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Ethical Leaders at the Mount

At the Mount, developing ethical leaders is central to our mission. The University strives to graduate men and women who cultivate a mature spiritual life, who live by high intellectual and moral standards, who respect the dignity of other persons, who see and seek to resolve the problems facing humanity, and who commit themselves to live as responsible citizens. Good choices made repeatedly over time develop into habits, which have positive lifelong influence. Leadership and living in community must be rooted in virtues or these habits. Leadership in community is intrinsically linked to virtue or habits, because “virtue creates trust.” Trust breeds safety, two powerful elements of a healthy community. Virtue allows each leader and member of the community to do what others expect of him or her. The following habits are essential for living the Mount’s Catholic vision of community:

Self-Knowledge

- Awareness of our createdness: Students at the Mount will start their journey by developing their faith
- Awareness of our dignity: Students will be encouraged to treat oneself with dignity and respect
- Awareness of our flaws: Students will recognize their failings, look for areas for growth, and understand the need for God
- Awareness of our talents: Students will be guided to identify their unique gifts and talents and how they use them in a healthy and productive way

Integrity

- Prudence: Students will strive to make the right decisions
- Courage: Students will put those decisions into action

Mount St. Mary’s University Mission Statement

As a Catholic university, Mount St. Mary’s graduates ethical leaders who are inspired by a passion for learning and lead lives of significance in service to God and others.

Mount St. Mary’s is a Catholic institution of higher education dedicated to liberal learning in the pursuit of truth. Mount St. Mary’s, mindful of its role in the Church’s mission to the world and respectful of the religious liberty of all, affirms the values and beliefs central to the Catholic vision of the person and society, and seeks to deepen understanding of our faith and its practice in just and compassionate engagement with the world.

In order to enable individuals to understand and to challenge or embrace the cultural forces operating on them, Mount St. Mary’s, in all its curricular and co-curricular programs, encourages each student to undertake free and rigorous inquiry leading to a reflective and creative understanding of the traditions which shape the communities in which we live.

Mount St. Mary’s strives to graduate men and women who cultivate a mature spiritual life, who live by high intellectual and moral standards, who respect the dignity of other persons, who see and seek to resolve the problems facing humanity, and who commit themselves to live as responsible citizens.
• Self-Mastery: Students will subdue intimate passions and beliefs and directs them to do the right things
• Justice: Students will be given their due process and will work for the common good of the community.

**Greatness & Service**

• Striving towards great things: Students at the Mount will lead a full and intense life
• Humility: Students will live life for others by serving others

Community members, groups, and organizations are called to develop and practice these habits, whether they are on campus, off campus, or online.

**Restorative Justice & the Student Conduct System**

At the Mount, the student conduct system will use a practice called “Restorative Justice”. This practice is a collaborative decision-making process seeking to hold its community members accountable by (a) accepting and taking responsibility for their actions, (b) repairing the harm that was done, and (c) working to reduce the risk of reoccurring offenses by building positive social ties to the community. This is a formal process and the hearing will be conducted by a single hearing officer, to guarantee fairness and legitimacy. This restorative practice requires honest dialogue and personal investment in the process.

**Flowchart**

- **Report**
  - Report of specific codes of conduct under review

- **Behavioral Hearing**
  - 1 on 1 hearing occurs, report is reviewed, student shares their perspective

- **Adjudication Withheld**
  - Student agrees to participate in a diversion program

- **Responsible**
  - Restorative Actions are issued and the process ends upon completion

- **Not Responsible**
  - The case is closed and the process ends.

- **Complicit**
  - Restorative Actions are issued and the case is closed

- **Diversion Program**
  - Student participates, case is closed
EMERGENCIES

Emergency Telephone Numbers

Mount St. Mary’s University Department of Public Safety Dispatch (non-emergencies) 301-447-5357
Mount St. Mary’s University Department of Public Safety (emergencies) 301-447-5911
Student Health Services 301-447-5288
Dean of Students 301-447-5789
Counseling Services 301-447-5288

Mount St. Mary’s Public Safety Department

The Mount's Department of Public Safety is a service-oriented safety enforcement organization with the goal of providing a safe, secure and orderly environment in which teaching, learning and administrative operations of the university can excel. Any real or perceived event that is, or has the potential of, disrupting operations, causing personal or property injury, or causing undo stress to a member or guest of the Mount St. Mary's community is the responsibility of Public Safety to resolve.

Mount Alert

The Mount Alert is a mass notification system that enables students, faculty and staff to receive emergency alerts on cell and home phones and through text messages and email. This service is part of the university's strategy to enhance campus-wide communications during an emergency and to increase safety on the Mount campuses. Please note:

- The Mount St. Mary's University Mount Alert messaging system is powered by NTI Connect-ED.
- Test voice and text messages will be sent periodically to ensure that Mount St. Mary's University Mount Alert system is working properly.
- Check your information at the start of each semester in the Mount Alert System, Mount Alert Portal and/or Workday. It is important that every Mount student, faculty and staff member ensure their contact information is accurate and up-to-date.
- You are responsible for any text messaging charges from your wireless service provider. Mount St. Mary's University is not responsible for any charges your service provider may charge for standard text message fees.
- No advertisements or spam will be sent to you.
- Your information will never be shared with or sold to third parties.
- For safety purposes we do not allow current students or employees to completely opt out of the Mount Alert System. Your Mount email is the standard delivery method for communication, and is the minimal requirement for this system.
Report an Emergency

Report all emergencies by dialing 301-447-5357 from your cell phone or 5357 from a campus phone. Do not hang up until a dispatcher instructs you to do so. Inform the dispatcher of the nature of the emergency and the exact location/address of the building, floor, area, and/or department.

Medical Emergencies

In the event of a medical emergency, call 301-447-5357. Provide adequate space for the individual(s) involved and the emergency personnel. Unless there is imminent danger, do not move any victim(s) until emergency personnel arrive. Please make sure there is someone there to escort emergency responders to the scene.

Fire Emergencies

Residential students receive emergency and evacuation information at the beginning of each semester through mandatory hall meetings. Periodically throughout the year, residents are required to participate in announced and unannounced emergency drills. Failure to follow directives of University officials during an emergency may result in disciplinary action. Should a student discover fire or smoke in a University building, the following procedure should be used:

- Activate the nearest fire alarm on your way out.
- If you hear a fire alarm, you must evacuate the building safely.
- Close doors as you leave.
- Know the evacuation routes for your room, look for illuminated exit signs.
- Assist individuals in need, if possible. If a person cannot evacuate, report their location to emergency personnel as soon as possible.


Severe Weather/Tornado Emergencies

In the event of a tornado, the City of Emmitsburg will sound tornado warning sirens and Public Safety will activate the Mount Alert system on campus. In the event of an approaching tornado/severe weather, students will be advised to move to the inner core of the building away from window areas or to the basement, if one exists in the building where they are located. Students should remain in the area until Public Safety issues an “all clear” signal.
# CAMPUS DIRECTORY

Mount St. Mary’s University Main Switchboard: 301-447-6122

<table>
<thead>
<tr>
<th>Office/Department</th>
<th>Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting &amp; Financial Affairs</td>
<td>Bradley Hall, 3rd Floor</td>
<td>5353</td>
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<tr>
<td>Athletics</td>
<td>ARCC</td>
<td>5296</td>
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<tr>
<td>Campus Activities &amp; Student Leadership</td>
<td>McGowan, 1st Floor</td>
<td>5175</td>
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<tr>
<td>Campus Ministry</td>
<td>McGowan, 1st Floor</td>
<td>5223</td>
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<tr>
<td>Career Center</td>
<td>McGowan, 2nd Floor</td>
<td>5202</td>
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<td>Center for Student Diversity</td>
<td>McGowan, 1st Floor</td>
<td>5474</td>
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<tr>
<td>Student Life – Vice President &amp; Dean of Students</td>
<td>McGowan, 2nd Floor</td>
<td>5789</td>
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<tr>
<td>Dining Services</td>
<td>McGowan, 1st Floor</td>
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<tr>
<td>Financial Aid</td>
<td>Bradley, 1st Floor</td>
<td>5207</td>
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<td>Health &amp; Counseling Services</td>
<td>McGowan, 1st Floor</td>
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<tr>
<td>Maintenance</td>
<td>Physical Plant</td>
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<tr>
<td>Office of Social Justice</td>
<td>McGowan, 1st Floor</td>
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<td>Public Safety</td>
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<td>Recreational Services</td>
<td>ARCC</td>
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<tr>
<td>Registrar</td>
<td>Bradley, 1st Floor</td>
<td>5215</td>
</tr>
<tr>
<td>Residence Life</td>
<td>McGowan, 2nd Floor</td>
<td>5274</td>
</tr>
<tr>
<td>Student Government Association</td>
<td>McGowan, 1st Floor</td>
<td>5273</td>
</tr>
<tr>
<td>Title IX</td>
<td>Bradley, 2nd Floor</td>
<td>5086</td>
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<tr>
<td>Writing Center</td>
<td>Borders</td>
<td>5367</td>
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STUDENT CODE OF CONDUCT

Mount St. Mary’s University, the second oldest Catholic institution in the country, emphasizes our Catholic tradition and the God-given dignity of every human person. The University, known as “the Mount”, is committed to its Liberal Arts mission, and to each student’s pursuit of his or her educational goals. This is only possible when all students, faculty, administration, and staff ensure the intellectual, social, and spiritual development of each member of our community in an ethical way. Honesty, integrity, and responsibility for the welfare of one’s self and all members of the Mount community are characteristics of a caring and thriving community.

I. Purpose

“As a Catholic university, Mount St. Mary’s graduates ethical leaders who are inspired by a passion for learning and lead lives of significance in service to God and others.” – University Mission Statement

The Mount expects its students to live as ethical leaders on and off campus. The University promotes the combination of ethical leadership with student’s individual gifts, talents and personal qualities to serve others for the greater good. When students fail to live up to our mission, this becomes an educational opportunity for all involved. The Mount practices restorative justice conduct processes to set high expectations for its students while being supportive of their educational and personal growth. Restorative practices seek to promote students taking responsibility for their actions and to articulate how and what can be done to repair the community based on these actions.

Students entering the Mount community accept the values and expectations outlined in this Code of Conduct. Leadership in the community is intrinsically linked to virtue or habits, because virtue creates trust. Trust breeds safety, two powerful elements of a healthy community. The Code of Conduct seeks to promote the safety and welfare of all individuals within the Mount community and the protection of its property. As a Catholic institution, the conduct process is not intended to be punitive, but seeks to repair and restore the student back into the Mount community.

II. Definitions

**Appeal**
An opportunity for a student to present new information to the Dean of Students (DoS) or designee in order to modify a finding of misconduct and/or restorative actions.

**Complainant**
An individual who files a complaint alleging a violation of the Student Code of Conduct. In cases when an incident is filed without a complainant, the University is the complainant.

**Dean of Students (DoS)**
Refers to the Dean of Students and/or may also refer to a designee of the DoS.

**Respondent**
An individual who is accused of violating the Student Code of Conduct and/or other university policies.

**Student**
An individual taking courses at the Mount, either full-time or part-time, in person, online or studying abroad, and pursuing either undergraduate or graduate studies, including individuals who withdraw from the University during the conduct process; those who are not currently enrolled in courses but who have a continuing relationship with the University and those who have applied for readmission to the University.

**Title IX Coordinator**
University official responsible for monitoring and coordinating University compliance with Title IX.

**Mount St. Mary’s University**
Refers to Mount St. Mary’s University and/or may also refer to a designee of the Mount or the University.

**University Premises**
All buildings, facilities, land and other property that is owned, used or controlled by the University.

**University Privileges**
Special benefits that are granted by the Mount and enjoyed by students, including but not limited to, participating in NCAA athletics, residing in University residence halls, participating in University social events or University sponsored activities, election to student leadership positions, permission to operate or park a personal motor vehicle on campus, access to all University premises open to students, and engaging in campus employment.

**Vice President of Student Life**
Refers to the Vice President of Student Life and/or may also refer to a designee of the VPSL.

### III. Scope

The Student Code of Conduct is a Mount policy adopted by the President (based on authority designated by the Board). The Code is implemented and enforced by the DoS under the direction of the VPSL. The University President has ultimate authority over all University matters.

The Code applies to all University students’ (undergraduate and graduate) conduct that occurs on University premises, including study abroad, at University activities and any off campus conduct that could adversely affect the University community and/or pursuit of the University’s educational mission, or that could create a hostile environment for a student on campus. The DoS decides whether the Code will apply to a student’s off campus conduct on a case-by-case basis.

A student is responsible for their conduct from the time of admission to the Mount through the award of a degree, or such other time as their relationship with the University is formally ended. Each student is responsible for conduct between academic semesters, during the academic year and
during periods between terms of enrollment. The Code applies to student conduct even if a student withdraws from the University during the conduct process.

**Reporting Resources**
Students who witness or experience any misconduct have several options for reporting a situation. Using the resources offered below, students should immediately report any needed assistance, or if they believe another student is in danger or engaging in unhealthy behavior.

**Good Samaritan Policy**
Student health and safety are the primary concerns of the Mount community. Consumption of excessive amounts of alcohol or controlled substances can place a person at risk of serious illness or even death. When a student believes that assistance for an intoxicated/impaired student is needed, he/she is expected to contact Public Safety for assistance. Public Safety officers are trained in first aid and will assess intoxicated/impaired individuals to provide assistance, and if necessary, facilitate transport to the appropriate medical facilities for treatment. When a student contacts University officials for assistance, the student contacting and the student in need of assistance will routinely be relieved of Student Conduct action for possession or consumption of alcohol.

**Bystander Intervention**
Bystander intervention is when a community member is able to identify a dangerous or potentially harmful situation and safely acts to interrupt the situation. It is expected that students have the safety of themselves and peers in mind and if they see something, they will say something, or do something.

**Missing Student Notification**
Students, employees, or other individuals should report that a student has been missing to the Department of Public Safety, a Residence Life staff member, or the Office of Student Life immediately.

Through the Symplicity housing system, each student living in the residence halls may voluntarily provide an emergency contact person.

The Mount must notify a custodial parent or guardian if a student under 18 is determined by the Department of Public Safety to be missing. Any additional emergency contact person(s) designated by the student, will also be notified after a determination the student is missing. The University will notify law enforcement agencies after a determination the student is missing unless the local law enforcement agency was the entity that made the determination the student was missing.

**Residence Life/Student Affairs Staff**
*Resident Assistants (RAs)* – Student staff is available in the halls 24/7. Students can seek out their own RA or any RA on duty any time of the day. RAs are a trained resource and will be able to assess what else is needed in a situation and provide support and/or call the appropriate resource.
Student Life Staff – Professional staff is available in the Vice President of Student Life and Residence Life offices from 8:30-5:00 Monday through Friday and 24/7 for emergency response. Staff can be contacted at 301-447-5274 during office hours and emergency staff will be alerted by Public Safety or Resident Assistants.

Public Safety – Officers are on duty 24/7 and any campus issue can be reported to them at any time. Public Safety can be contacted at 301-447-5357, or in an emergency, at 301- 447-5911.

Anonymous Reporting Systems
Mount Report – This system can be reached at https://inside.msmary.edu/public-safety/index.html#mount-report. The system will email major campus authorities and they will respond to all available information.

Reporting any Title IX Sexual Misconduct or discrimination concern.
Residence Life/Public Safety Staff – Student staff, housing professional staff and Public Safety staff are trained to respond to a sexual misconduct or discrimination situation and can be reached as described above. These staff members will make sure students understand all available resources and possible next steps Ethics Point- The anonymous reporting system for all sexual misconduct and discrimination situations. Students can find the resource at www.msmu.ethicspoint.com. University Employees- All University employees are mandatory reporters. As such, any time a University employee gets a report of sexual misconduct or discrimination it will get reported to the Title IX Coordinator (see Title IX Statement for more information).

Nondiscrimination & Title IX
Nondiscrimination Notice (taken from https://msmary.edu/non-discrimination-notice.html)
It is the policy of Mount St. Mary’s University not to discriminate on the basis of race, color, national or ethnic origin, political or religious opinion or affiliation, age, sex or handicapping condition in the recruitment or admissions of students, or in the administration of the university’s educational policies, admissions policies, scholarship and athletic programs, and other university administered activities and programs.

Title IX Statement
In Compliance with Title IX of the Education Amendments of 1972 and other applicable laws, Mount St. Mary's University prohibits sex discrimination, sexual harassment, sexual assault, domestic violence, dating violence, and any other type of sexual misconduct. Mount St. Mary’s University is a Catholic institution committed to upholding standards that promote respect and human dignity. Members of the university community, guests and visitors have the right to be free from all forms of sexual harassment, discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

The university’s Title IX Coordinators oversee compliance with all aspects of the sexual harassment, discrimination and misconduct policy. The Coordinators report directly to the President of the University, and are housed in the office of the President and the office of Student Affairs. Questions about this policy should be directed to the Title IX Coordinators. Anyone wishing to make a report
relating to discrimination or harassment may do so by reporting the concern to the university Title IX Coordinators:

**Pauline Engelstätter**  
Title: *Vice President for University Affairs, Title IX Coordinator*  
Office of the Vice President for University Affairs  
Bradley Hall, Second Floor  
301-447-5086  
engelsta@msmary.edu

Additional information regarding Title IX policy can be found at:  
[https://msmary.edu/title-ix-sexual-misconduct-policy.html](https://msmary.edu/title-ix-sexual-misconduct-policy.html)

**IV. Academic Integrity**

Matters of academic integrity are reviewed and enforced under the authority of the Provost and faculty. Students engaged in acts which may constitute both academic dishonesty and misconduct as defined in the Code may be subject to sanctions under both authorities. A copy of the academic policies can be found: [http://catalog.msmary.edu/](http://catalog.msmary.edu/)

**V. Code of Conduct Policies**

1. **Alcohol**
   
   The following behaviors are not permitted with regards to alcohol:  
   a. Use or possession of alcohol under the legal drinking age.  
   b. Distribution of alcohol.  
   c. Drinking in public, public intoxication or possessing an open container.  
   d. Manufacturing alcohol.  
   e. Driving under the influence of alcohol.  
   f. Possessing consumption devices (funnels, bongs, etc.) and mass containers (kegs/mixed alcohol from a common source outside of its original packaging).  
   g. Participating in or being in the presence of activities (e.g. drinking games.) that promote and encourage the excess consumption of alcohol; regardless of the age of the participants.  
   h. For students living in the residence halls/apartments, the possession of alcohol in excess of one 30 pack of beer; 2 bottles/boxes of wine; or a single bottle of liquor up to 1.75 liters, per legal aged student is prohibited. Students are not permitted to display empty alcohol containers. Any violations will require that display of alcohol material be treated as “in use.”  
   i. Possession of liquor in excess of 100 proof alcohol by volume on campus or in any University owned or operated facility or property.  
   j. Allowing a guest (regardless of age or relationship to host) to possess, consume, or provide alcohol within the hosts residence hall room if the host is not yet 21.  
   k. Allowing a guest to bring alcohol into a room where assigned residents are under 21.  
   l. Using alcohol containers/packaging for decoration and/or signage that promotes underage or irresponsible drinking in residential areas.

