal in most situations to furnish alcohol to a person under 21, or to obtain alcohol on behalf of a person under 21. The penalty is a fine of up to \$500 for a first offense, and up to \$1000 for repeat offenses.

Students who are concerned about their use of alcohol or other drugs may speak with a counselor in Counseling Services for an assessment. Counseling Services are confidential and the staff therapist will recommend options for risk reduction, treatment and recovery.

Excessive alcohol use can increase the likelihood of both short-term and long-term health risks. Binge drinking increases the risk of injury, violence, alcohol poisoning, and risky sexual behavior. Long-term excessive alcohol use can lead to chronic health problems such as high blood pressure, heart disease, stroke, liver disease, and digestive problems. Students can find more information about the health risks of alcohol use at <http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>.

## **ATTENDANCE**

Regular attendance at classes is expected, and all students are responsible for any class work done or assigned during any absence. In each course, the instructor shall accept two absences during the term. However, when any absence results in a student missing an exam or an assignment deadline, the instructor's policy covering missed exams or late work shall apply. Beyond two absences, instructors' policies shall be in effect and students are responsible for informing themselves about each of their instructors' policies.

## **CAMPUS HOUSING REGULATIONS**

The Office of Residence Life has designed the Resident Student Handbook to provide all SMCM students with information pertaining to resources, policies, and procedures for residence life. The Resident Student Handbook can be found at <http://www.smcm.edu/residencelife/resources/housing-policies/>. All residential students should be aware of the policies outlined in "To the Point," the Resident Student Handbook, as well as the housing contract. All students, including commuter students, should be aware of the following policies which are also outlined in the Resident Student Handbook.

### Disorderly Conduct

Failure to comply with directions given by a Residence Life staff member or other College official, or to use any type of harassment or abusive language toward any Residence Life staff member or College official in the performance of assigned responsibilities, shall be considered disorderly conduct and subject to conduct action. Non-students shall be asked to leave the campus and may be subject to criminal charges.

### Full-Time Housing and Registration Policy

The Housing Contract states "On-campus housing is available to students classified by the College as full-time (12 or more credits). Students who wish to drop below full-time status must receive prior written approval from the director of residence life."

Students with extenuating circumstances may be permitted to drop below 12 credits for one semester while remaining in housing. Extenuating circumstances may include (but are not limited to): failing a course and wanting to drop it in order to focus on the student's other courses and/or to avoid causing a precipitous drop in the student's GPA; medical/psychological reasons with documentation provided to and a recommendation from the Wellness Center or the ADA Coordinator; a senior in their final semester who needs less than 12 credits to graduate. All resident students must register for at least 12 credits by the published deadline prior to the start of each semester and may be permitted to drop courses after classes start. Requests will be considered on a case-by-case basis. All requests must be submitted in writing and include the reason(s) for the request.

Requests to remain in housing while being registered for less than 12 credits may be granted under the following conditions:

1. The student must remain registered for at least eight credits during the semester.

2. The student should attend all of their remaining classes unless they are ill and communicate that to the student's professor(s).
3. The student is to maintain exemplary conduct and adhere to all College policies.
4. There is no refund on the full-time tuition.
5. The student is strongly encouraged to check with their insurance companies to ensure continued coverage.
6. The student must register for at least 12 credits next semester if not a graduating senior.

Other offices on campus will be notified that the student is allowed to continue to use the facilities (such as the Waterfront, MPOARC, etc.) and services (Counseling, Health, Academic, Food, etc.).

### Guests

A resident's guest (whether a student from another area, commuter, or someone not affiliated with St. Mary's) may stay no more than four days in a given month and at no time should a roommate be displaced. (Refer to the visitation policy in this section.) Residents are responsible for informing their guests of College policies and guests who are not members of the St. Mary's College community and who are in violation of College policies may be asked to leave the campus. Host students are responsible for the conduct of their guests and any violations of school policies by their guests may result in disciplinary action against the host students.

### Quiet Hours. Noise (in and around the living areas, including DPC)

Quiet hours are 11:00 p.m. to 8:00 a.m., Sunday through Thursday, and on weekends (Friday and Saturday) from 1:00 a.m. to 10:00 a.m. During these hours, noise must be kept to a minimum in and around the living areas (including DPC, the athletic fields, and track). However, courtesy hours are always in effect and residents should respect the rights of others who wish to sleep or study. Stereo speakers may only be directed and projected out of windows on North Campus only on Friday and Saturday nights from 8:00 p.m. to 1:00 a.m. During these hours, volume must be kept at a level that shows courtesy to the surrounding residents. Bands, amplifiers, and/or amplified music are not permitted in the traditional residence halls. These areas are not suited for this type of activity. Arrangements for more appropriate performance space can be discussed with the Music Department or the Office of Student Activities.

Student bands are allowed to rehearse in the suites, apartments, and townhouses Tuesdays, Wednesdays and Thursdays from 3:00 p.m. to 7:00 p.m. and Saturdays from 12:00 p.m. to 5:00 p.m.

Quiet hours are in effect for 23 hours during final exams. The one-hour "study break" is 9:30 p.m. to 10:30 p.m. nightly. During final exams, residents are prohibited from band rehearsals and directing music out of windows.

### Solicitation

In the resident facilities, solicitation and selling (for example, merchandise, food, magazines) door-to-door, from a student room, or in a public area are not permitted without prior, written authorization from the Office of Residence Life. Soliciting by telephone or computer is also not permitted in the residence halls, suites, apartments, and townhouses; and students should not assist vendors who attempt to enlist students by telephone or computer to arrange campus canvassing. Students are not permitted to use the residential facilities for commercial purposes or for conducting a business enterprise. Residents should contact Residence Life staff members when unauthorized solicitors are canvassing in College housing, including people selling pizzas, perfume, candy, T-shirts, magazines, collecting donations, etc.

### Visitation

St. Mary's has developed a visitation policy that provides for a degree of flexibility to accommodate varying lifestyles. Because some students prefer a restricted visitation policy and others desire a greater degree of choice in entertaining guests in their rooms, roommates must determine their own limitations.

The visitation policy is based on the College's confidence in the ability and inclination of St. Mary's students to make mature decisions about their social behavior. The College also believes that no individual has the right to infringe upon another's freedom, privacy, happiness, and safety, and that students are willing to accept both the rights and responsibilities of such a policy.

Open visitation hours are not to be construed as permission for students or guests to sleep overnight in another's room or to conduct themselves in such a way as to invade a roommate's privacy and full use of the room. Guests are permitted to stay overnight only with prior permission of the roommate and for no more than four nights in a given month. Should such behavior come to the attention of Residence Life staff, disciplinary action may be taken.

Should visitation arrangements lead to problems between roommates, they should feel free, after trying to resolve the problem privately, to ask the Residence Life staff to assist. The staff, in turn, will participate in the resolution of the problem, which might include, among other things, a change in housing assignments.

Residents are responsible for escorting guests within the building.

## **COMPUTER VIOLATIONS**

The Office of Information Technology reserves the right to immediately suspend access to computer accounts (email, Portal, BlackBoard), computer lab machines and RESNET Internet privileges for any violation of the Computer Ethics Statement, the Appropriate Use Policy, or malicious damage to computer equipment. If there is a violation, one or both of the following steps will be taken:

1. The student will receive an email instructing him/her to go to the Office of Information Technology to sign a letter of verbal warning. This letter may be forwarded to the student conduct officer.
2. The student's account may be disabled and a letter with evidentiary documentation will be sent to the student conduct officer for conduct action. The student's account will remain disabled until the Office of Information Technology receives notification from the student conduct officer regarding the outcome of a conduct hearing.

The following activities are examples of violations that may result in suspension of computer access, pending a conduct hearing:

- Theft, altering, or modifying the operations of any technology equipment.
- Inspecting, modifying, downloading, copying, or sharing data or programs from any source without authorization from the owner.
- Attempting to penetrate or alter computer security mechanisms or gain access to information.
- Engaging in any activity which deprives others of their privileges on the computer system.
- Inflicting malicious damage on computer equipment.
- Using the electronic mail system to send abusive, obscene, or otherwise harassing communications.
- Using the computer system for commercial purposes.
- Using false or misleading identification for any purpose associated with the use of the computer system.
- Using another person's account without the explicit written permission of the assistant vice president for information technology.
- Forwarding chain letters to or abuse of the AllStudent, AllFaculty, or AllStaff email groups.
- If suspicious network activity is detected on RESNET related to a student's computer, access may be disabled and the student will be advised on the appropriate remediation.

Violations are not limited to the outlined examples. Please refer to the Appropriate Use of College IT Resources policy at <https://www.smcm.edu/it/about/policies/> for additional information.

At any time, a student who feels he/she has been unjustly accused has the right to speak to the assistant vice president for information technology and, in his/her absence, a member of the Office of Information Technology senior staff.