2. **Compliance**
Mount students are required to comply with:

a. Directions of any University official acting in the performance of their official duties. This can include, but not limited to, failure to identify oneself to these persons when requested to do so, or failure to immediately comply with any verbal order issued by Public Safety officers.
b. Any policy, rule, regulation published by the Mount.
c. The Student Conduct Process, at any stage.
d. Fleeing the scene of an incident while an investigation or inquiry is in progress.
e. Any signed contract, waiver or agreement with the University.
f. Rules and regulations of other institutions of higher education, cooperative internship assignments, student teaching assignments, and any other business or organization associated with the University.

Examples of expectations found in various Mount rules, contracts and policies include the following:

- Students are required to carry their Mount Card (student ID) with them at all times.
- Sharing network or email passwords is prohibited.
- Having restricted items in any Mount residence hall is prohibited per residence hall policies.

Rules, policy, and contracts of note include:

- Acceptable Technology Use Policy
- Dining Services policies
- Parking and Traffic Control Policy
- Residence Life policies
- University branding policies
- Outdoor Adventure trips
- Any University sponsored off-campus trips

3. Disorderly Behavior

Mount students are not permitted to:

a. Engage in disruptive, indecent or lewd conduct.
b. Cause a breach of the peace or act in a manner that presents a risk of harm to oneself or others.
c. Throw objects from or climb out of windows.
d. Use restrooms or locker rooms in an inappropriate manner.
e. Urinate in public.
f. Unnecessarily extend a confrontation or disrupt a confrontation of another student by a Public Safety Officer or University staff.
g. Any activity which disrupts or interferes with normal University functions or operations.

The Mount reserves the right to determine in its sole discretion whether a situation or conduct has risen to the level of disruptive or that of a disturbance.

4. Drugs

The following behaviors are not permitted with regard to drugs:

a. Use and/or possession of marijuana.
b. Manufacturing, growing, or distributing, selling, or transferring of marijuana and/or any substances.
c. Use or possession of heroin, cocaine, acid, narcotics or other controlled substances.
d. Use or possession of any general product used as an intoxicant.
e. Driving under the influence or impaired.
f. Improper use, possession or distribution of prescription drugs.
g. Possession or use of drug paraphernalia (e.g. hookahs, rolling papers, bowls, pipes, bongs, vaporizers, handmade devices).

5. Disrespect to the Mount Community and Environment
The following behaviors are considered disrespectful to Mount community members and the campus environment and are not permitted:
   a. Excessive noise, amplified sound, music or noise that disrupts others.
   b. Any form of vandalism of personal or Mount property.
   c. Littering, uneartthing plants, disturbing aesthetics of the Mount or damaging Mount grounds or facilities in any manner.
   d. Storing or leaving personal belongings in public areas (outdoors, classrooms, lounges, lobbies).
   e. Sleeping in public use areas (outdoors, classrooms, lounges, lobbies) by any student or guest.

6. Fire Safety
The following behaviors are not permitted with regard to fire safety:
   a. Failure to comply with evacuation procedures.
   b. Tampering with fire equipment.
   c. Unauthorized use of fire exit doors.
   d. Setting a fire, committing arson or contributing materials or fuel to a fire.
   e. Possession, use, or threatened use of fireworks or other explosive devices that could cause a fire and/or damage.
   f. Use of open flame devices or open heat sources (e.g. incense, candles, coffee pots without automatic shutoffs, space heaters).
   g. Smoking any substance within University buildings (includes e-cigarettes, personal vaporizers).

7. Harassment
All forms of harassment and/or discrimination are unacceptable at the Mount. Violations of the non-discrimination and Title IX policy are marked in the student’s conduct record but is managed by the Title IX Coordinators. Behavior that is considered harassment but does not rise to the level of non-discrimination and Title IX is managed by the DoS.

Harassment and/or bullying behaviors include but not limited to:
   a. Verbal abuse.
   b. Threats.
   c. Intimidation.
   d. Stalking.
   e. Bias-related behaviors that cause any member of the community to feel unwelcome such as:
      i. Negative actions against an individual or group because of their actual or perceived race, sex, color, national or ethnic origin, age, religion, disability, marital status, sexual orientation, genetic information, military status, gender or gender identity, any other legally protected classification, or other targeted aspects of one’s identity.
      ii. Creating a climate that supports, encourages, or initiates an uncomfortable environment for any community member.
   f. Unauthorized recording or use of a recording (audio, video or photograph) of another person without their knowledge and approval.
8. **Hazing**
The state of Maryland prohibits hazing and defines it as such: Prohibited – a person may not recklessly or intentionally do an act or create a situation that subjects a student to the risk of serious bodily injury for the purpose of initiation into a student organization of a school, college, or university. The Mount takes hazing seriously and the following actions or situations, but not limited to, are considered hazing and are prohibited at the University:

   a. Intentionally, forcefully, or recklessly endangering the physical health and safety of any student.
   b. Coercing or forcing a student or group to the consumption of alcohol.
   c. Inflicting physical or mental harm, distress, anxiety or that which may demean, degrade, embarrass or disgrace any person.

9. **Misrepresentation**
The following behaviors are not permitted with regard to misrepresentation:

   a. Lying, misrepresentation of facts or giving false testimony to any University official.
   b. Falsifying, forging, altering, or furnishing false information on or relative to, University records.
   c. Transferring, altering, wrongfully obtaining identification cards, parking permits, transcripts, computer records, and/or other Mount documents.
   d. Misuse of University funds, including student organization funding.
   e. Using University logo or name without appropriate permission or falsely attributing an activity to the University.

10. **Physical Abuse**
Physical abuse of any kind is not permitted. Physical abuse includes, but not limited to, engaging in physical, and/or verbal abuse, fighting, domestic violence, dating violence, threats, intimidation, harassment, coercion, physical or electronic stalking, physical, emotional or electronic bullying, or any other conduct which threatens or endangers the health, safety or welfare of any person. Any reports of the domestic violence, dating violence, or sexual harassment will be reported to the Title IX Coordinators for investigation.

11. **Posting & Solicitation**
The following behaviors are not permitted with regards to posting materials and solicitation activity:

   a. Posting without signed approval from the Office of Student Life.
   b. Displaying lewd, indecent or obscene material (this includes a backdrop in Zoom during class and other University sanctioned meetings)
   c. Posting on areas not approved by the Office of Student Life (e.g. on exterior buildings, trees, lamp posts, glass doors)
   d. Solicitation of members of the University community by a student for the sale or promotion of commercial products or services.
   e. Door-to-door sales, promotion or collection of funds without written permission from the Residence Life Office or Office of Student Life.
   f. Students operating a business on campus that is not directly related to an academic course.
   g. Student organizations/clubs selling items without approval from the Campus Activities (AMP).

12. **Theft/Unauthorized Possession**
The following behaviors are not permitted at the Mount:
   a. Theft.
   b. Attempted theft.
   c. Possession of stolen property or possession of property without the permission of the owner such as public street signs and exits signs.

13. Acceptable Use Policy
   This policy is designed to guide students, faculty, staff, and administrators in the acceptable use of computer systems and networks provided by Mount St. Mary’s University. More importantly, it is meant as an application of the principles of respect and reverence for every person that are essential to Mount St. Mary’s Catholic identity. Students can find the full policy at: https://inside.msmary.edu/more/information-technology/information-technology-acceptable-use-policy.pdf

14. University Process Abuse
   The following are considered abuse of University process or systems and are not permitted:
   a. Failure to comply with a conduct letter or communication from the DoS/designee.
   b. Retaliation against individuals who exercise the rights or participate in investigations or proceedings.
   c. Submission of frivolous or fabricated reports.

15. Laws & Statutes
   Violation of international, federal, state or local law (whether convicted or not) or University policy, whether the violation occurs on or off campus.

16. Interpersonal Behavior Expectations (Being “Mount-Sp’table”)
   Mount St. Mary’s University is committed to “developing, nurturing, and caring for the whole person”. We recognize that the “whole person” does not form in a vacuum. It is through relationships with others that we learn who we are as an individual; additionally, fundamental values are instilled – human dignity, stewardship, and solidarity. These values are ever present as we begin to live lives of significance. Therefore, we believe that our most fundamental value – Human Dignity – must be at the core of our interactions with others. Mutual love, respect, and care must permeate every facet of the university experience.

Mount St. Mary’s University is a Catholic University. God is at the center of our community ethos. We use the word community often; however, our model of community is rooted in scripture-as depicted in Acts. Therefore we expect the value of peace (and the promotion of peace) to be the default for behavior on campus. Insensitive, disrespectful, obscene, harassing, hateful, threatening, and violent behaviors (action and language) are deemed offensive and are strictly prohibited (any other offensive behavior not listed is prohibited).

   i. Discrimination against any person on the basis of race, color, national origin, religion, sex, age, veteran’s status, disability, or weight is not tolerated.

Mount Saint Mary’s University is committed to providing quality education to all students. We have a diverse community, comprised of varied racial, ethnic, and cultural backgrounds. This diversity provides our community unique opportunities to appreciate cultural, racial, and ancestral heritages in a safe and loving environment.
Any student that feels as though they have experienced discrimination that has negatively impacted their ability to be a fully participating member of the university community can seek recourse through the Student Code of Conduct by contacting the Dean of Students, the Center for Student Diversity, the Center for Student Success and Equity, the University’s Title IX Coordinator, and/or the Vice President of Student Life.

Disciplinary sanctions are outlined in the Student Handbook.

ii. Racial/Ethnic Intimidation and Harassment is conduct that meets the following criteria:
   i. Conduct consisting of dissimilar/different treatment based on race;
   ii. The existence of a racially hostile environment; or
   iii. The malicious, intentional, harassment of another because of their race, color, or national origin (additionally, the full ethnic intimidation standard, also, states religion and gender can be basis) involving threats or physical contact.

Any student that feels as though they have experienced harassment and/or intimidation that has negatively impacted their ability to be a fully participating member of the university community can seek recourse through the Student Code of Conduct by contacting the Dean of Students, the Center for Student Diversity, the Center for Student Success and Equity, the University’s Title IX Coordinator, and/or the Vice President of Student Life. Disciplinary sanctions are outlined in the Student Handbook.

iii. Physical Harm
   i. Intentionally inflicting or attempting to inflict, or conspiring to inflict bodily harm upon any person or threatening to do the same; or
   ii. Taking any action for the purpose of inflicting bodily harm;
   iii. Taking any reckless, but not accidental, action which results in bodily harm or could result in bodily harm to any person. Sanctions may range from disciplinary probation plus other disciplinary measures, up to and including expulsion.

iv. Psychological Harm
   i. Intentionally inflicting, attempting to inflict, or conspiring to inflict mental harm upon any person; or
   ii. Taking any action for the purpose of inflicting mental harm; or
   iii. Taking any reckless, but not accidental, action which could result in mental harm to any person; or
   iv. Causing a person to believe that the offender may cause mental or bodily harm; or
   v. Any act which demeans, degrades, or disgraces any person.

Sanctions may range from disciplinary probation plus other disciplinary measures, up to and including expulsion.

17. Expression, Demonstration, and Gathering Policy
Mount St. Mary’s University believes in the rights of its community members to pursue their academic and career objectives without unreasonable obstruction or hindrance. We also believe that members of the university community are free to communicate, by reasonable demonstrations, the positions that they support on vital issues of the day.
Since the intellectual life of a Catholic University depends on vigorous discussion, debate, and inquiry, Mount St. Mary's desires to host speakers and other events that will expose students to diverse viewpoints, and will help students to grapple with difficult questions facing modern society. In doing so, the university has a fundamental responsibility to its students, to their parents, and to the rest of society not to cause confusion about what Catholic teaching is or about whether the university supports Catholic teaching. Events on campus that address areas where there could be confusion (especially controversial moral, political, or scientific issues) should represent ideas fairly, and should be an occasion for the university to remind students that the university upholds the authority of Catholic teachings, encourages inquiry and discovery, and trusts that any truths discovered by human intellect can in principle be reconciled with Catholic teaching.

The University, through its teaching, and co-curriculum, engages community members in the broadening of knowledge. A freedom of expression is critical to the process of learning, and Mount St. Mary’s University values in its members a diversity of thought. Peaceful protests and/or rallies present our community with the opportunity to further share information; what they cannot do is endanger community members or disrupt University operations. University administrators may choose not to permit a rally or demonstration if safety or the performance of University operations become compromised or there is great conflict with Catholic teaching.

This policy applies to all students of Mount St. Mary’s University. Failure to abide by the policy may result in referrals to the Dean of Student Life Office for student misconduct proceedings.

For the purpose of this document the terms public speech, rally, march, demonstration and protest are used interchangeably.

The Mounts’ Status as a Private Institution
There are differences between public and private institutions. Public institutions are established by government entities (e.g. the state of Maryland) and are subject to the authority of that state government and as an extension the US government. Public institution employees are subject to the constraints of the US Constitution. Private institutions, such as Mount St. Mary’s University, are not legally bound by the provisions described in the constitution but instead the relationship between the university and its students, faculty and staff is contractual in nature. To that end, the University has the right to develop and create its own policies, procedures and rules about how it operates which includes the right to determine who can and cannot come to its campuses, and how rally and demonstrations can occur.

Events Covered by this Policy

Classroom Speakers/Invited Guests
Speakers invited by the faculty of the University and sponsored by faculty through their departments, programs, or as part of a class, and presenting in an academic space (classrooms and lecture halls), enjoy the benefits of academic freedom as long as the intended audience is the University community. Speakers or presenters invited by faculty instructors for the purposes of instruction within an individual course curriculum can do so with department/college approval.
Students, faculty, and staff are responsible for their guests and are accountable for their guests' conduct on campus, including any property damage that takes place.

**Planned Protests, Rallies, or Demonstrations**
Protests, rallies, or demonstrations under this policy are classified as any event planned with the expressed purpose of gathering multiple people to raise awareness about, or express a viewpoint on, any issue or cause. These events require advanced arrangements with the University as outlined below (Advance Arrangements).

**Spontaneous Events**
A spontaneous event is permitted involving University members only. These include responses to world or local events, vigils, and/or celebratory gatherings (e.g. Ravens or Redskins win the World Series, the Mount wins a championship). Recognizing that there are times when things happen that preclude the ability to plan an event, the University has designated areas on both Emmitsburg and Frederick campuses where these events may occur (see section below). Restrictions to these spontaneous events include: any construction; amplified speech; disruption of the business of the university, and blocking traffic. Generally, these events would (should) take place between the hours of 9:00 a.m.-10:00 p.m.

**Counter Protests**
Planned protests, rallies, or demonstrations may invite protest by persons or groups whose ideas lie in contrast. Student organizations and University departments are required to plan for the possibility of counter protests when organizing events. In cases where dissenting views are likely to be expressed, the University will reserve the right to identify areas designated for counter protest to protect the freedom of expression of all parties. Student organizations and University departments are required to plan for the possibility of counter protests when organizing events.

**Planning and Execution of Event**

**Community Notification**
Whenever possible, the Mount community will be notified to the extent possible that a protest or demonstration will be, or is, taking place.

**Advance Arrangements**
Individual students and recognized clubs and organizations may organize protests, rallies, or demonstrations in concert with the Dean of Student Life Office, the Office of Social Justice, and the Office for the Center for Student Diversity. Working with these office’s as they would for the planning of any community program, students and clubs/organizations must submit a request no less than two business days prior to the date of the proposed protest, rally, or demonstration. This will ensure that University officials can assist students in the planning of their event, and to help anticipate the possibility of counter protests (see Counter Protests). Mount staff will be present during protests, rallies, or demonstrations to monitor the event’s safety and to ensure the event does not interrupt University operations.

Protests, rallies, or demonstrations slated to occur on an adjacent street or sidewalk (see Approved Locations) may require town permits and/or adherence to town ordinances. Students
proposing such events will need to work within the parameters as set forth by local and state
government.

**Approved Emmitsburg Locations Include:**
In front or alongside Patriot Hall

Protests and demonstrations may not take place in classrooms, corridors, or in or near
administrative offices, but may take place inside designated university event spaces if approved
in advance.

As part of advanced planning, event organizers can work with the Dean of Student Life to
identify an interior location on campus that could serve as a location in inclement weather or
another location that would meet an extenuating need of the event.

The entirety of the Emmitsburg and Frederick campuses and all University-owned buildings (in
Emmitsburg and Frederick) are private property.

**Building Occupancy**
Students hosting protests, rallies, or demonstrations must do so in a manner consistent with
established building occupancy codes. Doing so is but one measure of ensuring the safety of
participants. Building occupancy will be determined by the Public Safety Department based on
square footage requirements, current furniture configuration and proper egress. Building opening
and closing times will be determined by the Public Safety Department based on regularly
scheduled usage, which varies depending on the time of year. Building occupancy and
opening/closing times can be obtained from the Public Safety Department upon request.

**Restriction from Buildings (individuals and groups)**
The University may deny individuals access to all or some University property, if a person(s) is
known to have or has engaged in criminal activity, suspicious activity, or behavior that is or is
likely to be threatening, violent, or disruptive to University operations and activities. The Mount
may restrict access to buildings and outdoor areas during both business and nonbusiness hours.

**Construction**
The Dean of Students must approve any structure (stage, tent, etc.) to be erected for use during a
protest, rally, or demonstration. Necessary consultation will occur with the Public Safety
Department and/or Facilities.

**Disorderly Conduct**
Conduct which is disorderly; breach of peace; or aiding, abetting, or procuring another person to
breach the peace on University premises is prohibited (See “V. Code of Conduct Policies #3” of
Mount St. Mary’s University Student Handbook, Conduct Codes

Disruption and Obstruction; the following actions are prohibited: Intentional or unintentional
obstruction of the free flow of pedestrian or vehicular traffic on University premises or at
University-sponsored or supervised functions. Participation in any behavior which disrupts the
normal operations of the University and infringes on the rights of other members of the University community is also prohibited. (See “V. Code of Conduct Policies #3” of Mount St. Mary’s University Student Handbook, Conduct Codes https://inside.msmary.edu/student-affairs/msmu-student-code-of-conduct.pdf).

Noise Levels
While amplified sounds (voices, music) may be part of a protest, rally, or demonstration, those that impact the operations of the University may need to be lowered at the discretion of the University official on site. Amplified sound may only be used between the hours of 9am and 10pm.

Special Circumstances
The University recognizes that some demonstrations may occur over a period of hours or days (i.e. late night into morning events). Similarly, some protests, rallies, or demonstrations may draw large attendance warranting the need for an increased presence among University officials including Public Safety. Any such events will require the approval of the Dean of Students/Associate Provost (or designee), who will consult with the Office of Public Safety. It will also be necessary that the faculty or staff advisor associated with the club or organization be present throughout the duration of the event when it occurs over a period of hours or days, is expected to draw a large crowd, or when a counter protest should be anticipated.

Solicitation and Distribution of Information
When handbill distribution is associated with a particular event, whether indoor or outdoor, the locations of distribution may be restricted to preserve safety and security and material distribution may be wholly prevented or restricted (e.g. at a campus event-commencement etc.). Distribution is subject to the Mount St. Mary’s University Posting and Solicitation Policy as found in the Mount St. Mary’s University Student Handbook, https://inside.msmary.edu/student-affairs/msmu-student-code-of-conduct.pdf).

Posters, Placards, Banners and Signs
Students, student organizations, faculty, staff, and employees commonly post signs and flyers to inform the University community of upcoming events. The University allows this practice within regulations designed to reasonably govern what, when and where the event takes place for the protection of the students, University property, and appearance of the campus.

Banners and/or signs must be approved in accordance with the policies of the Office of the Dean of Student Life.

Placards, banners, and signs used during a protest, rally, or demonstration may not impede upon the operations of the University and thus should not block sidewalks, entryways, or the like. While allowed, if found to impede upon the operation of the University, or to be inappropriate by using inappropriate or crass language, placards, banners, and signs may be relocated or disallowed at the request of University officials.

Media/Public Relations
The Office of Communications is responsible for communications including media relations, public relations, publications, advertising/marketing and web sites for the University. All communications with the media should be coordinated through the Office of Communications. Students are encouraged to contact the Office of Communications with items that might be of interest. Faculty, staff and students may not speak on behalf of the university unless previously approved.

18. CoVID-19 Policies, Expectations, & Guidelines

Overview
As the Mount St. Mary’s University community reconvenes on campus for the fall semester, the health and safety of all students, faculty, and staff is of paramount importance. The COVID-19 virus is a significant health challenge, and it is impossible to know who will develop significant and life-threatening symptoms and who will not. All of us need to work together to keep ourselves and the entire community safe.

As a Catholic university, we are called to inspire students to discover their gifts and callings, to embrace learning, to play an active role in the community, and to lead lives of significance in service to God and others. Being part of the Mount community allows the opportunity to support, and be supported by, one another. This pandemic has further elevated that commitment, and need for ongoing grace, compassion and care. This year, our commitment to one another is particularly important. Our actions can help prevent a friend, a faculty member, or another member of the community from exposure to the virus. Individual behavior and choices play a significant role in slowing and stopping the spread of COVID-19. Physical distancing, use of face coverings and good hygiene are critical to the resumption of in-person instruction and the completion of a successful fall semester.

In order to have a successful fall semester, ALL students must agree to follow a set of expectations to minimize the spread of COVID-19. These standards were recommended by medical and public health professionals and meet or exceed federal and state guidelines. All students who plan to come to campus for instruction must commit to the expectations below.

Daily Health Survey Protocol:
All students who will be on campus this fall must complete the Health Survey each day before engaging in any activities on campus. You must be free of any symptoms potentially related to COVID-19 to be eligible to engage in any activities. The Health Survey, included at the end of the Fall Return to Campus Guide (Appendix B), is a means for all members of the Mount Community to pause and assess whether they have any of the symptoms associated with COVID-19 or have been in close contact with someone who has tested positive for COVID-19 within the last 14 days. See the Fall Return to Campus Guide, Appendix C for what to do if you feel you have symptoms.

Face Mask/Face Coverings
All students must wear a mask while on the Mount campus. This includes but not limited to:

- When in class or all classrooms
- When in the library
- When walking around campus (in populated areas)
- When walking throughout residence hall common spaces, hallways, community bathrooms
- In a department of campus office
- When in communal gatherings or meetings (whether formal or informal) where two or more people are present

The following are exceptions to when/where one is not required to wear a mask/face covering (unless it is requested by another individual)
- Residential student in your bedroom with just your roommate/roommates
- Residential students when showering or washing their face in the floor/communal bathrooms
- In Patriot Hall or other spaces when physically eating your meal

**Handwashing Guidelines**

To present the spread of disease, students should wash their hands often with soap and water for at least 20 seconds especially after being in a public place, or after blowing one’s nose, coughing, sneezing, or touching your face. If soap and water are not readily available, hand sanitizer should be used that contains at least 60% alcohol.

**Room Occupancy**

In an effort to reduce density in public spaces, classrooms, and residence hall rooms, there are capacity limits for each space. Most public spaces have the total occupancy allowed posted. For individual residence hall rooms, the total occupancy allowed in each room is four (4) individuals. For common spaces in apartments, Powell, and Cottages is seven (7) total. Students will be expected to uphold these requirements. If a room is over capacity, students should expect a University staff member to ask all parties to leave the space/room. For residence hall lobbies/common spaces, please see occupancy chart below:

<table>
<thead>
<tr>
<th>Residence Hall Lobby</th>
<th>Total Capacity (number of persons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cottage Living Room/Kitchen</td>
<td>7</td>
</tr>
<tr>
<td>Powell Main Lobby</td>
<td>11</td>
</tr>
<tr>
<td>Powell 2&lt;sup&gt;nd&lt;/sup&gt; Floor Lobby</td>
<td>7</td>
</tr>
<tr>
<td>Powell 3&lt;sup&gt;rd&lt;/sup&gt; Floor Lobby</td>
<td>8</td>
</tr>
<tr>
<td>Powell Study Areas</td>
<td>2</td>
</tr>
<tr>
<td>Bradley 4&lt;sup&gt;th&lt;/sup&gt; Floor Lobby</td>
<td>10</td>
</tr>
<tr>
<td>Pangborn Basement Study Area</td>
<td>17</td>
</tr>
<tr>
<td>Pangborn Basement Lobby</td>
<td>7</td>
</tr>
<tr>
<td>Sheridan 1&lt;sup&gt;st&lt;/sup&gt; Floor Lobby</td>
<td>7</td>
</tr>
<tr>
<td>Sheridan Basement Lobby</td>
<td>16</td>
</tr>
<tr>
<td>McCaffrey Pool Lobby</td>
<td>40</td>
</tr>
<tr>
<td>McCaffrey 1&lt;sup&gt;st&lt;/sup&gt; Floor Lobby</td>
<td>4</td>
</tr>
<tr>
<td>Brute Main Lobby</td>
<td>22</td>
</tr>
<tr>
<td>Brute 160</td>
<td>7</td>
</tr>
<tr>
<td>Dubois 4&lt;sup&gt;th&lt;/sup&gt; Hallway Lobby</td>
<td>6</td>
</tr>
</tbody>
</table>
Physical Distancing Recommendations
Employees, students, visitors/guests, and contractors/vendors must follow these physical distancing guidelines wherever feasible:

- Stay at least 6 feet (about 2 arms’ length) from other people at all times.
- Stay out of crowded places and avoid mass gatherings.
- Obey posted maximum room occupancy limits.

Using Restrooms
Use of restrooms should be limited based on size to ensure at least 6 feet distance between individuals. Hands should be washed thoroughly afterward to reduce the potential transmission of the virus.

Using Elevators
No more than one person may ride in an elevator at a time unless there is a medical or ADA reason or the second person is a family member. A face covering must be worn in the elevator and the rider should avoid touching the elevator buttons with exposed hand or fingers.

Classes
Employees and students must obey the posted maximum classroom/lab occupancy limit and must maintain 6 feet distance between individuals. Face coverings must be worn in classrooms/labs.

Eating is prohibited in classrooms/labs.

Faculty and students should avoid sharing items such as papers, calculators, demonstrations, tools, and books.

Upon entering a classroom, faculty and students must wipe down hard surfaces such as desks, tables, and podium with an appropriate disinfectant.

Meetings
In person meetings are limited to the restrictions of local, state and federal orders and should not exceed the posted maximum room occupancy (typically 50% of normal room capacity, assuming individuals can still maintain 6 feet of separation). Participants must maintain 6 feet distance between each other and wear face coverings.

Virtual methods of communication such as email, instant message, telephone or other collaboration tools (e.g. Zoom, WebEx, Microsoft Teams, Jabber, etc.) are preferred over in person meetings where feasible.

Participants should avoid sharing items such as papers or calculators.

At the end of the meeting, participants must wipe down hard surfaces such as desks, tables, and podium with an appropriate disinfectant.
Meals
Before and after eating, hands should be washed thoroughly to reduce the potential transmission of the virus. Face coverings may be removed while eating in public but then replaced immediately afterward. Employees, students and visitors/guests, are encouraged to take food back to their room or office area or to eat outside, if this is reasonable for your situation. Wipe all surfaces, including table, refrigerator handle, coffee machine, etc. after using in common areas.

University Response to CoVID-19 – See Return to Campus document in Appendix C.

Limiting Exposure Policies
Residential Students

- During the coronavirus outbreak students are discouraged from leaving campus unless necessary because they run the risk of becoming infected with the virus and bringing it back to campus. Students should limit their travel to Low Risk destinations and avoid High Risk destinations:
  - Low Risk Destinations are ones that follow CDC and State guidelines for face coverings, physical distancing and occupancy limits. Examples include:
    - Most retail businesses
    - Outdoor activities with low densities of people such as hiking, biking, canoeing, and golfing
    - Family homes if the household is following state guidelines
    - Religious services and other gatherings where physical distancing and face coverings are used
  - High Risk Destinations
    - Events with high densities or numbers of people (rallies, sporting events, concerts)
    - Large gatherings or crowds where face coverings and social distancing are not used
    - Places where the use of face coverings and social distancing is unknown
- The President of the University may at times restrict student travel off-campus when deemed necessary to contain or prevent an outbreak of COVID-19.
- Students should limit their visits to other residence halls or university housing outside their own.
- Only Mount staff and residential students are authorized to enter University housing; non-Mount guests and non-residential students are not allowed. Students may not entertain guests on campus except for immediate family members. Students may meet with family members in public spaces on campus.

University-Sponsored Student Travel

- Travel off campus for athletic competitions, athletic training, class field trips, community service projects, mission trips, and others similar events is allowed when the trip is an essential element of that student experience and when the risks of disease transmission are well defined.
- Destinations where the COVID-19 risks are unknown or high (e.g., face coverings and physical distancing guidelines are not followed) should be avoided. Follow CDC travel guidelines as much as possible.
- Accommodations must be made for students who do not wish to travel due to health concerns related to COVID-19.
The President of the University may at times restrict student travel off-campus when deemed necessary to contain or prevent an outbreak of COVID-19.

Campus Visitors

- With the exception of the Grotto, only invited guests and those on official university business are allowed on campus. These include (and are not limited to): Prospective students and families, guest speakers, current student family members, admissions event attendees, athletics guests (visiting teams), ARCC members, job applicants, event attendees, wedding parties, Conference & Special Program guests, vendors, contractors and delivery persons. Friends of employees and students are not allowed.
- Uninvited visitors to the Grotto are allowed.
- All campus visitors must complete the safety questionnaire and submit to a temperature check before coming to campus or upon arrival at campus. Visitors will be turned away if they
  - self-report COVID-19 symptoms,
  - have tested positive for COVID-19 within the last 14 days, or
  - have been in close contact with a confirmed case of COVID-19 within the last 14 days
- All visitors will be given a handout describing the requirements for campus visitors including wearing a face covering, maintaining physical distancing, and observing room occupancy limits.

VI. Student Conduct Procedures

Administration

The conduct process proceeds under the direction of the DoS. The DoS retains discretion to appoint a designee to act on his/her behalf. This designee should be an Office of Student Life staff member. Throughout the Code of Conduct reference to the DoS should also be considered to include reference to a designee of the DoS.

Reporting Methods

Reports can come from a variety of sources. The purpose of this multi-reporting system is to institute a culture of community care. It is the community’s responsibility to hold each member of the community accountable. As such, reports can come to the Office of Student Life from the following sources:

1. Public Safety Reports - Officers from Mount Public Safety write reports outlining violations of University policies by students, other members of the University community, and campus guests. They also generate reports documenting health and safety calls (i.e., ambulance, fire alarm, etc.). These reports are sent to the Office of Student Life.
2. Incident Reports - Resident Assistants (RA) document Student Code of Conduct violations and incidents that take place in the residence halls. When RAs are aware of a violation of University policies, they complete an online Incident Report. Appropriate staff members are notified via email and can view the report on the University’s online conduct management system.
3. Conduct Complaints – University community members, including students, faculty, staff, guests and visitors, may file a conduct complaint against a student alleging a violation of the Student Code of Conduct: https://form.jotform.com/81914173707156. The University
may institute an investigation or proceeding based on information it receives even if not filed as a formal student conduct complaint.

Findings
The final outcomes with regard to responsibility or lack thereof for violations of the Code of Conduct are as follows:

a. Not Responsible: There is not enough evidence/information to indicate that the student is/was in violation of the Code.

b. Responsible: The evidence/information available to the University indicates a violation of Code.

c. Complicit: While a student was initially suspected of being in direct violation, it is now clear that the student witnessed, was present at or was determined to be responsible for hosting/encouraging violations.

d. Adjudication Withheld: The case was diverted to, or the student chose to accept, an educational diversion program, causing the adjudication of the case to be withheld.

Preliminary Investigation
1. Investigation of Complaints - The DoS will investigate all suspected and reported violations of the Code whether initiated internally without a formal complaint or when referred by students, faculty and staff, Public Safety, local law enforcement, guests, visitors or any other credible third party source.

   a. Upon receiving a complaint, the DoS will designate an investigator who may be a member of the staff of the Office of Student Life. In certain investigations, the Title IX Coordinator may also participate jointly in an investigation as described below.

2. Following the preliminary investigation, the DoS may take any of the following actions:

   a. If the DoS finds no information or evidence to support an alleged violation of the Code, the complaint will be closed with no further action. If the Title IX Coordinator finds no information or evidence in cases of alleged sexual misconduct, domestic violence, dating violence and stalking, a notice that no further action will also be provided to the Complainant.

   b. If the DoS finds reasonable cause to believe that a student may have engaged in conduct in violation of the Code of Conduct, the DoS will determine which of the following processes will be followed based on the nature and severity of the violation and/or whether the student alleged to have engaged in misconduct has a prior history of misconduct:

      i. Behavioral Hearing Meetings may be assigned for any first time or repetitive violations that are not expected to result in suspension or expulsion.

      ii. Behavior Hearing meeting with the DoS for repetitive violations or egregious violations that may result in suspension or expulsion.

      iii. Adjudication Withheld is where the students is invited and agree to participate in a diversion program. Upon completion of the program, the case is closed.

Documentation and Notification
1. Documentation of any possible Code of Conduct violation can be submitted to the DoS by any member of the Mount community. Due to their positions, the Residence Life and Public Safety members are specifically assigned and expected to confront and report any
suspected violation. To report a violation go to a Resident Assistant or Office of Residence Life (if violation is in the residence halls), Public Safety, or the Office of Student Life.

2. An anonymous, untraceable report of a violation of the Code of Conduct or crime can be submitted to Public Safety. This report may prompt an investigation, if the content of the report is clear and can be examined or indicates egregious behavior.

3. Each report filed will be reviewed by the DoS through the lens of the expectations of Mount student behavior and Code of Conduct. Notification of a possible violation will be issued and may not indicate the Code violations intended by the original reporter.

4. Students accused of a possible violation(s) will be notified via email to their Mount email account. Students are responsible for maintaining their student-issued email account. Notification will include the date of the incident in question, the specific Code(s) of Conduct in question and instruction on how to resolve the matter.

5. Notification instructions will include the name of the hearing officer the student is to meet with in a Behavioral Hearing and may include information permitting the student to attend a Diversion Program.

6. Diversion Program invitations are based on the content of the original report and are described on pages 20-21

7. Students who do not follow the instructions in their notice, waive the right to a hearing.

NOTE: The processes for cases involving Title IX or the University’s Nondiscrimination, which corresponds to the Code of Conduct on page 11, differ from the standard Code of Conduct process. See: https://msmary.edu/non-discrimination-notice.html

Restorative Actions

The restorative actions given in cases where students are found Responsible or Complicit are intended to be corrective and educational in nature, but depending on the severity of the situation, the consequences can be punitive when necessary. This code of conduct process is intended to make clear the expectations of student behavior at the Mount and to give students who violate the Code of Conduct an opportunity to more fully understand the expectations of living in the community.

The Restorative Actions for those found responsible and/or complicit in a violation may include a combination of interventions.

Failure to complete assigned consequences may result in the student’s record being placed on hold (known as a Dean’s Hold), which can prevent registration, participation in the housing selection process, release of grades/transcripts, participation in graduation and the granting of a degree. Additionally, students who fail to complete consequences may be offered an extended deadline, if requested in a timely manner.

A second missed deadline may result in the student being accused of a violation of compliance, which will initiate a new student conduct case or the consequences may be altered to monetary fines. Lastly, the University reserves the right to alter the consequence of suspension/expulsion to that of expulsion in any case where the student violates the terms of the suspension/expulsion. The restorative actions/sanctions include, but are not limited to, the following:

- **Written Warning**: An official written notice of the University’s disapproval of a student’s actions, indicating that any future violation will be dealt with more severely.
- **Restriction**: Temporary or permanent loss of privileges or the use of/participation in a University facility, program or service.

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• **Intervention:** Educational or informative workshops, events, reflective or research papers, meetings, counseling sessions or service activities related to the violation or incident.

• **Monetary Fine:** A disciplinary fine placed on the student’s account.

• **Restitution:** Compensation for loss, damage, or injury.

• **University Disciplinary Probation:** Official notice that any further/future violations are likely to result in suspension or expulsion from the University. A student on probation is not permitted to serve in select leadership positions in student organizations.

• **Interim Action:** Interventions or restrictions issued by the Dean of Students or Vice President for Student Life at his/her discretion prior to the adjudication of a conduct case could include, but are not limited to, interim suspension/expulsion, limitation of access to designated University facilities or residence halls by time and location, limitation of privilege to engage in specified University activities or reassignment to alternate housing.

• **Interim Suspension/Expulsion:** A denial of access to the residence hall(s), the campus (including classes) and to all other University activities or events, which the student might otherwise be eligible to participate in or attend.

• **Suspension/Expulsion:** A complete separation from all University classes, activities, events, services, facilities, grounds and campus property for a specific period of time or until specific conditions are met. Any violation of these terms will result in additional action, up to and including expulsion. Suspensions/expulsions are immediate, regardless of the timing of the academic year.

• **Expulsion:** Complete and permanent termination of the student’s relationship with the University. This termination pertains to all classes, activities, services, facilities and grounds and precludes any future enrollment in the University’s undergraduate, graduate and professional schools.

Listed in the table below are the standards used by hearing officers for those portions of the alcohol code that are most commonly violated. Again, these are not a minimum or maximum mandate, but rather a standard. Some violations start with a second offense standard, because they will likely qualify for a diversion program at the first offense. It should be noted that, when parent contact information is available, due to the severity of the health and safety of the student, the Dean of Students will notify the parents of any underage student placed on probation for violation of the University’s policy on alcohol or drugs. This notification is separate and apart from the letter students write themselves for underage alcohol use.

There are a few behaviors that can warrant a suspension or expulsion on the first offense. These offenses will be dealt with on a case by case basis. Cases are but not limited to: fire safety where people or property were harmed, distribution (or sale of) drugs (illegal or prescription), physical abuse, use of, or threatening another person with, a weapon.