## **DRONES**

The use of any unmanned aircraft system (UAS), unmanned aerial vehicle (UAV), and/or remote controlled model aircraft (RCMA) (collectively referred to as “drones”) is prohibited on campus. Students seeking an exception for the use of such devices for classroom purposes may apply to the Office of the Vice President for Academic Affairs/Dean of Faculty. Students seeking an exception for the use of such devices for co-curricular purposes may apply to the Office of the Vice President for Student Affairs/Dean of Students. Approval must be obtained at least two weeks prior to the event. Any operator of a drone must also follow all applicable state and federal laws pertaining to such operation. Detailed information regarding federal regulations on the use of drones is available on the Federal Aviation Administration website at [www.faa.gov/uas/](http://www.faa.gov/uas/).

## **DRUGS**

Students are expected to conform to the Federal and Maryland state laws regarding the possession of drugs and paraphernalia and the Student Code of Conduct which outlines expected standards for behavior, rights and responsibilities, student conduct policies, procedures for conduct violations, and sanctions. Included therein, and as required under Federal law (the Controlled Substances Act), marijuana possession and use on campus (even if otherwise authorized by a medical marijuana license under Maryland law) is prohibited. Please refer to the College’s Medical Amnesty and Good Samaritan policy where certain violations may be granted amnesty.

Specific to illicit drugs, Article II, Section J states that the following misconduct is subject to disciplinary actions, up to and including expulsion and referral for prosecution, as provided for in this Code:

“J1. Use, possession, or distribution of narcotics or other controlled dangerous substances, and related paraphernalia on College premises, except as expressly permitted by law and College regulations.”

At the time of acceptance to the College, all new students are required to sign and return a statement acknowledging receipt of the College’s policies and regulations concerning substance abuse.

Any student convicted of violating a criminal drug statute must notify the director of financial aid if that student is receiving any form of federal financial aid (for example, Pell Grants). Conviction on any drug-related charge is grounds for forfeiture of federal financial aid. Students who violate the standards of conduct shall be subject to written or verbal warning, restitution, restriction, forced relocation, work sanctions, counseling, disciplinary probation, disciplinary suspension, and/or dismissal from the College as stated in the Student Code of Rights and Responsibilities which is distributed annually to all students. The College will take disciplinary action based on reasonable available information unless the student voluntarily seeks assistance. Such action will be independent of any civil or criminal process precipitated by the same incident.

Legal sanctions under Maryland state law for possession of a controlled dangerous substance include:

	1 <sup>st</sup> offense	2 <sup>nd</sup> offense	3 <sup>rd</sup> or subsequent offense
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Marijuana (less than 10 grams)	Fine not more than \$100*	Fine not more than \$250*	Fine not more than \$500*
Marijuana (10 grams or more)**	Imprisonment not exceeding 1 year, or fine not exceeding \$1000, or both		
Any controlled dangerous substance other than marijuana	Imprisonment not exceeding 4 years, or a fine not exceeding \$25,000, or both		

\*in addition to a fine, drug education program, assessment for substance abuse disorder, and referral for substance abuse treatment may be ordered by the court if offender is under 21 years of age.

\*\*also includes possession of paraphernalia.

Legal sanctions under Maryland state law for distribution of controlled dangerous substances include:

	1 <sup>st</sup> offense	2 <sup>nd</sup> or subsequent offense
Schedule I & 2 narcotic drugs (except PCP)	Imprisonment not exceeding 20 years or a fine not exceeding \$25,000 or both	Imprisonment not less than 10 years and subject to fine up to \$100,000
Any other controlled dangerous substance classified in Schedule I, II, III, IV, or V	Imprisonment not exceeding 5 years or a fine not exceeding \$15,000 or both	Imprisonment not less than two years
PCP or LSD	Imprisonment not exceeding 20 years, or fine of not more than \$20,000, or both	Imprisonment not less than 10 years and subject to fine up to \$100,000

\*for a list of controlled dangerous substances and their corresponding schedule, see Md. Criminal Law Code Ann. §§5-401-406.

Legal sanctions under federal law for possession of a controlled substance include:

- First conviction: Up to one year imprisonment and fine of at least \$1000, or both.
- After one prior drug conviction: At least 15 days in prison, not to exceed two years, and fined at least \$2500, or both.
- After two or more prior drug convictions: At least 90 days in prison, not to exceed three years, and fine of at least \$5000, or both.

A summary of federal trafficking (distribution) penalties for substances covered by the Controlled Substances Act can be found on the Drug Enforcement Administration website at <https://www.dea.gov/druginfo/ftp3.shtml>.

Students who are concerned about their use of alcohol or other drugs may speak with a counselor at the Wellness Center for an assessment. Counseling and Psychological Services at the Wellness Center are confidential and the staff therapist will recommend options for risk reduction, treatment and recovery. Students can find information on the health risks of illicit drugs at <http://www.drugabuse.gov/publications/finder/t/160/DrugFacts>.

In accordance with the Heroin and Opioid Education and Community Action Act of 2017, all incoming students will be required to participate in heroin and opioid addiction and awareness training.

In addition, the College will obtain and store a supply of overdose reversing medication to be used in an emergency situation. Public Safety and Wellness Center personnel, as well as designated administrators, will be trained to recognize the symptoms of an opioid overdose, in procedures for administration of overdose reversing medications, and in the proper follow-up emergency procedures related to an opioid overdose. Per state law, except for any willful or grossly negligent act, campus police, or other designated personnel who have been trained in use of overdose medications and who respond in good faith to the overdose emergency of a student, may not be personally liable for any act or omission in the course of responding to the emergency.

The College will develop and implement a method for notifying parents/guardians of students of this policy at the beginning of each academic year.

## **EMAIL**

Every student who is enrolled for credit classes at St. Mary's College of Maryland is issued a student email account which is the official means of communication from departments such as the Registrar's Office, Student Support Services, Residence Life, and Student Activities. Email will also be used to notify students of certain emergencies, pending conduct action, and school closings due to inclement weather. Most faculty and staff rely on email to communicate with students. It is the responsibility of each student to maintain and check their SMCM email account regularly. Students are accountable to know information disseminated through the SMCM email account. Failure to read College communications sent to the SMCM email account does not absolve the student from knowing and complying with the content of these communications.

## **EMERGENCIES AND URGENT SITUATIONS**

For emergency information and procedures, please reference the Office of Public Safety website at <http://www.smcm.edu/publicsafety/emergencies/emergency-response-procedure/>.

## **GRADE GRIEVANCE**

Under the following conditions, a student may decide to grieve a grade either on a specific assignment or for a course as a whole:

- The grade assigned may reflect discrimination of some sort on the part of the professor.
- The grade assigned reflects a computational error.
- The grade assigned is related to an allegation of academic misconduct which is proceeding through the Academic Judicial Board system. (If an instance of alleged academic misconduct has been handled informally, and the student wants to appeal, that appeal must proceed through the Academic Judicial Board system.)

The procedure for filing a grade grievance or other related academic complaint is as follows:

- A. A student with a complaint should, where appropriate, first try to reach agreement with the faculty member. Informal conversation about the assignment and grade in question between the student and the professor is the first step in the grade grievance process.
- B. If the student is not satisfied with the result of the conversation, or if the faculty member does not respond to requests for such an informal conversation, the student then submits a written statement expressing concern about the grade to the chair of the faculty member's department, with a copy to the professor. In the case of individual assignments, such statements must be made within 10 business days of receipt of the grade. In the case of overall course grades, such statements must be made by the end of the fourth week of the following semester. The department chair will attempt to mediate the complaint as outlined in C below. \*\* (See note.)

- C. Within 10 business days of receipt of the student’s letter, the chair will solicit the faculty member’s point of view, in writing, about the grade and the criteria on which it was based. The chair may decide to render a decision based on the written communications or may call the student and faculty member together for a meeting to discuss the issues, after which the chair will render a decision to both the student and faculty member in writing.
  - D. If either the student or faculty member is dissatisfied with the chair’s decision, the dissatisfied party can make a request, in writing, within 10 days of receipt of the chair’s decision, with a copy to the other party, to the associate dean of faculty, who will seek counsel from the Academic Policy Committee. The Academic Policy Committee members will consult all parties concerned and then vote either for or against the recommendation of the department chair and will inform the associate dean of faculty, in writing, of their advice and the reasons for it, after which the associate dean of faculty will render a decision to the parties in question.
  - E. Final authority rests with the vice president for academic affairs and dean of faculty of the College in the event that either the student or faculty member is not satisfied with the response given by the associate dean of faculty in consultation with the Academic Policy Committee. A written appeal to the vice president for academic affairs and dean of faculty, which must be copied to the other parties involved, must be made within 10 business days following receipt of the associate dean of faculty’s decision, and the vice president for academic affairs and dean of faculty will render final judgment within 10 business days of receipt of the appeal, in writing, to all concerned individuals.
  - F. Parents, family members, and attorneys are not permitted to attend any grade appeal conferences.
  - G. If a grade appeal involves alleged academic misconduct, the grade appeal should be heard after the Academic Judicial Board has reached a decision about the alleged infraction.
- \*\*Note: In the event that the faculty member in question is the department chair, the associate dean of faculty will substitute for the chair in step C.