<table>
<thead>
<tr>
<th>Code</th>
<th>Specific Behavior</th>
<th>Offense</th>
<th>Restorative Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol</td>
<td>Underage alcohol</td>
<td>1st</td>
<td>• Written warning</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• 10 hours of Intervention Service Hours (completion date within 2 months - $10 for every hour not completed by deadline)</td>
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<td></td>
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<td></td>
<td>• Alcohol Education Program</td>
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<td></td>
<td></td>
<td></td>
<td>• Reflection Paper (500 words)</td>
</tr>
<tr>
<td>Underage alcohol</td>
<td>Underage alcohol</td>
<td>2nd</td>
<td>• Written warning</td>
</tr>
<tr>
<td>Offense Description</td>
<td>Frequency</td>
<td>Sanctions</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
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<td>---------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Underage alcohol</td>
<td>3rd</td>
<td>• 15 hours of Intervention Service Hours (completion date within 2 months - $10 for every hour not completed by deadline)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Additional Alcohol Education Programming</td>
<td></td>
</tr>
<tr>
<td>Distribution to minors</td>
<td>1st</td>
<td>• University disciplinary probation (3 months)</td>
<td></td>
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<td></td>
<td></td>
<td>• 20 hours of Intervention Service Hours (completion date within 3 months - $10 for every hour not completed by deadline)</td>
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<td>• DoS Letter to Parents</td>
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<tr>
<td>Distribution to minors</td>
<td>2nd</td>
<td>• University disciplinary probation (1 year from date of incident)</td>
<td></td>
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<td></td>
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<td>• 15 hours of Intervention Service Hours (completion date within 2 months - $10 for every hour not completed by deadline)</td>
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<td></td>
<td></td>
<td>• Alcohol Education Program</td>
<td></td>
</tr>
<tr>
<td>Driving under the influence of alcohol (where no one is harmed)</td>
<td>1st</td>
<td>• University disciplinary probation (1 year from date of incident)</td>
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<tr>
<td></td>
<td></td>
<td>• 15 hours of Intervention Service Hours (completion date within 3 months - $10 for every hour not completed by deadline)</td>
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<tr>
<td></td>
<td></td>
<td>• Possible Suspension</td>
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</tr>
<tr>
<td>Driving under the influence of alcohol (may involve injury, damage, and/or death)</td>
<td>1st/2nd</td>
<td>• University disciplinary probation (1 year from date of incident)</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• 15 hours of Intervention Service Hours (completion date within 2 months - $10 for every hour not completed by deadline)</td>
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<td></td>
<td></td>
<td>• Possible Suspension</td>
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<tr>
<td></td>
<td></td>
<td>• 30 hours of Intervention Service Hours (completion date within 2 months - $10 for every hour not completed by deadline)</td>
<td></td>
</tr>
<tr>
<td>Alcohol abuse, regardless of age (i.e. excess drinking, binge drinking, drinking games)</td>
<td>2nd</td>
<td>• University disciplinary probation (1 year from date of incident)</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• 15 hours of Intervention Service Hours (completion date within 2 months - $10 for every hour not completed by deadline)</td>
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<td>• Alcohol Education Program</td>
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<td>• DoS Letter to Parents</td>
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</tr>
<tr>
<td>Alcohol abuse</td>
<td>3rd</td>
<td>• Possible Suspension</td>
<td></td>
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</tbody>
</table>

**Diversion Programs**

Diversion programs are offered to students at the Mount who choose to participate. These programs are designed for first offenses, which gives the student the ability to make amends while receiving assistance/education on a particular topic. These programs are offered as a courtesy to students and are intended to provide certain types of offenses with an educational intervention without the student incurring a conduct record reflecting a violation. The student must be invited to participate in one of these diversion programs. Invitations to diversion programs are offered in cases where the content of the original report meets the criteria for the program, and the hearing officer feels that if the behavior occurred, it could be best remediated with education on the expectations of living in a University community. In addition to the diversion programs offered, the Dean of Students has the authority to divert a case to mediation before considering it for the Student Conduct System, as long as the accusations do not involve sexual violence or discrimination.

**Appeals**

Appeals must be presented in detailed writing by the student, via email, addressed to the appeal authority listed in the sanction letter within 5 calendar days of the sanction date. An appeal is not
a new conference. It is a review of the record of the original conference. An appeal may be dismissed if not sought on proper grounds. Any sanction imposed as a result of a conference shall remain in effect during the process of appeal. The appeal officer has the authority, under extenuating circumstances, to defer the imposed sanction while an appeal is in process. If an appeal is upheld, the case will be referred to back to the original conference authority for alternate sanctioning. This sanctioning will be decided by the conference and appeal authority and the decision will be final. In any event, sanctions may not be increased as a result of an appeal. An appeal may be sought by the student on the following three grounds:

A. A procedural error occurred that significantly impacted the outcome of the hearing.
B. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or restorative action. A summary of this new evidence and its potential impact must be included.
C. The restorative actions imposed fall outside the typical range of actions for the offense and, if applicable, the cumulative conduct history of the respondent.

The Dean of Students reserves the right to assign appeals to the appropriate conference authority. The following are the University Conference and Appeal Authorities:

<table>
<thead>
<tr>
<th>Hearing Officer</th>
<th>Appeal Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Director</td>
<td>Director</td>
</tr>
<tr>
<td>Director</td>
<td>Assistant Dean of Students</td>
</tr>
<tr>
<td>Assistant Dean</td>
<td>Dean of Students</td>
</tr>
<tr>
<td>Dean of Students</td>
<td>Vice President of Student Affairs</td>
</tr>
</tbody>
</table>

**Student Conduct Files**

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

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

No one outside the institution shall have access to the student’s records nor will Mount St. Mary’s University disclose any information from these records without the written consent of the student except in those cases permitted by the FERPA. Students are advised that employers and graduate schools may request information on disciplinary standing. It is the student’s right to deny access. Only when a signed permission form is presented to the Dean of Students/designee
will any information be made available. Within the University community, only those members individually or collectively, acting in the student’s educational interest, are allowed access to records. It shall be the responsibility of the Dean of Students/designee to provide an explanation, in writing if necessary, as to the nature and severity of any violation in which the student in question has been sanctioned when an authorized inquiry to inspect the record of any student is made.

Any student has the right to inspect his/her own student conduct file. The information contained therein will be made available to the student by the Dean of Students Office upon written request. After a request is received, a copy of the file (excluding other student’s personal information) for review only will be made available within 72 hours of receiving the written request.

A disciplinary record will be kept on files for seven years following the student’s last date of attendance at the Mount. After seven years (with no new enrollment or re-enrollment at the Mount) the student’s disciplinary file will be destroyed/deleted.

VII. Campus Housing

The Office of Residence Life at the Mount provides a safe, inclusive and comfortable living environment by striving to model Catholic virtues by building a community of respect, honesty, integrity, love and compassion. The department creates co-curricular opportunities for its diverse student population to live, learn and grow as ethical leaders as they lead lives of significance to God and others.

Campus Housing Eligibility Requirements

The Mount provides a safe and engaging living environment to students looking to enhance their academic, social, and spiritual growth during their college experience. To be eligible to reside in campus housing, a student must be admitted and enrolled as a full-time (minimum of 12 credits) degree seeking undergraduate at the University and have paid required University fees. Exceptions must be approved by the Associate Provost in conjunction with the Dean of Students. Students are responsible for terms and conditions of their existing housing contract and must fulfill mandatory immunization requirements as outlined by Health Services to live in residential facilities.

Students who are younger than 17 years of age or older or who are 23 years of age or older must request permission in writing to reside on campus. Additionally, students who are under the age of 18 require parental consent to reside on campus. These requests must be submitted to the Dean of Students or designee and will be processed on a case by case basis. Students permitted to reside on campus who are younger than 17 years of age or who are 23 years of age or older may be subject to semester reviews where residential eligibility is examined. Mount St. Mary’s University reserves the right to make housing decision based on the holistic development of the student and individual circumstances.

Housing Application

All new students interested in living on campus for the upcoming fall semester will need to apply for housing through the Mount's Symplecity Residence Housing System. To apply, students will use their Mount email and password to login into the Symplecity Residence Housing System. All
incoming new students will receive their Mount email and password in their personal email after they have paid their deposit with the university. After the student has logged in to Simplicity, they will be asked to complete and finalize the Housing Application. Official housing assignments and roommate information is sent to the student’s Mount email account in August. Students should check their Mount email for housing assignments. Students having trouble with their email/password should contact the Information Technology Support Center at 301-447-5805.

"Roommate Matching" found on the Symplicity Residence Housing System is where student’s find their personal passcode for setting up roommates in their housing application. Students are not required to select a specific roommate. Residence Life will match all students who do not select a specific roommate with other students based on compatible answers to the Roommate Questionnaire.

Students who need housing accommodations are asked to contact Learning Services. Students will be required to complete the following form by the required deadline (Returning Students by February 10th and New Incoming Students –by June 30th): https://inside.msmary.edu/learning-services-office/accommodations-form.html.

For questions or assistance, students can contact Learning Services at 301-447-5006.

**Housing Contract**

A Housing Contract is established between the student and the University upon the student’s electronic signature in the Resident Student through the Symplicity Residence system. The Housing Contract is for the entire academic year, or if entered into after the beginning of the academic year, for the remainder of the academic year. Student occupancy begins when student is assigned/given their residence keys and will end 24 hours after the student completes their last final exams, or after 6:00 PM on the last day of the Contract period, whichever is earlier.

**Check-In Procedure**

Immediately upon occupying a room, a student reviews the Room Condition Report (RCR). Any damage or missing items must be noted at this time. It is the student's responsibility to return this form to the designated staff member in the building as soon as possible after checking in. Room occupants will be held financially responsible for unnoted damages or missing items.

**Check-Out Procedure**

(See please the withdrawal section if you are leaving during the academic year.)

All student rooms, furniture, bathrooms, private lounges and corridors must be clear of personal belongings, free of debris, and clean prior to the time the student checks out of the residence hall. To avoid charges, furniture must be placed where it was located at the time of check-in. The check-out procedure consists of three steps:

- Clean room and surrounding areas.
- Room will be inspected by a Housing and Residence Life staff member who will check the condition of your room against the Room Condition Report filled out at the beginning of the semester. (The student will sign the form to verify all information recorded. Final billing assessments will be made based on any discrepancies found by the Housing and Residence Life staff member.)
- Return residence hall keys to the appropriate residence hall staff member and any other University keys to the Public Safety Office.
• Room (or apartment) occupants will be held responsible for the condition of their room (or apartment), the furnishings in the room (or apartment) and any damages to the room (or apartment) or furnishings that occur during occupancy.

**Roommate Agreements**
Cooperation and compromise are crucial skills that students will develop in community living. All students, regardless of age or status are responsible for completing a roommate agreement upon moving into University Housing. Students are responsible for completing the agreement properly and turning the agreement into the appropriate Residence Life staff member.

Throughout the year, students should update written and verbal agreements with roommates as needed. Once made, it is expected that agreements will be adhered to or, if they need to be changed, will be modified through consensus. It is the experience of the University that if students take care during this process, there will be stronger communication between students and conflict will be resolved much easier throughout the school year.

**Room/Hall Changes**
The following rules govern University Housing Changes:
- After check-in, there is a two-week waiting period before students can move to another room.
- Students shall not move into any room they are not assigned. This includes moving in belongings. Unapproved moves will result in your having to return to your originally assigned room.
- When a space becomes available in a multiple occupancy room, the remaining resident(s) must keep the empty bed clear, and a proportionate amount of closet and dresser space empty. A new resident may be assigned at any time to this space.
- Students are not entitled to a room change. Students must exhaust all parts of the conflict resolution process before the Office of Residence Life will consider a room change or roommate separation. Students experiencing challenge in their current room assignments should contact their Resident Assistant, another building Resident Assistant, or the Assistant Director of Residence Life responsible for their living community.
- The University reserves the right to require a Resident Student to move to different accommodations: (a) to make the most effective use of its facilities (including consolidation of vacancies); (b) when the appropriate Residence Life officials deem it advisable for the welfare and benefit of the Resident Student or other students; (c) when repairs and maintenance are required to correct a condition dangerous to the health and/or safety of the Resident Student or the residents of the building; (d) when renovations are required in order to meet the University's short or long term housing needs or (e) when Residence Life determines that, to meet the University's short or long term housing needs, a reallocation of student housing is required. The Office of Residence Life reserves the right to occupy any or all vacant spaces within any assigned room.

**Cancellations**
The Housing Contract is binding for the entire academic year (or if entered into after the start of the fall semester, for the remainder of the academic year). Releases will be approved only for the circumstances listed below:
- Graduation from Mount St. Mary's University.
- Withdrawal from Mount St. Mary's University for the entire Contract period, or the remainder thereof, for the Office of Residence Life approved circumstances.
- Any authorized University special program that makes it mandatory for a Resident Student to be away from the campus (e.g., student teaching, study abroad, internship, practicum, etc.) will automatically release the Resident Student for the time involved, provided that the Contract release is processed.
- Ineligibility to continue enrollment due to failure to meet academic requirements.
- Medical Leave will result in a contract release when they can be appropriately documented.

Cancellation of the Housing Contract for any reason other than those described above, will result in a $500 cancellation fee. Students are required to follow proper check out procedures with the Residence Life Staff. Failure to check-out properly will result in a $50 improper check-out charge. If the student fails to check in to his/her assigned residence by midnight on the second day of classes of each academic semester, the Contract will be terminated unless prior arrangements for late arrival have been made with the Office of Residence Life.

All students withdrawing from Mount St. Mary’s University should notify the Residence Life Office and the Academic Affairs Office immediately. The procedure for withdrawing during the semester follows.

- Students must notify the Office of Residence Life, in writing, and be approved by the Dean of Students in order to be considered for Housing Contract Termination.
- A Residence Life staff member will inspect the room and complete checkout procedures within 24 hours of notification.
- All keys must be turned in to Public Safety.
- Students wishing to cancel their meal plan must notify the Mount Card Office in the McGowan Center.

*Note: Moving out of University Housing does not release the student from his/her Housing Contract. Students are responsible for the terms of the contract. Contact the Office of Residence Life and the Associate Provost’s office for more details.

**Student Responsibilities upon departing Campus Housing**

Upon expiration or termination of the student’s housing contract, the student shall:

- Vacate the residence (if housing agreement is terminated student shall vacate within 24 hours of notice of termination, unless special written permission has been obtained from the Dean of Students or designee) removing all the student’s personal property.
- Properly sweep and clean the residence, including plumbing fixtures, refrigerators, stoves and sinks, removing all rubbish, trash, garbage and refuse.
- Perform such other acts as are necessary to return the residence, and any appliances or fixtures furnished in connection therewith, in the same condition as when the student took possession of the residence; provided, however, the student shall not be responsible for ordinary wear and tear.
- Fasten and lock all doors and windows; close blinds and shades.
- Return assigned University keys.

If the student fails to sweep out and clean the residence, appliances and fixtures, the student will be charged University cleaning fees. The student agrees that failure to comply with these duties will also result in an improper checkout fine.
In the event the student does not vacate (by the Expiration Date, if living in an apartment or within the allowed time period, if living in a residence hall) any property of the student remaining in the room or building may be treated as abandoned property. The University may remove such personal property from the residence and donate it to any kind of charitable institution or organization without liability to the student whether for trespass, conversion or otherwise. Any charges for removal and disposal will be assessed to the student. Failure to perform proper check-out procedures of the assigned room will result in an improper checkout fine in addition to charges for damages and/or lost/not returned keys.

After student has vacated the residence, the room and common areas will be inspected by the University in order to assess any damages and necessary repairs.

**Temporary Assignments and Relocation**
In some cases it becomes necessary to assign students to temporary housing until another space becomes available. Students who are assigned to a temporary assignment must understand that they may be given short notice to relocate to a permanent or other temporary space. Failure to relocate in the time allocated by Residence Life may result in the loss of the assignment offered.

The Office of Residence Life reserves the right to relocate a student during a semester. Should this become necessary, the student may submit a request to the Dean of Students to review the decision made.

**Breaks and Vacations**
Room and board are only provided when the University is in session and the residence halls are open. Residence Halls are closed during breaks (according to the Mount St. Mary's University calendar). Students must leave their assigned residence prior to the date and time established for hall closings and may not re-enter any closed campus residence halls during the break period without approval from the Office of Residence Life.

Charges for room and board do not include services during official Mount St. Mary’s vacation periods or term breaks.
- Residence halls will be closed between semesters and during fall, Thanksgiving and spring and Easter breaks. Closing and opening dates will be communicated to students through University email and Residence Life web postings.
- During breaks and at the end of the fall and spring semesters, all students are required to vacate the residence halls.
- At the end of fall and spring semesters, students must follow specific checkout procedures and return all necessary keys.
- University housing is not available during breaks and vacation periods except for students approved through the Residence Life Stay over Request procedure.

**VIII. Residence Life Policies**

**A. Abandoned Property**
- The University may remove such personal property from the residence and donate it to any kind of charitable institution or organization without liability to the student whether for trespass, conversion or otherwise. Any charges for removal and disposal will be assessed to the student.
B. Appliances and Furnishings in Student Rooms: All rooms are furnished with single beds, dressers, desks, and chairs. No university furniture can be removed from the student room for any reason without exception. Students need to provide your own linens, pillow, desk lamp and wastebasket. Any other luxury items are the responsibility of the student. The following is not permitted in the residence hall/room:
   a. Individual air conditioning units.
   b. Only one 4.4 cubic foot refrigerator is allowed per room. The possession of other electrical cooking appliances is prohibited in student rooms, including Apartment bedrooms. Coffee markers with exposed heating elements/hot plate are prohibited. In Apartment complex kitchens, students may store and use only approved appliances with an enclosed heating element. Heating or cooking devices that utilize flammable liquids or flammable compressed gases are strictly prohibited from use in university housing by fire code.
   c. The use of all power tools (e.g. power drills, saws, screwdrivers, etc.).
   d. The misuse of any electrical appliance (e.g., iron, hair dryer, etc.). This includes items with frayed wires or ground plugs that have been altered.
   e. Mattresses are to be used on the bed frames provided and not on the floor. All beds, except bunk beds, must remain on the floor and may not be elevated in any manner. Waterbeds, other beds, any large pieces of furniture, (i.e., wardrobes, dressers, etc.) may not be brought into the residence halls. Furniture is to remain upright and used as designed and is not to be disassembled in any manner. Furniture may not be stacked.
   f. Lounge furniture that is provided for the general use of all students in the common or lounge area is not to be removed for use in individual rooms. Lounge furniture found in student rooms will be removed by University Staff and a charge for this removal will be assessed to the students’ account.
   g. Common area furniture cannot be removed from the common area which includes moving it into student rooms. Furniture in other public areas in the building cannot be moved into the common area.
   h. Apartment Complexes: All furniture in the apartment must stay in the apartment. Furniture in other public areas in the building cannot be moved into the apartment.

C. Building Access: All individuals who enter University Housing must show proper identification to university personnel with resident students showing their MountCard. All guests must be registered and be with a building resident at all times. Guests must wait for their host before entering the building. Unauthorized access will subject violators to arrest for trespassing and/or disciplinary action.
   a. Entering and exiting of residence halls is permitted only through designated front doorways. Doorways may have restricted hours of access. Entry or exit through windows, or unauthorized areas is prohibited.
   b. It is prohibited to enter, exit or allow anyone to enter, or exit through any door other than the front doorways, except in case of an emergency.
   c. Students may not enter the residence halls when the halls are closed for breaks or between semesters unless they have written permission.

D. Cleanliness and Sanitation
   a. Residents are responsible for removing trash and recyclables on a regular basis, depositing the items fully inside the appropriate trash receptacle or recycling bin.
   b. It is the responsibility of each resident to clean and maintain his or her room or apartment. We regularly exterminate all residential facilities. If residents develop a pest problem, please contact the Physical Plant at 301-447-5377 immediately. If Physical Plant needs to arrange a special visit by the exterminator due to your actions or negligence, charges will be billed to your student account. The University will not
be liable for the presence of bugs, vermin, or insects. Food should be kept in tightly closed plastic or metal containers.

c. Residence Life staff will perform Health and Safety Inspections in resident rooms to ensure they continue to be a safe and functional environment. Except in the case of emergency, you will be given 24 hours’ notice before an inspection. During inspections, any violations of these rules or The Code of Student Conduct will be documented.

E. Courtesy and Quiet Hours: Mount St. Mary’s University strives to create living/learning communities supportive of our rigorous academic standards. Disorderly or disruptive conduct is prohibited. This is conduct that threatens, harms, or interferes with the normal or regular functions of a residential community living environment. Such conduct includes but is not limited to; fighting, excessive noise, public disturbance, harm to oneself or others, lewd and/or indecent conduct.

a. Students are expected to adhere to 24 hour Courtesy Hours. This means that students should be conscious of their noise level and take care not to disturb others. Students who are asked to be quiet during courtesy hours should comply with any requests to end the disturbance of others.

b. Music may be played at a reasonable volume within a students’ residence. Speakers may not be placed in window sills facing a building’s exterior. Amplifiers are not permitted in the residence halls, no exceptions. Students wishing to use amplifiers for musical performance will need to use designated practice areas in Knott Auditorium.

c. Students are not permitted to play instruments in common areas (interior or exterior) without prior approval from the Office of Residence Life and Campus Activities.

F. Damage, Vandalism, and Care for Facilities

a. The student shall not paint, mark, drive nails or screws into, or otherwise deface or alter walls, ceilings, floors, windows, cabinets, woodwork, furnishings or any other part of the residence or decorate the residence or make any alterations, additions, or improvements in or to the residence without written authorization from the University.

b. Students may not tamper with, access, or interfere with moveable ceiling tiles, including but not limited to, storing items in the ceiling. Students will be billed for any and all damage that exceeds normal wear and tear.

c. Any damage or vandalism to residence hall floors or apartment-suite areas (should the responsible individual(s) not be found) will be divided equally among the entire floor/tower. Students responsible for damage should contact residence life staff in order for essential repairs to take place. During checkout procedures, students who are responsible for damage will have the opportunity to fill out a damage responsibility form in order to alleviate responsibility from their roommates.

G. Doors

a. At no time shall an individual compromise the security of others by propping open an exterior residence hall door.

b. The state fire code requires that doors be closed in most residence halls and apartments. Tampering with doors or preventing the door from latching is a violation of fire and safety policy. Propping open quad doors is prohibited.

c. No additional locking device may be placed on any university door (room, bathroom, suite, quad or closet).

d. Propping open stairwell doors is prohibited.

e. Suite and Apartment doors shall not be propped open or have the locking device tampered with by any means that would prevent the door from locking/latching.
f. Forcing entry into residence halls by compromising a locking mechanism will not be tolerated and can result in removal from the residential community and substantial fines.

H. Entrance and Exit: Your safety and the safety of your fellow students should be of the utmost importance to you. Residents are issued keys, and MOUNTCARD IDs that are for your exclusive use. The Office of Residence Life expects residents to uphold a high standard of safety and care for the community.

I. Fire Safety: Fire safety is everyone’s responsibility. The following policies exist for the safety and security of the entire residential community:
   a. Students present on a floor where a fire alarm sounds must immediately leave the building. Once outside the building, persons may not enter a building while the alarm is sounding anywhere in the building. The building may be entered only after instructions are given by the appropriate official. For safety reasons, fire drills will be routinely scheduled during the semester in all residence halls and apartments.
   b. Fire alarms and fire extinguishers are located on every floor in every building. Familiarize yourself with their locations.
   c. Candles are not permitted in University Housing. The uses of any objects with open flames are prohibited.
   d. No items inside a student room, suite or apartment shall obstruct the doorway or impede exiting or entering the room. This includes furniture, curtains, hanging beads, clutter on the floor, wires or any other object that could impede entry or exit. Additionally, a clear view from the doorway into the room, suite or apartment is required. Therefore, no items shall block the view into the room (e.g., curtains, furniture, linen, sheets, paper, etc.).
   e. No items may be hung, adhered or affixed to any fire equipment including sprinkler systems.
   f. Wires shall not be placed in an area where they can be stepped upon. Wires must never be taped to the floor/carpet. This includes wires from power cords, speaker wires, cable TV coaxial, phone wires, etc. If wires are in a foot traffic area, they must be in a cord cover that is Underwriters Laboratory (UL) approved. Residents need to assure that wires are not located where they can be worn or damaged. Note: Students should take caution when running wires along the walls, around doorframes, and behind furniture. Make sure that the wires are not pressed against any furniture that may move and cause damage. Any damaged wires must be discarded. Also, wires may not be attached to or hung from the ceiling. (students may purchase 3m hooks to place around the top of the wall of a room to hang lights that meet the above requirements)
   g. Persons, whose actions cause a fire alarm to sound, interfere with a fire alarm system or with fire fighters, tamper with, inappropriately use or remove fire extinguishers or other fire safety devices, including sprinkler systems, smoke detectors, exit signs, call boxes, and room alarms are subject to disciplinary action and removal from University Housing. Behavior that activates the fire/safety system will be considered a major policy violation.

J. Guest Policy: A residents’ privilege to have guests in their residence hall room may not interfere with a roommate’s right to privacy, sleep, and quiet space. Cohabitation, which is defined as overnight visits with a romantic partner, is incompatible both with the Catholic character of the University and with the rights of the roommates.

During the Pandemic, with the exception of the Grotto, only invited guests and those on official university business are allowed on campus. These include (and are not limited to):
Prospective students and families, guest speakers, current student family members, admissions event attendees, athletics guests (visiting teams), ARCC members, job applicants, event attendees, wedding parties, Conference & Special Program guests, vendors, contractors and delivery persons. Friends of employees and students are not allowed.

- Uninvited visitors to the Grotto are allowed.
- All campus visitors must complete the safety questionnaire and submit to a temperature check before coming to campus or upon arrival at campus. Visitors will be turned away if they
  - self-report COVID-19 symptoms,
  - have tested positive for COVID-19 within the last 14 days, or
  - have been in close contact with a confirmed case of COVID-19 within the last 14 days

All visitors will be given a handout describing the requirements for campus visitors including wearing a face covering, maintaining physical distancing, and observing room occupancy limits.

Other Residence Life Guest Policies

a. On campus residence may have a guest from another residence hall (see Room Occupancy policy).

b. Male students or guests should not be present anywhere on a female residence hall floor, room, suite, or apartment after 12 a.m. Sunday through Thursday nights and after 2 a.m. on Fridays and Saturday nights.

c. Similarly, female students should not be present anywhere on a male residence hall floor, room, suite, or apartment after 12 a.m. Sunday through Thursday nights and after 2 a.m. on Fridays and Saturday nights.

d. University residences are designed to support a community of young adult students and are not the proper environment for children.

e. Students are responsible for the actions of their guests at all times. When a student is hosting an on campus guest in their residence hall room, he/she is vouching for that guest and asking that he or she be allowed to enter a community that is home to hundreds of other people.

K. Host Responsibilities: For everyone’s safety and comfort, a host must accompany their guest(s) at all times while they are on campus and in on-campus residences. The Host is responsible for the conduct of their guests at all times. Any violation of University policies or procedures may result in the restriction of the guest on campus. Likewise, the host will be held responsible through the Student Conduct process. If it is found that a guest’s presence is not for the purpose of visiting but for having a place to reside for any length of time (including during University Break periods, while looking for other accommodations, etc.), the host will be held responsible through the Student Conduct process and may lose their ability to live on campus, host future guests and/or other possible conduct sanctions.

L. Keys: Keys assigned to the student are the property of the University and must be returned at the expiration or termination of the housing agreement. The student shall not duplicate or give his/her assigned keys to anyone else or take possession of the keys of any other student. The student shall pay a fee to replace his/her keys and change locks to the residence if the student fails to return his/her keys at the expiration or termination of the housing agreement. The student shall not install his/her own locking devices on any doors to or in the residence. The student agrees to immediately report the loss of his/her assigned keys to the University and to pay the charges for replacement keys and changing the locks. Those violating this policy or possessing keys other than the one(s) assigned are in violation of the housing agreement and subject to disciplinary action, fines, and fees.
M. Lounge, Lobby, and Public Use: Residential lounges, lobbies and community space are for the general use of the students who reside in those buildings. The following are rules and regulations governing these spaces:

a. Persons attending meetings or events are expected to know and follow all University Residential Policies and Procedures. Students attending (approved and scheduled) meetings must go directly to the meeting and then depart the residence hall once the meeting has ended.

b. Students are not permitted to sleep in public use areas.

c. Public space areas are not able to be reserved; group use must be approved by the Office of Residence Life.

d. Students may not store or leave personal belongings in public areas.

N. Pets: With the exception of service animals and non-carnivorous fish in an aquarium 10 gallons or less, animals are not permitted in the residential facilities. A resident who requires the use of a service animal due to a documented disability must contact Residence Life and Learning Services in advance of his or her residency on campus (See Appendix A). The policy is necessary for reasons of health and sanitation. Violators of the pet policy are subject to disciplinary action and violators will be charged the cost of extermination and/or deodorizing.

O. Posting, Solicitation, and Commercial Operations

a. Only Residence Life, student organizations and University entities may post in the residential areas. Posting is only permitted when stamped by a designated Student Affairs staff member and hung in designated areas. Posting on exterior of buildings, trees, and lamp posts is prohibited. Items may not be stretched or hung across hallways, doors, or exteriors of buildings. Nothing can be attached or hung from ceilings. No postings or advertisements can be slipped under doors. It is also prohibited to post items on, in, or under doors or windows in our residential communities unless posted by Residence Life Staff members.

b. Solicitation is defined as any effort to ask for donations or contributions of time, money, goods, or services. Soliciting also refers to canvassing and other promotional activities. Sales are efforts to offer a product or service in return for money, goods, or other services. Solicitation and sales are prohibited in all residential facilities unless approval is granted by the Office of Residence Life.

c. Students may not conduct or contract for any business enterprise, exclusive of University approved activities, within the residence halls or apartments. Subleasing or otherwise loaning the use of an apartment or room is also prohibited.

d. Possession or display of lewd, indecent, or obscene material, including pornographic material, is prohibited in all University residence halls, apartments and public posting forums.

e. Maryland State Law disallows the possession or display of any street or traffic signs. In addition, possession or display of other signs or banners that appear to be property of parties other than the residents is prohibited unless a resident can show receipt of lawful ownership. In both cases, signs will be confiscated and returned to their lawful owners and disciplinary action will occur.

f. Pursuant to Fire Code regulations and for the aesthetics of the campus, residents are prohibited from displaying any physical property or writing from their room window.

P. Prohibited Items

a. The possessions of incense or candles are not permitted in University Housing.

b. The possession, carrying or use of explosive items, hazardous materials or chemicals, e.g., bullets, fireworks, firecrackers, etc., is prohibited.
c. Extension cords of any kind. Power strips or surge protectors are allowed in the residence halls.
d. Students or guests (including those licensed to have a weapon) may not bring any item categorized as a weapon onto campus at any time. Prohibited weapons include knives with blades greater than three (3) inches in length, archery equipment, bayonets, firearms (e.g., guns, rifles), swords, and all types of martial arts weaponry, paint ball guns and any device capable of casting a projectile. Persons participating in programs that involve the need to use any of these items must contact the Department of Public Safety for permission and storage at the Public Safety office. Firearms and other weapons should not be brought onto campus or stored anywhere on campus.
e. Athletic and recreational activity or the use of athletic and recreational equipment is prohibited in and immediately outside University Housing. This includes the use of bicycles and skateboards.

Q. Room Decorations All decorations must meet all applicable university policies. These policies include:
   a. Fresh-cut trees are prohibited.
   b. Dried vegetation (cornstalks, dry moss, leaves, sawdust, etc.) is prohibited.
   c. All decorations must be at least three (3) feet away from a heat source.
   d. Electrical light sets must be UL or FM labeled and identified for indoor use. No extension cords can be used, they cannot be attached or hung from the ceiling, and no more than three (3) strings of lights shall be connected together. Light sets must be turned off whenever the room or apartment is unattended.
   e. No items may be attached to or hung from the ceiling. Residents are not to attach items to any other surface (wall, door, floor or furniture) unless an adhesive is used which will not cause any marks or damage.
   f. You may not use glue, nails, tacks, staples or screws.
   g. No papering or painting of rooms or furniture is permitted.
   h. Students will be financially responsible for removal, cost of University repair or any damage caused by room decorations.

R. Room Occupancy
In an effort to reduce density in public spaces, classrooms, and residence hall rooms, there are capacity limits for each space. Most public spaces have the total occupancy allowed posted. For individual residence hall rooms, the total occupancy allowed in each room is four (4) individuals. For common spaces in apartments, Powell, and Cottages is seven (7) total. Students will be expected to uphold these requirements. If a room is over capacity, students should expect a University staff member to ask all parties to leave the space/room. For residence hall lobbies/common spaces, please see occupancy chart below:

<table>
<thead>
<tr>
<th>Residence Hall Lobby</th>
<th>Total Capacity (number of persons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cottage Living Room/Kitchen</td>
<td>7</td>
</tr>
<tr>
<td>Powell Main Lobby</td>
<td>11</td>
</tr>
<tr>
<td>Powell 2nd Floor Lobby</td>
<td>7</td>
</tr>
<tr>
<td>Powell 3rd Floor Lobby</td>
<td>8</td>
</tr>
<tr>
<td>Powell Study Areas</td>
<td>2</td>
</tr>
<tr>
<td>Bradley 4th Floor Lobby</td>
<td>10</td>
</tr>
<tr>
<td>Pangborn Basement Study Area</td>
<td>17</td>
</tr>
<tr>
<td>Pangborn Basement Lobby</td>
<td>7</td>
</tr>
</tbody>
</table>
S. **Security:** Keep your door locked at all times. Do not open your room door unless you know the person. University Staff will identify themselves. The University is not responsible for the loss or damage of personal property of residents. Residents are advised to carry personal property insurance, and to remove all valuables from their rooms during vacation periods.

T. **Smoking:** Smoking of any substance is prohibited in all University Buildings. Employees and students must smoke outside and must be 15 feet away from any door and/or window of a residence hall.

U. **Surveillance Devices**
   a. Use of surveillance equipment or any electronic device that invades the privacy of any person is prohibited. This includes but is not limited to cellular pictures, videos, and other recordings taken on campus without the knowledge or permission of the person(s).

V. **Windows and Screens**
   a. Windows and screens are not to be removed for any reason. If they are removed, the student occupant(s) are subject to disciplinary action and will be charged for labor costs for their replacement, as well as any damage caused.
   b. No objects may be thrown or dropped from windows, balconies or other elevated areas.
   c. No items may be hung or displayed outside of a window or anywhere on a building.
   d. Offensive items or language may not be displayed in University housing or viewable from windows.

IX. **Student Records**

   **Confidentiality of Student Records**
   Mount St. Mary's University complies with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, and any regulation promulgated thereunder. A copy of the Mount St. Mary’s University institutional compliance statement is located in the Registrar's Office and will be made available upon request.

   **Notification of Student Rights under FERPA**
   FERPA affords students certain rights with respect to their educational records. They are:

   1. The right for the student to inspect and review their educational records within 45 days of the day the University receives a request for access. Students should contact the Registrar's Office to schedule an appointment to review their educational records and receive an explanation or interpretation of the records requested.
   2. The right for the student to request amendment of their records to ensure that they are accurate and not in violation of their privacy or rights.
3. The right for the student to consent to disclosures of personally identifiable information contained in their educational records, except to the extent that FERPA authorizes disclosure without consent.

4. The right for the student to file with the U.S. Department of Education a complaint concerning alleged failures of Mount St. Mary's University to comply with the requirements of FERPA.

Students and others who wish to have specific information regarding their rights of access to institutional educational records maintained in their name should contact the Office of the Registrar at 301-447-5215.

**Directory Information and Confidentiality of Student Records**

Mount St. Mary's University may disclose any information deemed as Directory Information without prior consent unless notified in writing to the contrary. Mount St. Mary's University has designated the following information as Directory Information:

- Name, Address, Telephone Number, Dates of Attendance, Previous Institutions Attended, Major Fields of Study, Enrollment Status, Awards, Honors, Degree(s) conferred (including dates), Date and Place of Birth.

Students wishing to prevent disclosure of any aspects of the directory information must file a "Request to Prevent Disclosure of Directory Information". This form is available in the Registrar's Office and online (below). The form must be submitted to the Registrar's Office by 5 p.m. on the last day to add classes as listed in the Academic Calendar. Please consider very carefully the consequences of any decision to withhold a category of directory information. Should you instruct the institution not to release any or all of this "Directory Information", any future requests for such information from non-institutional persons or organizations will be refused. This includes potential employers who want verification of your degree(s). Regardless of the effect upon you, the institution assumes no liability for honoring your instructions that such information be withheld.

Mount St. Mary's University will annually inform students of FERPA as amended. Forms to withhold information will be considered valid throughout the student's active enrollment in the college. Any changes must be made in writing.

More information on FERPA and Student Records can be found at: [https://msmary.edu/ferpa.html](https://msmary.edu/ferpa.html)

**Student Conduct Records**

The Office of Student Life is responsible for maintaining student conduct records. A routine disciplinary record is expunged 7 years after graduation or after a student has withdrawn from the University. Conduct records will be permanently retained for any student who is dismissed, expelled or when such records are deemed to be of a serious nature. A student may request that permanent conduct records be destroyed by submitting a written request to the Dean of Students, including the specific basis for the request. The DoS will evaluate requests on a case-by-case basis and the decision of the DoS is final.
Appendix

Appendix A

Emotional Support Animal Policy

This Emotional Support Animal policy exists to support the care of our students and to demonstrate our compliance with the Fair Housing Act (federal law) which allows individuals with disabilities the presence of emotional support animals in university housing. By law, an emotional support animal means any service animal, as well as an animal needed for emotional support. An individual may keep an emotional support animal as an accommodation in university housing if:

1. The individual is disabled.
2. The individual has presented documentation from a licensed medical provider to the Office of Learning Services that describes the functional limitations of the individual’s disability.
3. The animal is necessary to afford the individual an equal opportunity to use and enjoy a residential dwelling.
4. Medical documentation from a licensed medical provider demonstrates that the animal alleviates an identified symptom of effect of the existing disability and a nexus between the animal and the disability.

An accommodation for an emotional support animal is unreasonable if it presents an undue financial or administrative burden on The Mount, poses a substantial and direct threat to personal or public safety, or constitutes a fundamental alteration of the nature of the service or program.

Definitions

Americans with Disabilities Act (ADA): A disability is defined under the Americans with Disabilities Act as “a physical or mental impairment that substantially limits one or more major life activities.” Examples of major life activities include major bodily functions, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, performing manual tasks, and caring for oneself.

Fair Housing Act: The Fair Housing Act is a federal law that prevents discrimination against tenants in their homes. Under the Fair Housing Act, a disability is defined as a physical or mental impairment which significantly limits a person’s major life activities, and the Mount is required to make what is called a “reasonable accommodation” to allow Students to possess assistance animals, including animals that provide emotional support, access, in university housing.