## **HAZING**

Any and all forms of hazing are completely prohibited at St. Mary’s College of Maryland.

### Hazing Defined

Hazing is any action taken or situation created, intentionally, whether on or off campus, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such activities may include but are not limited to the following: use of alcohol; paddling in any form; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts, scavenger hunts, road trips or any other such activities carried on outside or inside the borders of the College campus; wearing of public apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities which are not consistent with the laws of the state of Maryland or Code of Student Conduct, or the regulations and policies of St. Mary’s College of Maryland.

Identifying Hazing (Will Keim, Ph.D., “The Power of Caring”)

1. If you have to ask if it’s hazing, it is.
2. If in doubt, call your advisor or coach.
3. If you haze, you have low self-esteem.
4. If you allow hazing to occur, you are a ‘hazing enabler.’
5. Failure to stop hazing can result in death.

### Examples of Hazing

The following are examples of hazing by category. It is impossible to list all hazing activities, so this list is not intended to be all-inclusive. Each activity can be measured against the definition for each category.

#### A. Subtle Hazing

Actions that are against accepted club or team standards of conduct, behavior and good taste. An activity or attitude directed toward a member or an act which ridicules, humiliates, or embarrasses. Examples:

1. Never doing anything with the member (isolation)
2. Calling a member by any demeaning name
3. Imposing periods of silence on members
4. Imposing demerits of any kind on members
5. Writing progress reports on new members
6. Requiring members to call senior team members Mr., Ms., etc.
7. Scavenger hunts for meaningless objects
8. Assigned duties for new members only
9. Scaring new members with an initiation
10. Deprivation of team privileges

**B. Harassment Hazing**

Anything that causes mental anguish or physical discomfort to the member. Any activity, or activity directed toward a member, or activity which confuses, frustrates, or causes undue stress. Examples:

1. Verbal abuse
2. Any form of questioning under pressure or in an uncomfortable position
3. Requiring members to wear ridiculous costumes or perform ridiculous activities
4. Requiring only members to wait until the end or be served last
5. Stunt or skit nights/events with demeaning and/or crude skits and/or poems
6. Requiring members to perform personal services such as carrying books, running errands, performing maid duties, etc.
7. Requiring members to drink alcohol, perhaps to excess, causing illness or other physical problems
8. Requiring members to be exposed to weather or to foods that would adversely affect physical health

**C. Physical Hazing**

St. Mary's College of Maryland, through the Athletics and Recreation Department, the Office of Student Activities, or any other designated personnel, shall issue to every group or organization under its authority, or operating on, in conjunction with its campus or school, a copy of this policy. An officer of each such group or organization, and each individual receiving a copy of this policy, shall sign an acknowledgement stating that such group, organization, or individual has received a copy of the hazing policy.

In the state of Maryland, a person who hazes a student so as to cause serious bodily injury to the student at any school, college, or university is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 or imprisonment for not more than six months, or both. Consent of the student being hazed is not a defense.

Students found responsible for hazing on or off the campus at St. Mary's College of Maryland may face expulsion from the institution.

**HOVERBOARDS**

Due to concerns relating to fire safety, self-balancing scooters (commonly called hoverboards) and similar devices are prohibited on campus. The devices may not be operated, charged, or stored on campus property or in campus buildings. Recent information indicates that the batteries in these devices are potentially dangerous, and the National Fire Protection Association has issued this safety warning:

<http://bit.ly/22XHJDU>.

**ID CARDS**

All students are issued College ID cards and are required to carry them at all times. They are also required to provide them to College officials, including Residence Life student staff, upon request. Students are not permitted to let others use their ID card for any purpose. Lost ID cards should be deactivated online in the Portal following the instructions documented at <https://support.smcm.edu/kb/article/6-deactivating-your-lost-or-stolen-onecard>. Deactivating an ID card prevents unauthorized electronic use of that card. A card may be reactivated through this same website. In the event that a card is stolen, Public Safety should be notified. Cards with faded pictures will be replaced at no cost at the IT Support Center in Baltimore Hall (students must bring the faded card to the Support Center). Lost ID cards can be replaced, for a fee, at the IT Support Center in Baltimore Hall.

## **INCLEMENT WEATHER**

Inclement weather procedures are in effect seven days a week, including weekends. Depending on the circumstances, the College may remain open with a “liberal leave” policy in effect, or the opening of the College may be delayed, or the College may be closed. The College website will have the latest weather-related closing information. Resident students will also receive a voice mail message through the College’s phone system with closing information.

Students should check the College web page for information regarding a delayed opening or closing of the College.

Whenever there is a question, the Office of Public Safety (240-895-4911) will have the most up-to-date, accurate information. If students are in residence, the dining hall will provide food services, and every attempt will be made to ensure that the library, some computer labs, and the campus store are open. Walkways and roads will be cleared and sanded as soon as possible. First priority will be given to walkways between residences and the cafeteria, then to the library.

## **MEDICAL AMNESTY AND GOOD SAMARITAN POLICY**

The purpose of this policy is to increase the likelihood that medical attention is provided to students who need it due to alcohol intoxication or use of drugs by removing impediments to seeking such assistance. This policy is intended for use in isolated situations; therefore, it does not excuse or protect those who flagrantly or repeatedly violate College policy.

Good Samaritan Policy: The spirit of the Good Samaritan is that we all have an ethical responsibility to help people in need. St. Mary’s College expects that students will take an active role in protecting the safety and well-being of their peers and the College community. In order to promote this, when a student assists an individual who is intoxicated or under the influence of drugs in procuring medical assistance, that student may be granted amnesty from formal disciplinary action by the College for violating the alcohol or drug policies. The student may be required to attend an educational conference with the dean of students or designee to discuss the incident and his/her role in it, and may be required to complete follow-up if deemed necessary.

Medical Amnesty Policy: When a student is intoxicated or under the influence of drugs and seeks medical assistance, s/he may be granted amnesty from formal disciplinary action by the College for violating the alcohol or drug policies. Upon receiving a report that a student needs medical assistance, College staff will respond through the Office of Public Safety to obtain EMS services, and responding officials will use standard procedures for documenting information and collecting identification of all persons involved. Conduct charges will be deferred, and will be dismissed upon successful completion of an approved alcohol and/or drug intervention program, leaving the student with no disciplinary record. Failure to successfully complete an approved alcohol and/or intervention program will result in the processing of alcohol use or possession charges and, if proven, may result in more severe sanctions.

Representatives of a student organization who summon medical emergency assistance will be relieved from alcohol use or possession conduct charges under this protocol for their personal actions. Organization charges and consideration of conduct sanctions, if necessary, may be mitigated by the actions taken by representatives.

Criteria for granting amnesty may include but is not limited to: the severity of the incident, the student's disposition regarding the incident, whether the student has been granted amnesty in the past, and the student's previous conduct record. Amnesty will not be granted for incidents which occur off-campus and will not extend to other conduct violations associated with the incident, including but not limited to distribution of drugs, hazing, vandalism, or sexual misconduct. Amnesty can only extend to College conduct processes and does not protect students from criminal or civil penalties.

Following receipt of an incident report by the Dean of Students office, the student will attend an educational conference with the dean of students or designee, which will serve to review the incident, the role of alcohol or drugs, and College policies. The following are examples of educational interventions that may be required for individuals who receive amnesty under this policy:

- a. The student may be required to obtain an alcohol or drug assessment from Counseling and Psychological Services or from an off-campus certified addictions counselor (e.g. Walden-Sierra). If required to obtain an assessment, the student will provide a copy of the assessment report to the Dean of Students or designee. If the assessment indicates that further treatment is warranted, the program of treatment must be completed. The cost of the assessment (if any) and treatment is the responsibility of the student.
- b. The student may be required to attend the Peer2Peer Alcohol Education Class taught by the Peer Health Educators.
- c. Parental Notification Policy: The College notifies the parents/guardians of students whose consumption of alcohol or drugs results in the student being sent to the hospital.

## **MISSING STUDENT POLICY**

Anyone who suspects that a St. Mary's College of Maryland student who resides in on-campus housing is missing **MUST IMMEDIATELY** contact the Office of Public Safety at (240) 895-4911. If a student is reported missing to someone other than the Office of Public Safety, the person receiving the report **MUST IMMEDIATELY** refer the report to the Office of Public Safety.

The Office of Public Safety will begin an investigation in order to determine whether the student is missing. Once the Office of Public Safety investigates and determines that the student is missing, the Office of Public Safety will notify the St. Mary's County Sheriff's Department and the student's emergency contact within 24 hours after the student is determined to be missing. Contacts to local law enforcement agencies will be made whether or not the missing student has designated a contact person.

The Office of Residence Life will request that all new students residing in a College-owned residence provide, on a voluntary basis, emergency contact information and a person to contact if the student is reported missing. Returning students living in on-campus housing will also be given the opportunity each year to provide emergency contact information and a person to contact if the student is reported missing. A student may identify the same individual for both purposes or may choose different individuals as their emergency contact and person to contact if the student is reported missing. The College may contact both the emergency contact and the person to contact if the student is reported missing.