Service Animal: Any dog (or miniature horse) individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability and meets the definition of “service animal” under the Americans with Disabilities Act (ADA) regulations. The work or tasks performed must be directly related to the individual’s disability. Examples include, but are not limited to assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
Service animals are generally permitted in University facilities when the service animal accompanies by an individual with a disability who indicates the service animal is trained to provide, and does provide, a specific service to them that is directly related to their disability.

The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition of service animal.

**Emotional Support Animal:** Emotional support animals are animals that are necessary to afford the person with a disability an equal opportunity to use and enjoy university housing and that can be reasonably accommodated in university housing. Emotional support animals provide emotional or other support that ameliorates one or more identified symptoms or effects of a person's disability. Unlike service animals, emotional support animals are not required to be trained to perform work or tasks, and they include species other than dogs and miniature horses. An emotional support animal may provide physical assistance, emotional support, calming, stability and other kinds of assistance. Emotional support animals do not perform work or tasks that would qualify them as “service animals” under the Americans with Disabilities Act. Emotional support animals that are not service animals under the ADA may still be permitted, in certain circumstances, in university housing pursuant to the Fair Housing Act. Emotional support animals are not considered service animals and are not permitted in any area other than the student’s on-campus residence and immediate surrounding area considered part of the residential dwelling. Emotional support animals are generally not allowed to accompany persons with disabilities in all public areas as a service animal is allowed to do, but an emotional support animal may reside in housing, including accompanying such individual in all public or common use areas of university housing, when it may be necessary to afford the person with a disability an equal opportunity to use and enjoy university housing.

**Approval Process**

Any student having a medical need for an emotional support animal must request Housing Accommodations through Learning Services. The medical documentation required by this policy must be submitted to Learning Services in order for the request to be considered. If Learning Services approves the request for Housing Accommodations, Learning Services will submit the request to the Office of Residence Life for a determination about whether the proposed emotional support animal can be reasonably accommodated in university housing. If the request is approved by the Office of Residence Life, the student must meet with a representative from the Office of Residence Life to discuss the rights and responsibilities regarding the emotional support animal. The Department of Public Safety will be notified of all approvals of emotional support animals.

**Rights and Responsibilities of Student with an Approved Emotional Support Animal**

Students approved to have an emotional support animal in university housing have the right to have their approved emotional support animal in their place of residence (room and/or apartment). Please note: emotional support animals are not allowed in classrooms or in public places on campus, unless they are trained service animals.

Any student who has been approved for an emotional support or service animal is responsible for the behavior, care and supervision of the animal, including ensuring non-disruptive or non-aggressive behavior and animal health such as vaccinations, cleanliness, and flea and odor control. The student is responsible to be aware of the animal’s needs to relieve itself and the student must attend to the proper collection and proper disposal of the animal waste. The owner is responsible for ensuring that the animal’s needs are met while the student is away from the students’ assigned housing during the day, and the owner is not permitted to leave the animal when the...
owner is away overnight; in those instances, the owner must remove the animal from university housing and it cannot be left overnight in the care of another student.

The Mount is not responsible for the animal’s care or supervision.

Students approved to have an emotional support animal in university housing have the following responsibilities:

- To provide the animal
- To provide appropriate care and supervision for the animal
- To incur all costs associated with the animal (licensing, food, medical care, damage that is the responsibility of the animal, etc.)
- To keep animal on lease or lead in public areas
- To keep the animal clean, fed, watered, and in good health
- To dispose of all waste from the animal
  - The owner is responsible for the cleanup and disposal of the animal’s waste. Animal waste disposal via university plumbing is prohibited. Outside trash receptacles are appropriate for waste disposal.
- To be in compliance with any State or local laws pertaining to animal licensing, vaccination, and owner identification.
- To provide proof of flea prevention, proof of sterilization (spayed/neutered), proof of up-to-date vaccinations as required by law, when requested
- To comply with all rules regarding noise, safety, disruption, and cleanliness
- To keep the animal under control and taking effective action if it becomes out of control
- To comply with this policy
- To complete and sign the Emotional Support Animal Agreement that is provided by The Mount.

The owner is solely responsible for the behavior of the emotional support animal including any and all damage or injury to persons or property caused by the animal. In all cases, the owner of the animal must hold harmless The Mount for any damage or injury to others.

The Mount does not require any fees for the use of an approved emotional support animal in the residence halls because it is a disability-related accommodation. However, the animal’s owner may be charged for damage caused by the emotional support animal to the same extent that any student would be charged for damage they cause to university property.

The owner’s residence may be inspected for pests as needed. If pests are detected, the residence will be treated using a university approved pest control service. Pest treatment expenses incurred above and beyond standard pest management in the residence halls will be the owner’s responsibility. Additionally, cleaning and repair expenses incurred above and beyond standard cleaning and repair are also the responsibility of the owner.

A student will be permitted to have no more than one approved emotional support animal.

In the event the above conditions are not being met, The Mount reserves the right to ask an individual to remove said approved animal from campus. If the Mount properly excludes a service animal, it must give the approved individual the opportunity to obtain goods, services, and accommodations without having the animal on university property.
The University may exclude or remove an emotional support animal from university housing if the owner fails to comply with this policy or if the animal is not housebroken, causes damage to university property or the property of others; poses a threat to the health or safety of others, creates a disturbance or interference with university operations, or would fundamentally alter the nature of any university program or service, or otherwise cannot be reasonably accommodated.

The University will base such determinations upon the consideration of the behavior of the particular animal at issue and not on speculation or fear about the harm or damages an animal may cause. Should the emotional support animal be removed from the premises for any reason, the owner is expected to fulfill their housing obligations for the remainder of the housing license agreement.

The student is responsible for notifying roommates about the animal. The notification should include the type and size of the animal, as well as clear expectations and any instructions for appropriate interaction with the animal. The student has a responsibility to be sensitive to others who may fear their animal or have allergies to the animal. The owner may post “Animal in Residence” signs, but they are not required by the university.
Mount St. Mary’s University
Emotional Support Animal Agreement

First Name: _____________________ Last Name: ______________________________

Residence Hall and Room: _____________________

Student Cell Phone Number: _____________________

Animal Name: ____________________ Animal Type: ____________________

Animal Breed: ____________________

Veterinarian name: ______________________________________

Veterinarian phone: ______________________________________

I have received, read, and agree to all of the terms of Mount St. Mary’s University’s Emotional Support Animal Policy. I understand my rights and responsibilities under this policy. I also understand that if I have questions, concerns, or need assistance that I will contact the Office of Residential & First-Year Programs. I agree to indemnify Mount St. Mary’s University from and against any claims for damages or injuries caused by my emotional support animal.

____________________________________________
Student Signature

_______________
Date
Addendum-ESAs during COVID-19

In addition to the University of St. Francis ESA Guidelines that have been signed and are on file with the Office of Disability Services, in the event that a owner is quarantined due to COVID-19, the ESA must be removed from campus until such time as the owner is able to care for it independently again. The listed emergency contact will be notified to come to campus and retrieve the ESA. In the event that the emergency contact is unable or unwilling to care for the ESA, the University of St. Francis will arrange for boarding, until such time as the owner is able to independently care for the ESA. All expenses accrued during this time will be the responsibility of the ESA owner.

_____________________
Student/Owner

_____________________
Date
Appendix B

Mount St. Mary’s University
Policy on Title IX Sexual Harassment:

IF YOU BELIEVE YOU OR ANYONE ELSE IS IN IMMEDIATE DANGER,
CALL 911 or Department of Public Safety

<table>
<thead>
<tr>
<th>Resource</th>
<th>Phone</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Public Safety</td>
<td>(301) 447-5357</td>
<td><a href="https://inside.msmary.edu/public-safety/index.html">https://inside.msmary.edu/public-safety/index.html</a></td>
</tr>
<tr>
<td>Counseling Services</td>
<td>(301) 447-5288</td>
<td><a href="https://inside.msmary.edu/health-services/counseling-services.html">https://inside.msmary.edu/health-services/counseling-services.html</a></td>
</tr>
<tr>
<td>Health Center</td>
<td>(301) 447-5288</td>
<td><a href="https://inside.msmary.edu/health-services/index.html">https://inside.msmary.edu/health-services/index.html</a></td>
</tr>
<tr>
<td>Office of Campus Ministry</td>
<td>(301) 447-5223</td>
<td><a href="https://msmary.edu/campus-life/get-involved/campus-ministry-office.html">https://msmary.edu/campus-life/get-involved/campus-ministry-office.html</a></td>
</tr>
<tr>
<td>Heartly House (rape crisis center)</td>
<td>(301) 662-8800</td>
<td><a href="http://www.heartlyhouse.org">www.heartlyhouse.org</a></td>
</tr>
<tr>
<td>Frederick County Sheriff’s Office</td>
<td>(301) 600-1046</td>
<td><a href="https://www.frederickcosheriff.com/">https://www.frederickcosheriff.com/</a></td>
</tr>
</tbody>
</table>

I. Notice of Non-Discrimination

Mount St. Mary’s University is committed to providing an educational and work environment in which all members of the campus community are able to participate without being subjected to discrimination on the basis of sex, sexual orientation, or gender identity. Where Mount St. Mary’s University learns that any such discrimination occurs, Mount St. Mary’s University is committed to remedying the discrimination and its effects.

II. Statement of Policy Against Title IX Sexual Harassment

In compliance with Title IX, a federal law, Mount St. Mary’s University does not discriminate on the basis of sex in the education programs or activities that it operates. Title IX of the Education Amendments of 1972 (20 U.S.C. §1681, et seq.) and its implementing regulations (34 C.F.R. Part 106) prohibit discrimination on the basis of sex in education programs and activities.

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any Education Program or Activity receiving Federal financial assistance.

Title IX requires that colleges and universities maintain an environment free from sex discrimination for all faculty, staff, and students. Under Title IX, discrimination on the basis of sex includes Title IX Sexual
Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Sexual harassment is also prohibited by Title VII of the Civil Rights Act of 1964 and by the state law.

Inquiries about the application of Title IX and its regulations may be referred to:

**Pauline Engelstatter:**
Title: Vice President for University Affairs
Title IX Coordinator
Main Floor, Bradley Hall
301-447-5086
engelsta@msmary.edu
https://msmary.edu/title-ix-sexual-misconduct-policy.html

**Levi Esses**
Title: Dean of Students
Deputy Title IX Coordinator
McGowan Student Center
301-447-5475
l.k.esses@msmary.edu

**Kristin Hurley:**
Title: Director of Human Resources
Deputy Title IX Coordinator
Main Floor, Bradley Hall
301-447-5522
k.hurley@msmary.edu

**John D. Love, Ph.D.**
Title: Associate Professor of Systematic and Moral Theology-Seminary
Deputy Title IX Coordinator
Seminary-Keating Hall, Room 002
301-447-8323
jlove@msmary.edu

**Justine Miller:**
Title: Assistant Athletic Director for Student Athlete Support/SWA
Deputy Title IX Coordinator
Knott Athletic Recreation Convocation Center
301-447-6782
Justine_miller@msmary.edu

**OR**
Assistant Secretary for Civil Rights
U.S. Department of Education, Office for Civil Rights
ocr@ed.gov
1-800-421-3481
III. Scope of this Policy

This Policy on Title IX Sexual Harassment Discrimination (Policy) applies to all Employees (faculty, staff, all other non-student employees), and all students. This Policy addresses only Title IX Sexual Harassment, as defined in this Policy. Allegations of discrimination based upon other protected traits and allegations of sex discrimination that do not fit within this Policy’s definition of Title IX Sexual Harassment will be address under other Mount St. Mary’s University policies, including other applicable discrimination policies and procedures, such as the Code of Student Conduct and the Governing Documents.

Title IX Sexual Harassment is defined as conduct:

1. On the basis of sex,
2. That occurs within Mount St. Mary’s University’s Education Program or Activity,
3. Within the United States, and
4. Involves
   (a) a Mount St. Mary’s University Employee conditioning the provision of an aid, benefit, or service on
       an individual’s participation in unwelcome sexual conduct;
   (b) unwelcome conduct that is determined by a reasonable person to be so severe, pervasive and
       objectively offensive that it effectively denies a person equal access to Mount St. Mary’s
       University’s Education Program or Activity;
   (c) Sexual Assault;
   (d) Dating Violence;
   (e) Domestic Violence; or
   (f) Stalking.

All allegations of Title IX Sexual Harassment will be addressed according to this Policy.

Mount St. Mary’s University may take action against third Parties who engage in conduct prohibited by this Policy in connection with a Mount St. Mary’s University Education Program or Activity. In such circumstances, Mount St. Mary’s University will determine whether to apply this Policy or another policy or procedure.

This Policy applies when any Employee of the College is alleged to have engaged in Title IX Sexual Harassment as defined by this Policy. To the extent this Policy is inconsistent with any provisions of any faculty or Employee handbook, policy, or procedure, because this Policy on Title IX Sexual Harassment is mandated by federal law, this Policy shall prevail. Federal law requires Mount St. Mary’s University to use the same Standard of Evidence in all matters alleging Title IX Sexual Harassment, which, therefore, fall within this Policy. Mount St. Mary’s University has no discretion to do otherwise.

All Employees who have experienced Title IX Sexual Harassment, who have provided a Report alleging Title IX Sexual Harassment, or have been alleged to have engaged in Title IX Sexual Harassment can seek confidential assistance through the Employee Assistance Program:

http://www.wellspaneap.org/
IV. Defined Terms

This Policy uses many defined terms, indicated by the capitalization of the first letter(s) in the term. All defined terms are included in a Glossary at the end of the Policy. The definitions in the Glossary are important to a complete understanding of this Policy.

V. Responsibilities of the Title IX Coordinator and Deputy Title IX Coordinator

The Title IX Coordinator coordinates Mount St. Mary’s University’s efforts to comply with Title IX, including overseeing this Policy and the publication and dissemination of information required by Title IX. The Title IX Coordinator’s responsibilities include: (1) receiving and responding to Reports of conduct that may constitute a violation of this Policy; (2) coordinating the effective implementation of Supportive Measures; (3) designating Investigators, Facilitators, and Decision-makers to act pursuant to the Grievance Process; (4) ensuring that the technology needed to conduct and record hearings is available; (5) implementing effectively any Remedies or discipline imposed by a Decision-maker upon a finding of a violation of this Policy; and, (6) complying with the record-keeping requirements of this Policy.

The Deputy Title IX Coordinator supports the Title IX Coordinator in fulfilling their role and responsibilities and may serve as the Title IX Coordinator’s designee to carry out any response, action, initiative, project, or other responsibility outlined in this Policy. An individual requiring emergency support should call 911 or the Department of Public Safety at Ext 5357. An individual requiring supports should reach out to the campus or community resources provided on the first page of this Policy.

VI. Reports of Potential Violations of this Policy

Mount St. Mary’s University strongly encourages anyone who has information about a potential violation of this Policy to provide a Report to the Title Coordinator or another Campus Official. Any person may provide a Report a potential violation to the Title IX Coordinator in person, by mail, by telephone or by electronic mail. Reports by mail, telephone or electronic mail made be made at any time, including outside of regular business hours.

A Report does not constitute a Formal Complaint. The procedure for filing a Formal Complaint is described in this Policy.

Any Campus Official who receives information or who otherwise has information about a potential violation of this Policy is required to provide the information received, in full, to the Title IX Coordinator.

VII. Response to Potential Violations of this Policy

When the Title IX Coordinator or a Campus Official receives a Report, Mount St. Mary’s University will respond by: (A) equitably offering Supportive Measures to the Complainant and Respondent, whether or not a Formal Complaint is filed; and (B) imposing disciplinary sanctions or other actions that are not Supportive Measures upon the Respondent only when the Respondent is found responsible for a violation of this Policy through a completed Grievance Process. Notwithstanding the foregoing, Mount St. Mary’s University may impose an emergency removal or administrative leave as provided in this Policy.

VIII. Initial Assessment

A. Purpose

When the Title IX Coordinator receives a Report of alleged Title IX Sexual Harassment or a Formal Complaint alleging Title IX Sexual Harassment, the Title IX Coordinator will seek to gather information to undertake an initial assessment of any risk of harm to individuals or to the campus community and the description of the alleged misconduct in order to evaluate the appropriate response.
B. Addressing Risk of Harm

The Title IX Coordinator will take any action necessary to address any risk of harm identified by the Title IX Coordinator, including implementation of Supportive Measures, initiation of actions designed to protect the larger campus community, or Emergency Removal of a Respondent. A decision to remove a Respondent from campus pending the Grievance Process will follow the Emergency Removal of a Respondent process described in this Policy. At the Title IX Coordinator’s discretion, one or more other Campus Officials may be included in the initial assessment or in evaluating information gathered in the initial assessment.

C. First Step in the Assessment

The first step of the assessment is a discussion between the Title IX Coordinator and the Complainant. The purposes of the discussion are to:

- assess the nature and circumstances of the allegations;
- address the immediate physical safety and emotional well-being of the Complainant;
- notify the Complainant of the right to contact law enforcement (or not) and seek medical treatment;
- provide the Complainant with information about on- and off-campus resources;
- discuss the range and implementation of Supportive Measures;
- enter the Report into Mount St. Mary’s University’s daily crime log;
- assess the Reported conduct for the need for a timely warning under the Clery Act; and,
- explain the College’s policy prohibiting retaliation.

D. Determination After Initial Assessment

After the initial assessment of the information gathered, the Title IX Coordinator will take one of the following steps regarding the Grievance Process:

1. Initiate Grievance Process

If the Title IX Coordinator determines that the alleged misconduct falls within this Policy and a Formal Complaint has already been submitted, the Title IX Coordinator will proceed to initiate the Grievance Process, unless the Formal Complaint proceeds to Informal Resolution.

If a Formal Complaint has not yet been submitted, the Title IX Coordinator will advise the Complainant that a Formal Complaint is required to initiate an investigation. The Title IX Coordinator will provide the Complainant a Formal Complaint form (or link to a website where the form is available) for the Complainant’s completion and signature. Once a signed Formal Complaint is submitted, the Title IX Coordinator will proceed to initiate the Grievance Process, unless the Formal Complaint proceeds to Informal Resolution.

If the Complainant determines not to file a Formal Complaint, and the Title IX Coordinator determines, in their discretion, that the allegations must be investigated, the Title IX Coordinator may initiate the Grievance Process by completing and signing a Formal Complaint.

2. Refer for Action Pursuant to Different Policy

With or without a Formal Complaint, when the initial assessment concludes with a determination that the alleged misconduct does not fall within the scope of this Policy but involves conduct that, if found to have occurred, violates another Mount St. Mary’s University policy, the matter will be referred for further action.
under the applicable policy. The determination regarding next steps will be communicated to the Parties in writing.

If a Formal Complaint has been filed, the Title IX Coordinator shall follow the procedures for Dismissal of a Formal Complaint set forth in Grievance Process.

**IX. Supportive Measures**

Promptly after receipt of a Report, the Title IX Coordinator will contact the Complainant and Respondent (if identified or identifiable based upon the Report) to discuss the availability of Supportive Measures. Supportive Measures are available with or without the filing of a Formal Complaint. In determining the Supportive Measures to be provided, the Title IX Coordinator will make an individualized determination, considering Complainant’s wishes and other relevant factors, of the non-disciplinary, non-punitive measures that will be provided to the Complainant and Respondent to restore or preserve equal access to Mount St. Mary’s University’s Education programs or Activities, to protect the safety of the Parties, and/or to deter Title IX Sexual Harassment.

All Supportive Measures will be provided without fee or charge and without unreasonably burdening the other Party. Supportive Measures will be maintained as confidential by Mount St. Mary’s University to the extent that confidentiality will not impair the ability to provide the Supportive Measures.

Examples of Supportive Measures that may be implemented by Mount St. Mary’s University include:

- Academic extensions or adjustments
- Campus escort services
- Changes in housing
- Counseling
- Increased security or monitoring of certain areas of the campus
- Changes in work schedules or locations
- Modifications of class or activity schedules
- Mutual restrictions on contact between the Parties

**X. Emergency Removal of a Respondent**

Mount St. Mary’s University may implement emergency removal of a Respondent, whether or not a Formal Complaint has been submitted if there is an immediate threat to the physical health or safety of any student or other individual that arises from allegations of conduct that could constitute a violation of this Policy.

Prior to implementing an emergency removal, Mount St. Mary’s University will first gather information to undertake an individualized safety and risk analysis. The analysis will be conducted by an individual who is free from bias or conflict of interest, who has relevant knowledge and experience, and who will not be involved in any later Grievance Process related to the student who is being evaluated for potential removal.

**A. Factors to be Considered**

The analysis of whether an immediate threat to the physical health and safety risk exists will focus on the specific Respondent and consider the specific circumstances arising from the allegations of Title IX Sexual Harassment that potentially pose an immediate threat to a person’s physical health or safety. If a person expresses a subjective fear, that Mount St. Mary’s University will consider it and will also apply an objective reasonable person standard. Mount St. Mary’s University will consider the Respondent’s propensity, opportunity, and ability to carry out a stated or potential threat. The analysis will evaluate whether Supportive Measures or other less restrictive means can negate or sufficiently minimize the threat. As part of its analysis, Mount St. Mary’s University may rely on objective evidence and current medical knowledge and may consult
with a licensed evaluator to analyze the information gathered. Mount St. Mary’s University shall also consider Respondent’s rights, if any, under applicable federal and/or state disability laws.

The relationship between a threat and the physical health or physical safety of any student or other individual will also be carefully evaluated. In some but not all cases, threatening speech or virtual interactions without an associated action may rise to the level of a threat to physical health or physical safety. If the threat posed is in the nature of potential emotional impact only, Mount St. Mary’s University will instead focus on identifying appropriate Supportive Measures.

Mount St. Mary’s University will also closely examine whether the threat arises from allegations of conduct that could constitute Title IX Sexual Harassment under this Policy. As an example, an immediate threat to physical safety is likely present when a Respondent threatens physical violence against the Complainant in response to the Complainant’s allegations of verbal harassment by the Respondent. Threats of self-harm will be address under other applicable policies. If the individualized safety and risk analysis results in a determination that a Respondent’s actions pose an immediate and identified threat, but do not arise from allegations of Title IX Sexual Harassment, Mount St. Mary’s University will respond pursuant to other applicable policies and/or procedures.

{Institution’s} assessment of the appropriateness of emergency removal will account for its multiple potential impacts, including: whether providing Supportive Measures will be sufficient to ensure equal educational access; the adverse impacts of separating a Respondent from educational opportunities and benefits; the protection of the health and safety of {Institution’s} community; and, the anticipated timeline of an investigation and hearing. Because these evaluations are necessarily fact specific, in some cases Mount St. Mary’s University may determine that restricting a Respondent’s participation in specific programs or activities will adequately address the situation.

B. Emergency Removal is Not Discipline nor a Determination of Responsibility

At all stages of the process, Mount St. Mary’s University will ensure that the emergency removal will not impose a premature sanction on the Respondent or circumvent the Grievance Process. An emergency removal does not equate to a determination that a Respondent has engaged in a violation of this Policy and will not result in a presumption of responsibility in any subsequent Grievance Process.

C. Notice of Emergency Removal and Appeal

In the event Mount St. Mary’s University determines that emergency removal of a Respondent is appropriate, the Respondent will be notified immediately in writing. The written notice will include details about the specifically identified emergency threat of physical safety or harm underlying the decision, as well as information about the Respondent’s immediate opportunity to challenge the removal decision by filing an Appeal.

XI. Placement of Employee on Administrative Leave

In the event a Formal Complaint alleges conduct that could constitute Title IX Sexual Harassment Discrimination and identifies an Employee as Respondent, Mount St. Mary’s University may decide to place the Respondent on administrative leave, in emergency and non-emergency situations. The purpose of such an administrative leave is to allow a temporary separation of the Employee while the Grievance Process is ongoing. Mount St. Mary’s University will determine the terms and conditions of the leave on a case-by-case basis. The decision process for placing an Employee-Respondent on leave will respect their rights under Title VII, Americans with Disabilities Act, and all other applicable employment laws.
XII. Grievance Process for Formal Complaints

A. Overview

All entitlements established in this section apply equally to the Parties. The Grievance Process applies when a Formal Complaint is signed and submitted, whether by a Complainant or by the Title IX Coordinator on behalf of Mount St. Mary’s University. This process is grounded in a presumption that a Respondent is not responsible unless and until a Determination of Responsibility at the conclusion of this process. The standard of review for determinations regarding responsibility is a PREPONDERANCE OF EVIDENCE standard. The preponderance of evidence standard of proof is met when the evidence shows that it is more likely than not that an allegation is true.

B. Filing of Formal Complaint

The Grievance Process begins with the filing of a Formal Complaint which alleges that a Respondent has engaged in Title IX Sexual Harassment, is signed by the Complainant or the Title IX Coordinator, and requests that Mount St. Mary’s University investigate the allegation of Title IX Sexual Harassment. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail.

C. Dismissal or Withdrawal of Formal Complaint

If, at any time during the Grievance Process, the Title IX Coordinator determines that the alleged misconduct does not fall within this Policy because the conduct did not occur within Mount St. Mary’s University’s Education Program or Activity, or the conduct did not occur within the United States, the Title IX Coordinator will dismiss the Formal Complaint by issuing a Notice of Dismissal.

If, at any time during the Grievance Process, the respondent is no longer enrolled or employed by Mount St. Mary’s University or the Title IX Coordinator determines that specific circumstances prevent Mount St. Mary’s University from gathering evidence sufficient to reach a determination of the allegations of the Formal Complaint, Mount St. Mary’s University may dismiss the Formal Complaint by issuing a Notice of Dismissal.

The Notice of Dismissal, which will be issued to the Complainant within five (5) Business Days of the Title IX Coordinator’s determination, will include the reasons for the dismissal. A dismissal of a Formal Complaint from the Grievance Process shall not prevent Mount St. Mary’s University from addressing the allegations in the Formal Complaint under another applicable policy of Mount St. Mary’s University. Any Party has the right to submit an Appeal from dismissal of a Formal Complaint.

If, at any time during the Grievance Process, the Complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or any allegations in the Formal Complaint, the Title IX Coordinator may dismiss the Formal Complaint. Alternatively, the Title IX Coordinator may decide that proceeding with the Grievance Process is necessary. In making that determination, the Title IX Coordinator must weigh the Complainant’s wishes and the Mount St. Mary’s University’s obligations to eliminate Title IX Sexual Harassment, prevent its recurrence, and remedy its effects.

D. Length of Process

Mount St. Mary’s University seeks to resolve all Reports of Title IX Sexual Harassment promptly, thoroughly, fairly, and equitably. The timeframes which Mount St. Mary’s University strives to meet are set forth in this Policy. Mount St. Mary’s University will inform the Parties regularly of the status of the Grievance Process, including the status of investigation and other steps in the process. Circumstances may arise that require the extension of anticipated time frames. Such circumstances may include the complexity of the allegations, the number of Witnesses involved, the availability of the Parties, Witnesses, or others involved, the effect of a concurrent criminal investigation, breaks or other closures of campus, concurrent law enforcement activity, the
need for language assistance or accommodation of disabilities, or unforeseen circumstances. In the event timelines are modified, Mount St. Mary’s University will provide written notification to the Parties.

E. Privacy of Process

Mount St. Mary’s University will keep confidential the identity of any individual who has made a Report or Formal Complaint, and the identity of any Complainant, Respondent, and Witness except as permitted by FERPA, required by law, or as necessary for the Institution to take action under this Policy.

F. Participation in Grievance Process is Voluntary

Parties and Witnesses are not required to participate in the Grievance Process, but without their live testimony at the hearing, the Hearing Board cannot rely upon their Statements. Mount St. Mary’s University may not threaten, coerce, or intimidate a Party or Witness into participating, nor may Mount St. Mary’s University retaliate against a Party or Witness for declining to participate in any part of the Grievance Process.

G. Right to an Advisor

Each Party has the right to choose an Advisor to assist and advise them (at the Party’s own expense, if the Advisor is paid). Each Party has the right to be accompanied by their Advisor throughout the Grievance Process, including during all related meetings and hearings. Parties are encouraged to identify an Advisor as soon as practical, as Advisors play an important role in supporting Parties. Each Party must notify the Title IX Coordinator promptly of the name, title, and contact information for their Advisor and any change in their Advisor. If a Party does not select an Advisor and the matter proceeds to a Live Hearing, an Advisor will be appointed by Mount St. Mary’s University, at no fee to the Party, to ask Cross-examination Questions on that Party’s behalf.

H. Request to Remove an Investigator, Hearing Board Member, or Title IX Coordinator

Parties have the right to request that the Title IX Coordinator remove an Investigator or member of the Hearing Board based on reasonable and articulated grounds of bias, conflict of interest or an inability to be fair and impartial.

1. Challenge to an Investigator

A challenge to an Investigator must be raised in writing within five (5) Business Days of receipt of the Notice of Investigation. The Title IX Coordinator will determine whether to remove the Investigator. If the Investigator is not removed, the Title IX Coordinator will notify the requesting Party of the decision. If an Investigator is removed and replaced, the Title IX Coordinator will send written notification to the Parties of the name of the new Investigator.

2. Request to Remove a Hearing Board Member

Following receipt of the Notice of Live Hearing, Parties have the right to request that the Title IX Coordinator remove a member of the Hearing Board based on reasonable and articulated grounds of bias, conflict of interest, or an inability to be fair and impartial. This request must be raised in writing within two (2) Business Days of receipt of the Notice of Live Hearing. The Title IX Coordinator will determine whether to remove the Hearing Board member. If the Hearing Board member is not removed, the Title IX Coordinator will notify the requesting Party of the decision. If a Hearing Board member is removed and replaced, the Title IX Coordinator will send written notification to the Parties of the name of the new Hearing Board member.

3. Request to Remove the Title IX Coordinator

A Party may request that someone other than the Title IX Coordinator oversee the Grievance Process based on reasonable and articulated grounds of bias, conflict of interest, or an inability to be fair and impartial. Any such request must be submitted in writing to the person to whom the Title IX Coordinator reports, which is the
President, as soon as a Party becomes aware of any such grounds for removal. The President will determine whether to designate another person perform the Title IX Coordinator’s duties for the specific matter, and if necessary, will identify the person to undertake those duties.

I. Procedures Following a Formal Complaint

1. Initiate an Investigation

The Title IX Coordinator will initiate an investigation, unless the Formal Complaint is proceeding through the Informal Resolution Process. The Title IX Coordinator will issue a Notice of Investigation to known Parties sufficiently in advance of any request to meet with the Investigator. This Notice of Investigation will include:

a. Notice of these grievance procedures, including the Informal Resolution process, and a copy of this Policy.

b. The conduct alleged to violate this Policy, and the date and location of the alleged incident, if known.

c. Known Parties involved in the alleged incident

d. A statement that the Respondent is presumed not responsible for the alleged misconduct and that a Determination of Responsibility will be made at the conclusion of the process.

e. Notice of the Parties’ right to an Advisor of choice, who will be permitted to accompany them to investigation meetings, interviews, and any hearing and to review materials provided to their advisee throughout the process.

f. Notice of and citation to Mount St. Mary’s University’s prohibition on knowingly making false Statements or submitting false information during a Mount St. Mary’s University process.

If during the course of an investigation, new or additional allegations arise that require investigation, Mount St. Mary’s University will send the Parties an updated Notice of Investigation revising the scope of the investigation.

2. Option of Informal Resolution

If the Parties voluntarily agree to proceed with the Informal Resolution Process, the Title IX Coordinator may refrain from initiating the Grievance Process or may pause an ongoing Grievance Process.

3. Concurrent Law Enforcement Activity

When Mount St. Mary’s University receives a Report of Title IX Sexual Harassment to which it has determined it must respond through its Grievance Process, Mount St. Mary’s University’s process continues regardless of whether a Complainant has made or decides to make a report to law enforcement. The filing of a report with law enforcement, or an ongoing law enforcement investigation or proceeding does not relieve Mount St. Mary’s University of its obligation to address the Complaint through its Grievance Process. At Mount St. Mary’s University’s discretion, Mount St. Mary’s University may temporarily pause its investigation at the request of law enforcement. In that circumstance, the Title IX Coordinator will send written notice to the Parties explaining the reason for pausing the investigation.

J. Consolidation of Certain Formal Complaints

If there are multiple Complainants and one Respondent, Mount St. Mary’s University may consolidate Formal Complaints where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances. All Parties will be notified in writing of a decision to consolidate Formal Complaints.
K. Investigation

Mount St. Mary’s University’s investigation process is designed to allow for the thorough, impartial, and reliable gathering of information and to result in a comprehensive investigation report summarizing relevant, admissible evidence. Mount St. Mary’s University strives to complete its investigation within thirty (30) Business Days, understanding that numerous issues arise during investigations that may justify a good cause extension of the timeline.

1. Assignment of Investigator

The Title IX Coordinator will supervise the investigation, starting with determining who will serve as Investigator. The Investigator may be a Mount St. Mary’s University Employee or Employees, an external Investigator or Investigators, or a team of Investigators that pairs an external Investigator with a Mount St. Mary’s University Employee. All Investigators will conduct the investigation with a presumption that the Respondent is not responsible and will act without bias or conflict of interest.

2. Process Overview

The Investigator will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the Complainant, the Respondent, and any Witnesses. The Investigator will provide advance written notice to Parties of the date, time, location, participants, and purpose of any requested meeting(s). Investigation interviews will be conducted in a thorough, impartial, and fair manner; all involved individuals will be treated with appropriate sensitivity and respect.

Interviews will be supplemented by the gathering of any physical, documentary, and other evidence, as appropriate and available. The burden of gathering relevant, admissible information sufficient for Mount St. Mary’s University to reach a determination of whether a violation of this Policy has occurred rests on Mount St. Mary’s University. The Parties will have an equal opportunity to submit evidence and suggest Witnesses (including fact and expert Witnesses).

The Investigator will decide which individuals to interview based on the information the Investigator gathers as part of the investigation and, with respect to Witnesses offered by a Party, the Investigator may ask the Witnesses to describe the information the Party expects the Witness to provide. The Title IX Coordinator may direct that additional interviews be conducted.

The Investigator will not ask questions or gather information or documents protected by a legally recognized privilege, including treatment records of a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional capacity, without written consent to use such documents in the Grievance Process from the person protected by the privilege. The Investigator will not seek information about a Complainant’s sexual predisposition and will only allow submission of or pursue information about a Complainant’s prior sexual behavior if such questions and evidence: (1) are offered to prove that someone other than the Respondent committed the alleged misconduct; or, (2) concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to establish Consent.

The investigation will be conducted in a manner that is respectful of individual privacy concerns. To be clear, however, confidentiality cannot be promised during an investigation because, for example, the Investigator may need to speak with Witnesses and others to gather evidence. The Parties are not restricted from discussing the allegations under investigation or from gathering and presenting relevant evidence. However, where the investigation reveals intentional efforts by a Party to fabricate or alter information they submit or to influence the information a Witness provides to the Investigator, conduct charges may result.
3. Parties’ Review of and Response to Information Gathered as Part of Investigation

At the conclusion of the investigation, the Investigator will assemble all incriminating and exculpatory information gathered during the investigation that is directly related to the allegations of the Formal Complaint, including information upon which Mount St. Mary’s University does not intend to rely in reaching a determination regarding responsibility. The Investigator will redact information that is unrelated to the allegations of the Formal Complaint or otherwise not admissible in the Grievance Process (i.e., because it is subject to an unwaived legally recognized privilege or constitutes prior sexual history not offered to establish Consent or that Respondent did not engage in the alleged misconduct). The Investigator will create a list describing information it has redacted or removed as irrelevant, inadmissible, or not directly related to the allegations of the Formal Complaint, which it may allow the Parties to inspect.

The assembled information will then be shared with the Parties and their Advisors in hard copy or an electronic format. Depending on the nature of the information shared, Mount St. Mary’s University may require Parties and their Advisors to agree to restrictions or sign a non-disclosure agreement prohibiting dissemination of any of the information provided for inspection and review or use of such evidence for any purpose unrelated to this Grievance Process. The Parties will have at least ten (10) Business Days to review the assembled information and submit a written response to it.

The Investigator will review the Parties’ responses to evaluate whether further investigation may be required to ensure the investigation is thorough and complete. In consultation with the Title IX Coordinator, the Investigator will determine any further action indicated by the Parties’ responses and develop a plan to complete the investigation.

4. Investigation Report

After considering the Parties’ responses and conducting any additional investigation indicated by those responses, the Investigator will prepare a report summarizing all of the relevant, admissible information obtained during the investigation, including Inculpatory Evidence and Exculpatory Evidence. The Investigator will incorporate the Parties’ responses to the report, as well as an explanation of any additional steps taken after receipt of Party responses and include any related materials. All of these written submissions and all information gathered during the investigation will collectively be considered the investigation report.

To the extent that the investigation report includes an assessment of Party and Witness Credibility, Credibility determinations may not be based upon a person’s status as a Complainant, Respondent or Witness.

5. Parties’ Review of and Response to Investigation Report

When the investigation report is complete, Mount St. Mary’s University will provide a copy of it to the Parties and their Advisors in electronic format or hard copy for their review and written response. The Parties shall have five (5) Business Days to respond to the investigation report.

The investigation report and all evidence will be available at any hearing to give each party equal opportunity to refer to the evidence. Any hearing on the allegations investigated will not be held sooner than ten (10) Business Days after the investigation report is provided to the Parties and their Advisors.

6. Determination After Investigation

At the conclusion of the investigation, the Title IX Coordinator will review the investigation report to determine whether the conduct, if proved, falls within this Policy. When the alleged conduct, if proved, falls within this Policy, the Title IX Coordinator will prepare a Notice of Charge based on information contained in the investigation report.
If the conduct, even if proved, does not fall within this Policy because it would not constitute Title IX Sexual Harassment, because it did not occur within Mount St. Mary’s University’s Education Program or Activity, or because it did not occur within the United States, Mount St. Mary’s University must dismiss the Formal Complaint. Mount St. Mary’s University may dismiss a Formal Complaint if the Title IX Coordinator determines: that there is not sufficient cause to believe the alleged conduct may have occurred; the Respondent is no longer enrolled or employed by Mount St. Mary’s University; or specific circumstances prevent Mount St. Mary’s University from gathering sufficient evidence to reach a Determination of Responsibility or No Responsibility.