Contact information provided by the student will be registered confidentially and will be accessible only to authorized College officials, such as the dean of students and director of residence life, and local law enforcement. Students' designated contacts will only be disclosed to law enforcement officers in furtherance of a missing person investigation.

The dean of students will notify the designated contact(s) within 24 hours after the student is determined to be missing. If a student is under the age of 18 and not emancipated, the dean of students must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. Additionally, the Office of Public Safety will notify local law enforcement agencies within 24 hours of the determination that the student is missing, unless a local law enforcement agency is the entity that determines that the student is missing.

## **NO CONTACT ORDER POLICY**

St. Mary's College of Maryland is committed to providing support and resources to any student who may be the recipient of persistent unwanted or harassing contact by another student. In certain circumstances, it may become necessary for the College to formalize an arrangement between two students to prohibit contact with each other (direct and/or indirect) other than that which is necessary for either party to continue their academic pursuits.

College administrators are authorized to issue a No Contact Order (NCO) prohibiting contact between students when there exists a reasonable concern that physical or emotional harm may result from such contact.

The College will consider all facts and circumstances that may be relevant to whether an NCO should be issued, including, but not limited to, the following factors:

- When there are allegations, threats, or evidence of physical violence by one student against another;
- When there are allegations, threats, or evidence of emotional abuse or harassment by one student of another;
- When there is a substantial risk of emotional harm from continued contact between students;
- When continued contact between students may have a material impact on campus disciplinary proceedings;
- When requested or agreed to in good faith by both students involved; and/or
- When there are allegations of serious College policy violations.

NCOs are generally reciprocal and shall provide that neither student may have contact with the other. "Contact" includes, but is not necessarily limited to, in-person contact, telephone calls, email, texts and other forms of electronic communication, social media-based messages or postings, and third party communications including through proxies.

NCOs may include additional protective measures or other terms specific to the safety, well-being, or other needs of either or both students subject to the NCO, when deemed necessary by the College. Any additional terms shall be expressly stated in the NCO. Additional protective measures or other terms need not be reciprocal.

NCOs may include, but are not limited to, the following:

- Restricting a student from being in close proximity to the other student;
- Restricting a student's access to certain campus locations, including the other student's residence hall;
- Restricting the times a student may be present in on-campus dining facilities;
- Requiring that the students not be enrolled in the same academic course(s); and/or
- Requiring that the students not participate in the same co-curricular or extra-curricular activities.

The No Contact Order shall specify that it is not a legal peace or protective order as issued by a court of law and will not apply to non-College related premises; however, it will apply to College-sponsored activities regardless of the location. Students may contact Public Safety for information on filing a peace or protective order with the District Court.

No Contact Orders may be issued regardless of the filing of a formal complaint with the College by a student. NCOs do not constitute a finding of, or charge of, any violation of College policy, nor are they intended to be punitive in any way. Rather, they are intended to prevent future interactions that could be problematic for the individuals, thereby protecting both individuals. NCO's do not become part of a student's conduct record unless he or she violates the order as determined by the student conduct system.

The following administrators may issue NCOs:

- For matters pertaining to the Code of Student Conduct: the Vice President for Student Affairs/Dean of Students, the Assistant Dean of Students, the Student Conduct Officer, or designee;
- For matters pertaining to the Policy Against Sexual Misconduct: the Director of Title IX Compliance and Training/Title IX Coordinator, or designee; and
- For emergency situations involving personal safety: the Office of Public Safety may issue temporary NCOs, which shall be confirmed, modified or rescinded by the Director of Public Safety, Dean of Students, Assistant Dean of Students, Student Conduct Officer, or Title IX Coordinator once all relevant information is reviewed.

The College considers NCOs to be confidential and expects students to treat them as such. If a student is harmed due to another student's sharing or publicizing an NCO (i.e., verbally, through social media), such an act may be considered retaliation under College policy and the responsible student may be subject to disciplinary action.

All NCOs will specify an effective date as well as an end date. A student seeking the modification or rescission of an NCO prior to the specified end date shall so request the administrator who issued the NCO. The issuing administrator shall consult with both parties before determining whether or not to modify or rescind the NCO.

Reporting of violations of the no contact order is the responsibility of the parties to whom it is issued. Reports of violations should be made to the Office of Public Safety, who will investigate and, if appropriate, make a referral to the Office of Student Conduct or Title IX Coordinator for adjudication. Violations of No Contact Orders are subject to discipline under the Code of Student Conduct or the retaliation provisions of the Policy Against Sexual Misconduct, as appropriate.

No Contact Orders are designed primarily to prevent intentional contact. Incidental contact (e.g., parties sighting or passing each other on campus pathways) is not considered a violation of a Campus No Contact Order; individual No Contact Orders may include rules regarding interactions in specific, public locations.

The College expects that students requesting NCOs do so in good faith and for legitimate reasons. NCOs are issued at the College's discretion and the College may decline to issue an NCO where it determines the process is being misused or where it would be inappropriate for other reasons. Students who have interpersonal conflicts that do not raise concerns for individual health and safety will not be granted NCOs. These individuals should pursue other forms of conflict resolution, such as mediation, offered through the Office of Student Conduct.

## **NON-DISCRIMINATION POLICY**

St. Mary's College of Maryland is fully committed to equal employment and educational opportunities for its employees and students. The College does not discriminate or condone discrimination or harassment in the workplace or academic setting, on the basis of race, color, religion, sex, national origin, gender identity/expression, sexual orientation, ethnicity, age, marital status, physical or mental disability, protected veteran status, or any other characteristic protected by law.



For purposes of this policy, harassment is defined as: (a) unwelcome conduct based on a legally protected class, including: race, color, religion, sex, national origin, gender identity/expression, sexual orientation, ethnicity, age, marital status, physical or mental disability, protected veteran status, or any other characteristic protected by law; and (b) that is so severe or pervasive that it interferes with an individuals' work or academic performance or creates an intimidating, hostile or offensive working environment.

The College's definitions of sexual harassment and related issues may be found in section VI.a, "Prohibited Conduct and Definitions," of the Policy Against Sexual Misconduct.

All workplace and academic policies, programs and activities of the College are and shall be in conformity with applicable federal and State laws on non-discrimination including, but not limited to: Title VI of the Civil Rights Act of 1964 as amended, Title IX of 1972 Education Amendments, Section 504 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. The College's equal opportunity policy applies to the College's educational policies, admission policies, scholarship and loan programs and athletic programs. The policy applies to all employment decisions, including those affecting recruitment, advertising, job application procedures, hiring, upgrading, training, promotion, transfer, compensation, job assignments, benefits, and/or other terms, conditions, or privileges of employment, provided the individual is qualified, with or without reasonable accommodations, to perform the essential functions of the job.

The College's students, employees and applicants shall not be subjected to harassment, intimidation or any type of retaliation because they have (1) filed a complaint; (2) assisted or participated in an investigation, compliance review, hearing or any other activity related to the administration of any federal, state or local law requiring equal employment opportunity; (3) opposed any act or practice made unlawful by any federal, state or local law requiring equal opportunity; or (4) exercised any other legal right protected by federal, state or local law requiring equal opportunity.

For questions or concerns about these matters, college employees are encouraged to contact the Assistant Director of Human Resources/AA and EEO Officer in Glendening Hall, phone: (240) 895-4309. Students are encouraged to contact the Vice President for Student Affairs, Dean of Students, Calvert Hall 222, phone: (240) 895-4208; and the Title IX Coordinator, Lucille Clifton House, phone: (240) 895-4105, regarding concerns about sex-based discrimination.

## **PARKING**

### **Purpose**

The Office of Public Safety enforces parking regulations on the SMCM campus, Trinity Church property and Historic St. Mary's City property. The purpose of this directive is to establish clear guidelines for monitoring and enforcing established parking regulations on the three properties within the department's jurisdiction.

### **Definitions**

- 1) **Legal Space:** parking spaces bounded by two parallel control lines and do not have specific signs reserving the use of the space.
- 2) **Immobilization device/boot:** an immobilization device or boot is a device that is designed to prevent vehicles from being moved and can only be removed with a unique device.
- 3) **Habitual Offender:** an individual whose vehicle has received four (4) or more tickets in a single academic year.

- 4) **Abandoned Vehicle** (MD Transportation Code §25-201): any motor vehicle, trailer, or semitrailer that is inoperable and left unattended on public property for more than 48 hours; or that has remained illegally on public property for more than 48 hours; or that has remained on private property for more than 48 hours without the consent of the owner or person in control of the property.

## Regulations

- I. No Parking or Standing
  - a. Parking or standing is not permitted in the following areas on the College campus:
    - i. Fire Lanes
    - ii. Designated No Parking Areas
    - iii. On the grass
    - iv. Roadways
- II. Additional Violations
  - a. The following are also considered violations of the College's Parking Regulations:
    - i. Blocking a fire lane
    - ii. Blocking a handicap space
    - iii. Parking in a handicap space without a handicap permit
    - iv. Parking in a manner that blocks the flow of traffic

## Procedures

- I. Vehicle Parking Permit
  - a) All vehicles must have on display in or on their vehicle: a college issued numbered permit designating the parking lot(s) that a vehicle may legally park in on campus.
  - b) Types of permits
    - i) Annual Residential Students
      - (1) Issued by the Business Office
      - (2) Numbered and color coded designating the approved residential lot
    - ii) Annual Commuter Students
      - (1) Issued by the Business Office
      - (2) Numbered and color coded designating the approved commuter lot
    - iii) Staff/Faculty
      - (1) Issued at the Office of Public Safety
      - (2) Numbered sticker on the rear of the vehicle, or
      - (3) Numbered hang tag on the rear view mirror
        - (a) The cost for faculty & staff hang tags is \$5.00 per tag
        - (b) Hang tags may be moved from one vehicle being used by the staff or faculty member to another vehicle as needed.
    - iv) Visitor
      - (1) Issued at the Office of Public Safety
      - (2) Visitors are issued a white numbered paper permit.
    - v) Temporary
      - (1) Residential students are issued red temporary permits.
      - (2) Commuter students are issued green temporary permits.
      - (3) Temporary handicap permits
        - (a) Faculty, staff, and students may be issued temporary blue permits.
        - (b) Requestors must present a copy of a physician-signed application for a state-issued handicap placard.
        - (c) The temporary permit may be issued until the state placard is obtained.
- II. Parking Lot Designations
  - a. All parking lots on the SMCM campus are clearly marked, designating the type of permit allowed to park within the lot.

- b. Trinity Church and Historic St. Mary's City parking lots are clearly marked stating parking regulations.
- c. Parking Lot Restriction
  - i. Students driving vehicles with a faculty/staff permit must park in a commuter lot.
- d. Event Parking
  - i. All parking for events must be coordinated through the Office of Public Safety.
  - ii. A minimum of two weeks' notice to the Office of Public Safety must be provided.
- e. The Office of Public Safety reserves the right to reallocate parking on campus as needed.

### III. Enforcement

- a. Ticketing
  - i. SMCM Public Safety Officers may issue parking tickets for violations of established parking regulations.
  - ii. Vehicles will be issued one ticket per violation.
  - iii. Vehicles in violation of established parking regulations will be ticketed once in any 24 hour period for each violation.
  - iv. Fines
    - a. Blocking and/or parking in a fire lane: \$50.00
    - b. Blocking and/or parking in a handicap space: \$50.00
    - c. Blocking a dumpster: \$50.00
    - d. Parking on the grass: \$50.00
    - e. No college parking decal: \$25.00
    - f. Parking in the roadway: \$20.00
    - g. Blocking the flow of traffic: \$20.00
    - h. Parking in an unauthorized parking space: \$20.00
    - i. Parking in a marked no stopping/standing zone: \$20.00
- b. Immobilizing/Booting
  - i. SMCM Public Safety Officers may immobilize vehicles for the following reasons:
    - 1. Illegally parked unregistered vehicles to determine ownership.
    - 2. Habitual offenders
  - ii. Removal of Immobilization Devices
    - 1. No parking permit
      - a. Boots will be removed at no cost to SMCM students, staff, and faculty after the vehicle owner or user: (1) provides his/her personal information (name, proof of affiliation to St. Mary's College of Maryland) and (2) obtains an SMCM vehicle permit.
    - 2. Habitual offenders after receiving the fourth and more tickets will incur costs as follows:
      - a. Boot removal will cost \$100.00 in addition to the violation fee(s).
      - b. Boot removal and violation fees shall be paid for and arranged within 72 hours after the boot has been secured on the vehicle or by the close of the next business day in the event of a holiday.
- c. Towing
  - i. SMCM Public Safety may tow vehicles at the owner's expense where a vehicle is:

1. Parked in a marked handicap space without authorization.
2. Blocking the roadway or blocking service or emergency vehicle ingress or egress.
3. Creating a road hazard or damage to property or grounds.
4. Deemed to be abandoned on college property.
5. Designated by the college as banned from the campus.
6. Determined by the Office of Public Safety to have had a boot on it for more than 72 hours.
7. Parked in a marked fire lane.

ii. Towing cost and Procedures

1. The Office of Public Safety and local towing companies have created a Memorandum of Understanding (MOU) to ensure consistent towing charges and practices.
2. Towing fees to be paid by the vehicle owner will be:
  - a. \$100.00 standard tow fee
  - b. \$25.00 per day for storage at the local towing company after the first 24 hours has passed.
  - c. \$20.00 gate fee for release of vehicle from the local towing company after business hours.
  - d. \$65.00 drop fee if the owner, authorized operator or authorized agent of the owner of the motor vehicle attempts to retrieve the motor vehicle while the local towing company is in the process of removing the vehicle from the property whether the vehicle has been hooked up or not.
  - e. \$30.00 fee if the owner, authorized operator, or authorized agent of the owner of the motor vehicle attempts to retrieve the vehicle 20 minutes after the tow truck has been requested by the Office of Public Safety.
3. Towing practices include:
  - a. Towed vehicles will be secured in a locked impound lot.
  - b. Subject to the fees outlined above, all towed/impounded vehicles will be released to the owner upon request and after payment of all fees at any time of day.
  - c. The tow company is responsible for collecting all fees.

d. Conduct Board Referral

i. Students may be referred to Student Conduct Board for the following reasons:

1. Accumulating five or more parking violations.
2. Refusing to register a vehicle and purchasing a parking permit.
3. Damaging or attempting to damage an immobilization device.
4. Altering a college parking permit
5. Using a College parking permit/decal not issued to the subject vehicle.

ii. Sanctions

1. The Student Conduct Board may impose sanctions in accordance with the provisions set forth at: <http://www.smcm.edu/tothepoint/sanctions>.
2. In addition to the above options students may lose campus driving privileges at the discretion of the Board.

In order to provide a safe and a healthy environment for members of the campus community to study, work and live, to comply with local animal ordinances, and to ensure public safety, it is the policy of the College to restrict animals from all campus buildings. One of the areas of concern for the College is the continuing presence of unauthorized pets on campus. Current College policy states that pets and other animals are not permitted in any College building because of health and safety concerns for students, faculty, staff, and visitors. Animals as pets are not permitted in any campus building, including residence halls, classrooms, and public spaces. Animals in buildings may present health problems very different from those encountered in the home. The influence of these animals on the comfort and health of others should be a matter of concern to all in the campus community, and should be considered above the personal satisfaction of keeping a pet. Many persons are deathly afraid of pet animals, especially dogs, and when they enter a residence hall, office, lab or classroom it should be their right not to have to encounter a dog or other pet in the foyer, lounge areas, or a corridor. Abandonment of pets, especially cats, continues to be a problem. This usually occurs just before long vacations or at the end of a semester.

Exemptions are granted for service animals which assist people with disabilities, are used in education or research projects, or for full-time, live-on professional staff who have been given written permission by the executive director of student life. Exemptions may be granted for a comfort/therapy animal with appropriate documentation (see Service Animals Policy for more information). Resident students are permitted to have non-meat-eating fish and non-venomous reptiles in closed aquariums in their assigned room. Animals that are temporarily on the grounds must be licensed and under the control of the owner (leashed) at all times. Pets should not be left in cars (due to the potential of problems from heat or cold), and are not permitted to be “tied up” outside of buildings. Pets found tied up or running loose on campus may be taken by Animal Control. Faculty, students, and staff must also ensure that their visitors abide by the College’s pet policy. It has become necessary to strictly enforce this policy for all students, faculty, and staff in order to be in compliance with state laws and regulations, and the College’s policy.

**Athletic Events:** St. Mary's College of Maryland is concerned for the health, well-being, and comfort of all fans attending NCAA athletic events as well as all student athletes, coaches, and officials participating in NCAA athletic events. Pets and other animals are prohibited at St. Mary's College of Maryland athletic events. Any person found with an animal or pet at a St. Mary's College of Maryland NCAA athletic event will be asked to leave the premises. This excludes service animals, which are allowed per College policy, with proper documentation.

#### Minimum Expected Sanctions:

**Commuting Students:** Students may not bring their pets to campus while attending classes, except as noted above. Pet owners may face a \$250 cleaning/extermination charge, community service hours, and/or education project. Repeat offenders face disciplinary probation and residence hall facility restriction or suspension.

**Resident Students:** The owner of the pet faces a \$250 cleaning/extermination charge, community service hours, and/or education project. Repeat offenders will face loss of housing, disciplinary probation, and/or suspension. Residents who permit unauthorized pets in their room, suite, townhouse, or apartment face community service hours after their first offense and repeat offenders face disciplinary probation.

Your cooperation in following this policy is appreciated and will help to create better working conditions for our employees and reduce concerns about personal safety and problems and inconveniences associated with allergies, fleas, odors, and damages.

### **PRIVACY OF STUDENT RECORDS (THE BUCKLEY AMENDMENT)**

**Notification of Rights under FERPA for Postsecondary Institutions:** The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include the following:

1. The right to inspect and review the student's education records within 45 days of the day the College receives a request for access. Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of that part of the student's education records that the student believes is inaccurate or misleading. Students may ask the College to amend a record that they believe is inaccurate or misleading. They should write the College official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the College discloses education records without consent to officials of another school in which a student seeks or intends to enroll. The following information related to a student is considered "directory information" and the College reserves the right to disclose it to anyone inquiring without the student's consent unless the student, within ten (10) days of registration each semester, informs the Office of the Registrar in writing on the proper form, available in the Office of the Registrar, that any or all such information about him/her is not to be made public without his/her written permission: The student's name, address, phone number, email address, photographs, date and place of birth, year in college, parents' names and addresses, prior educational institutions attended, dates of college attendance, degrees, scholarships, awards received, weight and height of members of athletic teams, participation in officially recognized activities and sports.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by St. Mary's College of Maryland to comply with the requirements of FERPA:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Ave. SW  
Washington, DC 20202-4606

For further information concerning FERPA, please contact the Office of the Registrar, Glendening Hall 120.

Health and Counseling records kept in the Wellness Center are considered medical records and are not covered under FERPA. Health and Counseling records are covered under the Maryland Medical Records Act. Inquiries about these records should be forwarded to Wellness Center staff.

## **RESPONSE TO EMOTIONAL AND BEHAVIORAL CRISES**

Where to turn:

College students sometimes experience emotional crises that might affect their functioning and behavior. When this occurs, the student is strongly urged to seek assistance at Counseling and Psychological Services at the Wellness Center. Counseling and Psychological Services can provide confidential counseling and therapy, psychiatric services and referral. Counseling and Psychological Services may only share confidential information about a student with other College personnel or the student's parents without the student's permission if it is deemed that the student presents an imminent harm to others.

- To reach Counseling and Psychological Services during regular business hours, please call (240) 895-4289
- After regular business hours during academic terms emergency mental health services may be accessed by contacting a member of the Residence Life Staff or Public Safety at (240) 895-4911 or by calling the Wellness Center 24/7 Helpline at (240-895-4200)

Other local crisis services include:

- St. Mary's Hospital – 301-475-8981
- Calvert Memorial Hospital – 301-475-5250

Occasionally students are unable or unwilling to seek voluntary help for their emotional or behavioral problems. These situations may include suicide attempts, alcohol or drug intoxication which may require medical treatment, and/or an unwillingness to manage a chronic mental health condition appropriately. At times these crises might escalate to the point that the student is perceived to be a risk to the health and safety of the College community. At these times, the College may request that the student seek hospitalization and/or return home to be under the care of an off-campus mental health provider. If the student's hospitalization or psychological treatment is short-term and he or she would like to return to campus to finish the term, it is important that the student inform the dean of students of his or her desire to return to campus so that the appropriate evaluation and support plans can be made.

The process for a return to campus after an emotional or behavioral emergency that has required College intervention is as follows:

1. Students grant a release of information to the director of the wellness center or designee so that the information can be shared between the treating professionals.
2. The director of the wellness center reviews information from treating professionals including a treatment summary and recommendations for future care. The director of the wellness center will meet with the student and any appropriate individuals. After reviewing all information, the director of the wellness center will make recommendations to the dean of students. The student may be requested to remain off campus until all requirements of the review are complete. The student will need to meet with, or be contacted directly by, the dean of students to learn his/her status and/or requirements to return to the campus community. No medical or mental health records are transferred to or shared with the dean of students.
3. The dean of students makes a determination about the student's readiness to return to campus based on the information from all sectors and decides if there is a need for any required follow-up or accommodations.
4. The dean of students may determine that it is not appropriate for the student to return to campus under the following policy: Students may be disenrolled from the College or permitted to remain only under specific conditions when there is clear and convincing evidence that the student's presence poses a significant risk of substantial harm to the health or safety of others. A significant risk of substantial harm is a high probability of substantial harm – not just a slightly increased, speculative, or remote risk. Students may choose to take a voluntary leave of absence when the review indicates that the college environment is not a safe or therapeutically appropriate one.

Based on behavior that constitutes policy violation in accordance with the Code of Conduct, the College may determine it is not safe for the community to have the individual return to the college immediately following a psychological crisis and, based on behavior not illness, the student may be disenrolled from the college involuntarily.

The process for a return to campus after a leave of absence is as follows:

If a student takes a leave of absence from the College due to an emotional or behavioral concern, then the request for re-admission will be evaluated by the dean of students to determine whether or not the student is ready to return to school. The judgment of the dean of students is based upon documentation of the health and readiness of the student to return and the possible effect on the community. It is in no way a punitive process. Rather, it is an essential educative deliberation at the end of a usually difficult and disturbing experience for those involved. It is intended to be beneficial for all and deserves wisdom and compassion. As such, the process cannot be rushed. To assure adequate review and contact of all those needing to be involved, the necessary information must reach the College at least one month before re-admission is planned in order to allow for full consideration of the request. This would also give the student enough time to make plans for course registration and housing for the semester. The re-admission request includes the following:

1. A letter addressed to the dean of students from the student describing his or her readiness to return to the campus, including his or her view of the problem's origin, the ways that the student has sought to deal with the problem, and the student's plans to prevent future emergencies when the student returns to campus.
2. Students grant a release of information to the director of the wellness center or designee so that information can be shared between the treating professionals and recommendations can be forwarded to the dean of students.
3. Written report(s) from treating mental health professional(s) sent to the director of the wellness center, fax: 240-895-2239. The report(s) should address the following:
  - a) Presenting complaint(s), symptoms and diagnoses.
  - b) Treatment course, including response to treatment.
  - c) Recommendations for continued treatment, including medications if applicable. Counseling and Psychological Services does provide follow-up counseling and transitional psychiatric care. However, it should be noted that these are short-term services and are not a long-term resource. Students needing long-term care are encouraged to work with Counseling and Psychological Services to identify providers from the outside community who can meet their needs.
  - d) A clear statement from the treatment provider that the student is ready to return to the campus environment and live independently.
  - e) The potential for harm, of self or others, needs to be addressed in the report.

It is very important that the student share this requirement with his/her treatment professional(s) during their initial meeting and go over the components of the report before the evaluation is sent to the director of the wellness center (fax: 240-895-2239). If this information is not comprehensive and thorough, then there may not be time for the director to make a responsible recommendation to the dean of students to permit the student's return for the requested semester.

The director of the wellness center will review these reports and consultations as well as the letter requesting re-admission. He or she may call for a personal interview (face-to-face, or by telephone) with the student to further assess the situation, request additional documentation with consent to speak to the off-campus provider and, in some cases, may discuss the issues with parents or family. The director will then make a recommendation to the dean of students.

The dean of students will review the information provided and may seek further input (for example, from Residence Life, Public Safety, Office of the Vice President for Academic Affairs and Dean of Faculty, Student Conduct, the student, etc.), depending upon each particular situation. When the dean is assured that the student is reasonably stable and is fully ready and able to handle the psychological, academic, and social pressures of college life, the dean will re-admit the student under conditions deemed supportive. If the dean of students does not judge that re-admission is appropriate at this time, then he or she will specify reasons for the decision and what is needed for future consideration.

### **SERVICE ANIMALS (Effective February 1, 2020 pending Board of Trustee approval)**

The College strives to ensure equal access to all aspects of the St. Mary's experience for all members of the St. Mary's College community, including those on campus accompanied by a Service Animal. In accordance with the Americans with Disabilities



Act (ADA), it is the College's policy that individuals with a disability that require the assistance of a Service Animal may be accompanied by a Service Animal anywhere on the St. Mary's campus. The sole exception to this policy is situations where the College determines that the presence of a service animal would "fundamentally alter" the program, service, or activity taking place on campus. In those situations, however, the College will make all reasonable efforts to provide the affected individual with an alternative means of experiencing the program, service, or activity.

The College urges all students, employees, and visitors to be familiar with this policy, and to respect the rights of individuals with Service Animals to move freely about the campus without disruption to the individuals or their Service Animals.

Any individual accompanied by a Service Animal who believes they have been denied access to a program, service, or activity because of their disability and/or Service Animal may report a concern or complaint to the Office of Accessibility Services (OAS) or Human Resources (HR). Students, employees, and visitors with concerns about the presence and/or behavior of a Service Animal on campus, may also contact OAS (students or visitors) or HR (employees) for assistance.

### **Offices Affected By This Policy**

Human Resources  
Office of Accessibility Services  
Residence Life

### **Who Should Know About This Policy**

Students, employees, and visitors to the SMCM campus

### **Definitions**

- A. Handler: The individual with a disability who uses a Service Animal
- B. Service Animal: The Americans with Disabilities Act defines a Service Animal as a dog that is individually trained to do work or perform tasks for people with disabilities; in some situations, a miniature horse may also be a service animal (see following definition). Service animals do not need to wear any type of identifier such as a vest or tag. Service animals are working animals, not pets; the work they perform must be directly related to the individual's disability, this includes a physical, sensory, psychiatric, intellectual, or other mental disability.<sup>1</sup> A Service Animal is an extension of the handler.  
Emotional Support Animals, Therapy Animals, and Pets are distinctly different from a Service Animal. Those animals are not addressed under this policy.

### **Policy**

#### Section I. Students and Visitors

Students and visitors who have a disability requiring the assistance of a service animal may be accompanied anywhere on campus with their service animal except in spaces where the presence of a service animal would fundamentally alter the activity or program is being held in that area.

1. *Fundamental Alteration of a program or activity.* St. Mary's College may exclude a Service Animal from a particular location if the Service Animal's presence would fundamentally alter the program or activity being held in that space.

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<sup>1</sup> Miniature horses can also be considered service animals on a case by case basis. There are four factors that must be assessed in order to determine if a miniature can be accommodated in a facility: 1. Whether the miniature horse is housebroken; 2. Whether the miniature horse is under the handler's control; 3. Whether the College can accommodate the type, size, and weight of the miniature horse; and 4. Whether the presence of the miniature horse compromise the safe operation of the applicable College facility.

For example, there are certain labs where Service Animals cannot be admitted because the presence of a Service Animal may alter experiments that are being held in the labs or that the safety precautions for the service animal in the lab do not limit the likelihood of contamination outside of the lab setting. In such situations, the college will collaborate with the handler to attempt to identify reasonable alternative ways or means to participate in the program or activity.

2. *Documentation, Identification, and Permitted Inquiries.* A student with a disability who has a Service Animal is not required to provide documentation in regards to their disability or to establish their need for a Service Animal; this means that they do not need to register their Service Animal with the Office of Accessibility Services if they have a Service Animal. Handlers do not need to prove their Service Animal has been individually trained. Service Animals are also not required to wear badges, vest, capes, or other identifiers.

When it is not obvious that an animal is a Service Animal, only two questions may be asked of the handler: i) is the animal required because of a disability, and ii) what work or task has the animal been trained to perform? College personnel are not allowed to request any documentation that relates to the dog's abilities, require that the dog demonstrate its task, or inquire about the nature of the person's disability.

3. *Residential considerations for students with a Service Animal:* If a student with a Service Animal wishes to live on campus, they are encouraged to work with the Office of Residence Life to ensure that their living situation is workable/accessible for the presence of their Service Animal; this includes roommate considerations. Service Animal Handlers may be asked to provide documentation related to the general licensing and vaccination requirements of animals in Maryland/St. Mary's County as part of this conversation with Residence Life.

## Section II. Employees

If an employee wishes to be accompanied by their service animal at work, an accommodation request can be made to the Office of Human Resources.

### **Conflicting Disabilities or Disabling Health Conditions**

Students who have health conditions such as asthma, allergies, phobias, or a disability that is adversely affected by the proximity of a Service Animal should contact the Office of Accessibility Services (OAS). If the individual raising the concern is a student, they may be asked to provide documentation and have an interactive meeting with OAS to determine if the needs of this student can be mitigated by accommodations or if an alternate solution may be presented. Employees who have concerns about a Service Animal in their work environment should contact the Office of Human Resources.

### **Handler Responsibilities**

Service Animal handlers must be in control of the Service Animal at all times, ensuring that the animal displays appropriate, non-disruptive behavior. Service Animals must be leashed or tethered at all times, unless the Service Animal is off duty and engaged in play or exercise, or doing so directly affects the work or task for which the Service Animal is trained. In those cases, the handler must be in control in other ways such as through voice or signaling.

The handler of the animal must ensure proper care of their Service Animal. This includes, but is not limited to: feeding, bathing, walking, and cleaning up after the Service Animal. Handlers are responsible for damages or harm caused by the Service Animal. The Service Animal must follow local law/health codes provided for that specific type of animal. Service Animals do not have the right to violate health codes. For example: a Service Animal should not be admitted into a pool. However, the Service Animal should be allowed on the deck of a pool if the handler is in the water.

### **Exclusion and Removal**

As mentioned above, a Service Animal may be excluded from a space if the presence of the Service Animal fundamentally alters that environment. For example, where a Service Animal's presence compromises the experiments within a lab space, the Service Animal may not be permitted in the lab while the College works to find an alternative means for the handler to achieve the same lab experience. The College may remove a Service Animal if the animal poses a direct threat to the health or safety of others. The College may remove the Service Animal if the animal is not house broken, or is aggressive or disruptive. The Service Animal may also be removed if the handler refuses to fulfill the responsibilities listed above or if there is proof of animal harm/neglect. Where the College concludes that a Service Animal must be removed from a certain situation, setting, or the campus as a whole, the Handler may request reconsideration of that decision as outlined in "Complaints and Dispute Resolution" section below.

### **Interference**

Intentionally and/or maliciously disrupting or distracting a Service Animal, intentionally separating a Service Animal from its handler, petting, feeding, purposefully startling a Service Animal after being directed not to do so is considered misconduct and may be subject to disciplinary action.

### **Complaints and Dispute Resolution**

Students, employees and visitors can contact the Office of Accessibility Services to request assistance in resolving disputes and complaints involving a Service Animal, including, but not limited to: discrimination stemming from or involving a Service Animal, as well as reconsideration of denial/ removal of a Service Animal. OAS will work with the individual to ensure that the matter is assessed by the appropriate College official, either through an informal process or formal investigation.

### **Responsibilities**

Office of Accessibility Services: provides support to students in regards to Service Animals on campus; will work with students with service to find reasonable alternatives and accommodations in the event their Service Animal cannot be admitted to a particular learning space

Human Resources: works with employees of the College with regards to the presence of a service animal at the workplace

Residence Life: works to support accessible and safe living situations for student handlers of Service Animals and for the students who may come into contact with Service Animal through life on campus

### **Contact Information**

Office of Accessibility Services

Phone: 240-895-4388

Email: [adasupport@smcm.edu](mailto:adasupport@smcm.edu)

Residence Life

Phone: 240-895-4207

Human Resources

Phone: 240-895-4309

### **SEXUAL MISCONDUCT**

**The College's Policy Against Sexual Misconduct and Procedures for Complaints against a Student can be found online at <http://www.smcm.edu/campus-rights/>.**

### **SMOKING**

St. Mary's College of Maryland establishes the following policy regarding the smoking and use of tobacco products. The Governor's Executive Order (01.01.1992.20) establishes guidelines upon which the St. Mary's policy is based.

I. Policy

- A. Buildings
  - i. Smoking or carrying any lighted tobacco product is prohibited in all state buildings and facilities.
- B. State Vehicles
  - i. Smoking is prohibited in all state vehicles.
- C. Residence Halls, Suites, Apartments, and Townhouses
  - i. Smoking is prohibited in all areas of all residential facilities.

II. Enforcement

- A. Responsibility
  - i. All employees and students share in the responsibility for adhering to and enforcing this policy and have the responsibility for bringing it to the attention of visitors.
- B. Conflict resolution
  - i. The Office of Human Resources is responsible for resolving conflicts and investigating claims of employees. The student conduct officer is responsible for resolving conflicts and investigating claims of students.
- C. Disciplinary procedures
  - 1. For an employee found in noncompliance, the following shall result:
    - a) For the first offense: be directed to Human Resources for counseling on the provisions of the Executive Order (verbal warning).
    - b) For the second offense: be given a written reprimand.
    - c) For a third offense: receive a suspension.
    - d) For a fourth or subsequent offense: may result in termination of employment.
  - 2. For a student found in noncompliance, an incident report may be forwarded to the student conduct officer for adjudication.

## **SOLICITATION, SELLING, AND COLLECTING CONTRIBUTIONS POLICY**

In order to protect the St. Mary's College of Maryland community, specific authorization for soliciting, selling, or collecting contributions must be obtained from the executive director of student life. Requests should include a complete description of the proposed activity and must be signed by the individual or a representative of the organization. This policy applies to students and non-students who desire to sell merchandise, goods, services, food, and/or drinks at any location on the St. Mary's campus.

Definitions:

- A. Commercial activity is any sale or offer of sale to secure a profit for an individual or group. Such activities generally will be prohibited unless necessary to St. Mary's College of Maryland purposes. Persons seeking approval of a commercial activity on the grounds that it is necessary to St. Mary's College of Maryland purposes will be required to furnish complete details of the proposed activity, including the extent of their financial interest to the executive director of student life. Student organizations can sponsor commercial sales on campus under the following guidelines:
  - 1. A vendor who wants to sell items on campus must complete a vendor application prior to the requested date. The cost is \$25 per day plus 10% of sales over the first \$250. Payment must be made the day of the event in cash or by check made payable to SMCM.

2. Students wishing to engage services in their residence for personal care products (e.g. Mary Kay, Avon) for a specified guest list must obtain prior permission from the executive director of student life at least two weeks in advance.
- B. Non-commercial activity is defined as any sale or offer of sale to (1) secure funds for benefit of any non-profit organization, or (2) any non-profit sale. The executive director of student life or designee must approve activities for the benefit of student organizations or charitable organizations and/or if the activity is proposed to take place in a residence (e.g. a canned food drive. Standards for considering a request may include one or more of the following:
1. Students offering a service (for example, Avon sales, bus ticket sales, or other sales activities) to members of the St. Mary's community in order to provide funds for their own education must obtain permission from the executive director of student life or designee.
  2. The activity must not be disruptive and must be conducted only in areas and at times approved by the executive director of student life. Room-to-room solicitation in any building on campus is prohibited.
  3. The activity must be conducted in an acceptable and business-like manner. All vendors are required to set up in the first floor lobby of the Campus Center or on the first floor patio of the Campus Center.
    1. Materials sold must not be harmful, and perishable goods must be handled properly.
    2. If the materials sold require equipment for preparation or dispensing, such equipment must be approved at the time permission for the activity is granted.
    3. The sale of merchandise to raise money for political or partisan purposes is prohibited.

Failure to obtain authorization or to comply with these regulations may result in disciplinary action against the student or student organization. Other persons or non-student organizations in violation of the terms of this policy will be dealt with as trespassers. This policy does not apply to the sale or distribution of newspapers. The sale or offering of personal property or personal services rendered (sewing, typing, etc.) by individual members of the academic community is not within the scope of this policy as long as the property in question was not bought for the purpose of resale.

## **POLICY ON WEAPONS AND DANGEROUS OBJECTS**

St. Mary's College of Maryland prohibits the unauthorized use or possession of weapons and other dangerous objects on College property and at College-sponsored activities or events. This includes such items on one's person, in one's on-campus residence, in one's automobile on campus, or in any other property or personal effects of any student at any time. For the purpose of this policy, the term "weapon" includes any potentially dangerous object or substance including, but not limited to, any firearm (including any weapon or instrument from which a shot, projectile, or other object may be discharged by force, whether operable or inoperable, loaded or unloaded); any deadly weapon, defined as any instrument, item, or material readily capable of causing death or serious physical injury; any BB gun, pellet gun, air rifle/pistol, paint gun, sword (including decorative), or other martial arts weapon; any bomb (or other explosive material), any knife with a blade longer than three inches (other than a kitchen knife used exclusively for food preparation/consumption in residences with kitchens), switchblade, billy club, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain, or ice pick; or any explosive chemical or device including a substance or a combination of substances possessed or prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including fireworks and illegal or potentially dangerous chemicals; or any instrument which by its nature or circumstances present may be reasonably construed as a weapon.

The College reserves the right to confiscate prohibited items and to hold those items for appropriate disposition. Students found responsible for a violation of this policy may be subject to housing contract revocation and/or suspension or expulsion from the College and may also be referred to law enforcement authorities for criminal action.

## **TIMELY WARNING POLICY**

### **Purpose**

The purpose of this directive is to provide clear guidelines for the issuance of Timely Warnings in accordance with the Jeanne Clery Act (Clery Act).

### **Policy**

St. Mary's College of Maryland may issue a Timely Warning to the College community whenever a report of a Clery reportable crime or other serious crime is reported to the Office of Public Safety or a Campus Security Authority if the incident presents a serious or ongoing threat. The Office of Public Safety is responsible for writing the content of the Timely Warning Notice and *distributing it to the campus community*.

### **Definitions**

*Timely Warning:* The Clery Act requires all colleges and universities to alert the campus community to certain crimes that may represent an ongoing threat to the safety of students or employees in a manner that is timely and will aid in the prevention of similar crimes.

*Clery Reportable Crimes:* Crimes that are reported to Campus Security Authorities and are committed on college reportable geography. Clery reportable crimes are:

- Criminal Homicide, including Murder, Non-negligent Manslaughter and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- Hate Crimes include any of the above mentioned criminal offenses and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias.
- Violence Against Women Act (VAWA) Offenses include incidents of Domestic Violence, Dating Violence and Stalking; and
- Arrests and Referrals for Weapons Law, Liquor Law and Drug Law violations.

*Other Serious Crime:* The College, in its discretion, may issue timely warnings for other crimes it deems pose an ongoing threat to the safety of student or employees, regardless of whether it is a Clery Reportable Crime.

*Campus Security Authority:* A Clery Act specific term that encompasses four groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities.

### **Procedure**

#### **I. Decision to Issue**

- a. All decisions on whether or not a Timely Warning is issued shall be made on a case-by-case basis, considering the facts surrounding a crime including:
  - i. The nature of the crime.
  - ii. The continuing danger or threat to the campus community.
  - iii. The amount of time that has elapsed between the occurrence and report.
  - iv. Whether the identity of the offender(s) is known.
  - v. The possible risk of compromising law enforcement efforts.
  - vi. The decision shall be made by the Director of Public Safety or his/her designee.
- b. A Timely Warning will be issued as soon as pertinent information is available and within a reasonable amount of time.

#### **II. Determining the Content of the Timely Warning**

- a. The content of the timely warning is intended to enable members of the campus community to protect themselves, and may include, but will not necessarily be limited to:

- i. A succinct statement of the incident including the date, time, general location and nature of the reported crime(s);
- ii. Possible connection to previous incidents;
- iii. A physical description of the suspect(s);
- iv. A photo or composite drawing of the suspect(s);
- v. Other relevant and important information about the crime(s);
- vi. Actions taken by the Office of Public Safety and/or law enforcement officials in response to the crime(s);
- vii. Information on crime prevention, personal safety or other community safety resources; and
- viii. How to contact the Office of Public Safety regarding the crime(s).

### III. Dissemination of Timely Warnings

- a. The following methods shall be utilized to distribute Timely Warnings
  - i. Official College email
  - ii. Flyers posted in buildings
  - iii. Public Safety Website

## COVID-19 AND PUBLIC HEALTH-INFORMED POLICIES

St. Mary's College of Maryland aims to deliver its mission while protecting the health and safety of our students and minimizing the potential spread of disease within our community. As a residential student, the 2019 Novel Coronavirus ("COVID-19) or similar public health crisis will impact your housing experience as the College continues to make public health-informed decisions. The below policies and guidelines are incorporated into the [housing agreement] and are applicable to all residential students. As always, we will endeavor to update you with timely information about specific health and safety guidance important for our residential students.

### 1. Health and Safety.

We expect that all members of the community—residents, staff and visitors— will act in a manner consistent with the St. Mary's Way that demonstrates respect and consideration for those around them, including respect and consideration for the health and safety of all community members. All residential students are prohibited from creating a health or safety hazard within housing facilities. The College may request or require a resident to leave residential housing if their continued presence in the housing community poses a health or safety risk for community members. Residential students are required to comply with health and safety laws, orders, ordinances, regulations and health and safety guidance adopted by the College or residence halls as it relates to public health crises, including COVID-19. This guidance will evolve as the public health crisis evolves and may include, but is not limited to, social distancing, limitations on mass gatherings, wearing a face covering, COVID-19 diagnostic and surveillance testing (including before or upon arrival to campus), contact tracing, disinfection protocols, limitations on guests in residence halls, and quarantine / isolation requirements (including before or upon arrival to campus). Adherence to health and safety requirements applies to all residents, staff, and visitors and extends to all aspects of residential life, including bedrooms, bathrooms, community kitchens, lounges, computer rooms, and other common spaces.

### 2. Quarantine / Isolation / Separation.

At any time, the College may require a resident to leave housing when that resident's continued presence in the housing community poses a health or safety risk for community members. Residential students are required to comply with requests from staff to leave their assigned space due to COVID-19 or other public health emergency and failure to do so is a violation of the student code of conduct and may subject a student to immediate removal from their assigned space. Not all residential rooms or halls are appropriate for self-quarantine or self-isolation, for example, and in those situations where a student is recommended to self-quarantine or self-isolate, students may not be permitted to continue residing in their residential space and will be provided alternative housing arrangements as needed. Removal from housing to isolate or quarantine does not constitute a termination of a residential student's housing contract.

### 3. De-Densifying Efforts.

Residential students are required to comply with any de-densifying efforts needed on campus due to COVID-19 or other public health emergency, including, but not limited to, the relocation of all or some residential students to alternative housing. Relocation does not constitute a termination of a residential student's housing contract. In the event SMCM must relocate students as part of a de-densifying strategy due to public health concerns for an extended period of time and alternative housing is not available, the College will offer impacted students fair and reasonable reimbursement of the on-campus housing fee as appropriate and based on information available at that time.

#### **5. Cleaning.**

SMCM will continue to implement and modify its cleaning protocols to address COVID-19 or any other public health emergency in the interest of minimizing the spread of disease. SMCM will educate and inform residential students on appropriate cleaning protocols within their assigned spaces to reduce the spread of COVID-19 within residence halls.

#### **6. Termination.**

Upon reasonable notice, SMCM reserves the right to terminate housing contracts due to public health emergency needs, including COVID-19. In the event the College terminates housing contracts due to public health concerns, SMCM will offer fair and reasonable reimbursements of the housing fee for impacted students as appropriate and based on information available at that time.