In either instance, the Title IX Coordinator will issue a Notice of Dismissal, including the reasons for the dismissal, to the Parties simultaneously within five (5) Business Days of the Title IX Coordinator’s determination. If the alleged conduct would potentially violate a different Mount St. Mary’s University Policy, the Notice of Dismissal will direct the Parties to that policy. The Parties have a right to submit an Appeal from a dismissal of a Formal Complaint.

M. Notice of Charge

If the Formal Complaint is not dismissed, the Title IX Coordinator will issue a Notice of Charge simultaneously to the Parties. The Notice of Charge shall not issue before the Parties have had five (5) Business Days to review and respond to the investigation report and will be sent to the Parties within ten (10) Business Days of the conclusion of the investigation. The hearing shall not be scheduled sooner than ten (10) Business Days after the Notice of Charge is issued. The Notice of Charge will include the following information:

- a brief factual summary of the conduct alleged to have violated the Policy, including date, time, and location;
- the specific Policy provision(s) at issue; and
- possible sanctions associated with a finding of responsibility for the alleged Policy violation(s).

The Notice of Charge will attach a copy of this Policy or include the website where this Policy is available.

XIII. Live Hearings

Following the issuance of the Notice of Charge, if Informal Resolution is not being conducted, the Grievance Process proceeds to a Live Hearing.

A. Notice of Live Hearing

The Notice of Live Hearing will be sent to the Parties simultaneously within ten (10) Business Days of the delivery of the Notice of Charge and at least five (5) Business Days before the scheduled hearing date. The Notice of Live Hearing may be, but need not be, sent with the Notice of Charge. The Notice of Live Hearing will include the following information:

- the date, time, and location of the Live Hearing;
- whether the Live Hearing will be recorded via an audio recording, an audiovisual recording, or a transcript;
- the composition of the Hearing Board designated by the Title IX Coordinator; and,
- a statement that there is a presumption of No Responsibility on the part of the Respondent until a determination regarding responsibility is made at the conclusion of the Grievance Process.
In addition, the Notice of Charge will attach a copy of this Policy or include a reference to the website where this Policy is published.

**B. Title IX Coordinator as Hearing Board Chair**

Hearings are convened by the Title IX Coordinator. The Title IX Coordinator oversees all hearings. In rare circumstances when the Title IX Coordinator is unavailable or ineligible to do so, the Title IX Coordinator will designate the person to convene and oversee the Hearing Board process. The Title IX Coordinator will be the non-voting chair of the Hearing Board during Live Hearings, serving as a process and policy advisor to the Hearing Board. In this role, the Title IX Coordinator may be referred to as the Hearing Officer.

The Title IX Coordinator is never a Decision-maker, whether in connection with a Live Hearing or an Appeal but may be an Investigator.

**C. Hearing Board**

Prior to the Live Hearing, the Hearing Board will have read all of the information in the investigation report. The Parties will have the same information as the Hearing Board.

1. **Gathering Information**

The Hearing Board will focus its questions on those areas where it needs clarification or more information. The Hearing Board will not necessarily need the Parties or Witnesses to repeat everything they shared during the investigation, but as the Decision-maker(s), the Hearing Board is obligated to come to its own Findings of Fact.

The Hearing Board has the right and responsibility to ask questions and elicit information from Parties and Witnesses on the Hearing Board’s own initiative to aid the Hearing Board in obtaining relevant information, both inculpatory and exculpatory.

Only members of the Hearing Board may ask questions of any person testifying, except in connection with Cross-examination Questions asked by Advisors. The Hearing Board is responsible for ensuring that it has sought and probed all information necessary to make an informed decision. At times, the Hearing Board will need to ask difficult or sensitive questions in order to understand the allegations and related information and to gain a full understanding of the context. If at any time a Party does not understand a question or why the Hearing Board is asking a question, the Party should let the Hearing Board know. The Hearing Board will explain and modify its question at its discretion.

The Parties have equal rights to present information in front of the Hearing Board, which ensures that the Hearing Board has the benefit of each Party’s perspectives about the evidence. This right includes calling Witnesses. Parties have no right to self-presentation and may not ask questions directly of the other Party or Witnesses.

2. **Evaluating Information**

The Hearing Board must objectively evaluate all admissible, relevant evidence for weight or Credibility, including both Inculpatory Evidence and Exculpatory Evidence. The Hearing Board must focus on evidence pertinent to proving whether facts material to the allegations under investigation are more or less likely to be true. Credibility determinations may not be based upon a person’s status as a Complainant, Respondent or Witness. Determinations of Credibility must be based on objective evaluation of relevant evidence, not on inferences based on Party or Witness status. Credibility determinations are based on a number of factors, including demeanor (but never only demeanor); opportunity and capacity to observe the event; contradiction or consistency with other evidence; availability of corroboration (where it should logically exist, noting that corroborating evidence is not required); level of detail in Statement or testimony; motive to be untruthful; and
inherent plausibility or implausibility.\textsuperscript{1} The evaluation of Credibility also takes into account the normal fallibility of human memory.

A Party’s answers to Cross-examination Questions will be evaluated by the Hearing Board in context, taking into account that a Party may experience stress while answering Cross-examination Questions. Parties will not be unfairly judged if they are unable to recount every specific detail in sequence, whether such inability is due to trauma, the effects of drugs or alcohol or simple fallibility of human memory.

\textbf{D. Role and Obligations of Advisors During Hearings}

1. The Advisor is present to provide support to the Party and not to serve as a proxy voice for the Party.

2. Advisors may not speak during the hearing process, except where permitted to present Cross-examination Questions. Therefore, in all instances other than Cross-examination Questions, Advisors may not speak to the Hearing Board, make statements or arguments, or answer questions.

3. Advisors conducting Cross-examination must be capable of understanding the purpose or scope of Cross-examination. Equal competency between the Parties’ Advisors is not required.

4. When conducting Cross-examination, Advisors need not be advocates for Parties, but simply may be individuals who ask questions.

5. Advisors can confer quietly with their advisee as needed, but if there is a need for an extended discussion, the Party should ask for a break in the Live Hearing.

6. Advisors cannot direct the Party how to answer a question.

7. Advisors should conduct themselves quietly and professionally, must not disrupt the proceedings and must comply with any rules of decorum imposed by the Mount St. Mary’s University. An Advisor who does not do so may be removed from the Live Hearing. In that instance, the Party may select another Advisor or Mount St. Mary’s University will appoint a substitute Advisor.

\textbf{E. Location of the Live Hearing}

Live Hearings may be conducted with all Parties physically present in the same geographic location or, at Mount St. Mary’s University’s discretion, any or all Parties, Witnesses, and other participants may appear at the Live Hearing virtually, with the Parties being able to see and hear each other and Witnesses live.

At the request of either Party, Mount St. Mary’s University will provide for the entire Live Hearing (including Cross-examination) to occur with the Parties located in separate rooms with technology enabling the Parties to see and hear each other. Unlike Parties, Witnesses do not have the right to demand to testify in a separate room, but Mount St. Mary’s University, in its discretion, may permit any participant to appear remotely.

F. Recording of Live Hearing

Mount St. Mary’s University will create an audio or audiovisual recording or transcript of the entire Live Hearing. The recording or transcript will be available to the Parties for inspection and review.

G. Scope of the Live Hearing

The Live Hearing will relate solely to charges set forth in the Notice of Charges issued to the Parties. If the Parties or any Witnesses share information that goes beyond these charges, the Hearing Board will redirect the speaker to the charges at hand.

Parties may be accountable for additional violations discovered through the Grievance Process even if they do not appear in the Notice of Charge/Notice of Live Hearing. In this instance, a separate Grievance Process under this Policy, or under other applicable policies, may be commenced.

H. Attendance at the Hearing

The Live Hearing is closed, meaning it is not open to the public. Witnesses may be present only for their individual meeting with the Hearing Board. Advisors and Parties may be present throughout the proceeding. If a Party, after having been given notice, does not appear at the Live Hearing, the Live Hearing will be conducted in their absence, and the Party’s Advisor may appear and conduct Cross-examination. In the event neither a Party nor their Advisor appear at the hearing, Mount St. Mary’s University will provide an Advisor to appear on behalf of the non-appearing Party.

I. Expectation of Honesty

Parties and other individuals who offer information at a Live Hearing are expected to respond honestly and to the best of their knowledge. The Hearing Board may recall any Party or Witness for further questions and to seek additional information as it deems necessary. A Party or Witness who intentionally provides false or misleading information may be subject to discipline under this Policy or other applicable policies.

J. Cross-examination Questions and Effect of Failure to Submit to Cross-examination

1. Advisors Conduct Cross-examination

Advisors are allowed, on behalf of the Party they are advising, to cross-examine the other Party and Witnesses by asking relevant questions and follow-up questions, including questions challenging Credibility.

2. Relevance Determination Before Answering

Before a Party or Witness answers a Cross-examination Question, the Hearing Board will determine if the question is relevant. If a question is deemed irrelevant, the Hearing Board will explain why. The requirement of Relevance applies throughout the hearing, including during Cross-examination, and will be determined by the Hearing Board. Parties should understand that the process of Cross-examination may be difficult and may feel uncomfortable because its purpose is to promote the perspective of the other Party. Cross-examination Questions may not be submitted in writing in advance of the Live Hearing or during the Live Hearing for purposes of seeking an evaluation of Relevance.

3. Effect of Not Submitting to Cross-examination

If a Party or Witness does not submit to Cross-examination by Advisors at the Live Hearing, the Hearing Board must not rely on any Statement of that Party or Witness in reaching a determination regarding responsibility. This rule does not apply if a Party or Witness refuses to answer questions posed by the Hearing Board.

a. “Submit to Cross-examination” means answering those Cross-examination Questions that are relevant, as determined by the Hearing Board in real time during the Live Hearing. If a Party or
Witness disagrees with the Hearing Board’s Relevance determination, they may either (a) abide by the Hearing Board’s determination and answer the question or (b) refuse to answer the question. In the event the Party or Witness refuses to answer the question, unless the Hearing Board reconsiders the Relevance determination, the Hearing Board cannot rely on any Statement of that Party or Witness.

b. “Statement” has its ordinary meaning but does not include evidence (such as videos) that do not constitute a person's intent to make factual assertions, or to the extent that such evidence does not contain a person's Statements. Thus, Documents and records that contain Statements may not be relied on in making a final determination after the completion of the hearing if the Party or Witness who made the Statements has not submitted to Cross-examination. Probing the Credibility and reliability of Statements contained in such documents requires the Parties to have the opportunity to cross-examine the individual(s) making the Statements.

c. Examples

- This rule applies to law enforcement report, SANE reports, medical reports, and any other documents and records that contain the Statements of a Party or Witness who has not submitted to Cross-examination.
- If one Party to a text message or email exchange submits to Cross-examination and the other does not, only the messages of the individual who submits to Cross-examination may be considered.
- Where a Party refuses to answer Cross-examination Questions, but video evidence exists showing the underlying incident, the Hearing Board may still consider the available evidence and make a determination.
- If the matter does not depend upon a Party’s or Witness’s Statements, but on other evidence (e.g., video evidence that does not consist of “Statements” or to the extent the video contains non-Statement evidence), the Hearing Board can still consider this other evidence and reach a determination, but without drawing any inference based upon lack of Party or Witness testimony.

K. Breaks

The Hearing Board may need to take breaks during testimony to ensure that it can confer regarding the information that has been offered and can determine whether further questions are necessary. At any time, a Party may request a break to talk with their Advisor or for another reason. In almost all instances, a break will be allowed.

L. Rape Shield Protections

All questions and evidence about Complainant’s sexual predisposition or prior sexual behavior are irrelevant unless offered to prove that someone other than the Respondent committed the alleged misconduct or offered to prove Consent.

M. Order of the Live Hearing

1. The Chair will call the Live Hearing to order and will explain the hearing process, which will include a reading of the charge(s) at issue and will provide an opportunity for all Parties to ask procedural questions prior to opening statements.
2. The Parties shall be informed that the hearing is being recorded. The recording is the sole official verbatim record of the Live Hearing and is the property of the College.

3. The Complainant may present an opening statement related to the charges.

4. The Respondent may present an opening statement related to the charges.

5. The Hearing Board will ask the Complainant questions relevant to the charges.

6. The Respondent’s Advisor may ask Complainant relevant questions and follow-up questions, including those challenging Credibility (Cross-examination Questions).

7. The Hearing Board will ask the Respondent questions relevant to the charges.

8. The Complainant’s Advisor may ask Respondent relevant questions and follow up questions, including those challenging Credibility (Cross-examination Questions).

9. The Hearing Board may call Witnesses to provide relevant information to the Hearing Board.

10. At the conclusion of each Witness, Complainant and Respondent’s Advisors may ask each Witness relevant questions and follow up questions, including those challenging Credibility (Cross-examination Questions).

11. At the conclusion of the testimony of the Parties and the Witnesses, the Parties will be able to make a closing statement, with the Complainant going first and the Respondent going next.

12. The Chair will announce that the Live Hearing is concluded.

N. Hearing Board Deliberations and Written Determination

When the Live hearing concludes, the Hearing Board will deliberate and make its decision in accordance with the preponderance of the evidence Standard of Evidence. The Hearing Board will issue a Written Determination, which will be sent to the Parties simultaneously within fifteen (15) Business Days of the conclusion of the Live Hearing. The Written Determination will include:

a. Procedural History

b. Summary of allegations in Notice of Charge/Notice of Live Hearing

c. Policy provisions at issue

d. Findings of Fact related to each allegation potentially constituting Title IX Sexual Harassment, made by the applicable standard of evidence

e. Rationale (or evidentiary basis) for the Findings of Fact related to each allegation, which should include an evaluation of the weight or Credibility of admissible, relevant evidence

f. A determination of whether the conduct found to have occurred violates this Policy (Determination of Responsibility) or not (Determination of No Responsibility)

g. Rationale (or evidentiary basis) for the Determination of Responsibility or No Responsibility

h. A statement of any disciplinary sanctions imposed on the Respondent and the rationale for the sanctions

i. A statement of whether Remedies will be provided to the Complainant, using the phrase: “Remedies designed to restore or preserve equal access to Mount St. Mary’s University’s
Education Program or Activity will be provided by Mount St. Mary’s University to the Complainant.” The nature of such Remedies will not appear in the Written Determination. Remedies that do not directly affect the Respondent will not be disclosed to the Respondent.

j. Information about how to file an Appeal and how to access the transcript or recording before the time to file an Appeal lapses.

The Title IX Coordinator is responsible for the effective implementation of any Sanctions or Remedies.

O. Sanctions

1. Possible Sanctions

The following sanctions and/or conditions may be imposed following a Determination of Responsibility for a violation of this Policy. The described range of sanctions is required by Federal law under Title IX and that the published range is purely for purposes of notice as to the possibility of a range of Remedies and disciplinary sanctions and does not reflect the probability that any particular outcome will occur.

a. Students

- Expulsion (permanent separation)
- Suspension
- Deferred suspension
- Disciplinary Probation
- Disciplinary probation with deferred removal from the residence halls
- Loss of housing contract
- Residence hall probation
- Conduct warning
- Title IX Sexual Harassment education or other relevant education
- Parent or guardian notification (subject to privacy restrictions)
- Financial restitution
- Fine
- Community restoration and/or community service
- Loss of campus privileges
- Loss of campus employment and/or opportunities for campus employment
- Withholding records or degree
- Revocation of admission and/or degree
- Bar against registration
- Discretionary action
- Substance abuse education and/or evaluation

b. Employees

- Termination of employment
- Revocation or denial of tenure
- Suspension
- Demotion
- Progressive discipline
- Warning
- Loss of pay or other pay adjustments
- Job transfer
• Change or restrictions in work location and/or job responsibilities
• Title IX Sexual Harassment education
• Restrictions on the Employee’s communications
• Limitations on the Employee’s movement in or on Mount St. Mary’s University’s campus, programs, and activities

2. Factors in Determining Sanctions

In considering the appropriate sanction within the recommended outcomes, the Hearing Board may consider the following factors:

• Respondent’s prior discipline history;
• how Mount St. Mary’s University has sanctioned similar incidents in the past;
• the nature of the conduct at issue, including whether there was violence;
• the impact of the conduct on the Complainant;
• the impact of the conduct on Mount St. Mary’s University’s community, its members or Mount St. Mary’s University’s property;
• whether the Respondent accepted responsibility;
• whether the Respondent is reasonably likely to engage in the conduct in the future;
• any other mitigating or aggravating circumstances, including Mount St. Mary’s University’s values and
• Mount St. Mary’s University’s obligation to eliminate Title IX Sexual Harassment, prevent its recurrence, remedy its effects, and to maintain an environment free from Title IX Sexual Harassment.

Respondent’s lack of comprehension that conduct constituting Title IX Sexual Harassment violates the bodily or emotional autonomy and dignity of a victim does not excuse the misconduct, though genuine lack of understanding may, in Mount St. Mary’s University’s discretion, factor into the sanction decision.

3. Remedial Action

The Hearing Board may consider other remedial actions that may be taken to address and resolve any incident of Title IX Sexual Harassment and to prevent its recurrence, including: strategies to protect the Complainant and any Witnesses from retaliation; provide counseling for the Complainant; other steps to address any impact on the Complainant, any Witnesses, and the broader campus community, and any other necessary steps reasonably calculated to prevent future occurrences of harassment.

4. Failure to Comply with Sanctions.

Failure to comply with the sanctions or conditions imposed by the Hearing Board will result in action under Mount St. Mary’s University’s Code of Student Conduct or Governing Documents, as applicable.

P. Effective Date of the Written Determination and Possible Notice to Parents

The Written Determination becomes final only after the time period to file an Appeal has expired or after the Appeal decision has been sent to the Parties. The Written Determination will identify to whom any Appeal must be addressed.

Mount St. Mary’s University reserves the right to notify parents of dependent students when student conduct has resulted in serious disciplinary sanctions.

XIV. Appeals
A. Filing an Appeal

The Parties have equal rights to file an Appeal. Appeals will be submitted to the Title IX Coordinator. Appeals must be submitted within five (5) Business Days of the issuance of the Notice of Dismissal or Written Determination that the Party seeks to appeal.

B. Grounds for Appeal

An Appeal is not intended to be a rehearing of the information presented at the Live Hearing. An Appeal may only be based upon one or more of the following grounds:

1. Procedural Irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3. Conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and/or,
4. The sanction imposed is substantially disproportionate to policy violation.

C. Actions upon Receipt of Appeal

1. The Title Coordinator shall designate a Decision-maker (the “Appeal Decision-maker”) to consider and decide any Appeal.
2. Within five (5) Business Days of the receipt of the Appeal by the Title IX Coordinator, the Title IX Coordinator will give notice to the Parties of the appeal and of the identity of the Appeal Decision-maker.
3. The Parties will have two (2) Business Days after notice of receipt of the Appeal to request that the Title IX Coordinator remove the Appeal Decision-maker based on reasonable and articulated grounds of bias, conflict of interest or an inability to be fair and impartial. The Title IX Coordinator will determine whether to remove the Appeal Decision-maker. If the Appeal Decision-maker is not removed, the Title IX Coordinator will notify the requesting Party of the decision. If the Appeal Decision-maker is removed and replaced, the Parties will be sent simultaneous written notification of the name of the new Appeal Decision-maker.
4. When the time to request removal of the Appeal Decision-maker has run, the Appeal Decision-maker will be provided with the entire file provided to the Hearing Board, together with the Written Determination.
5. The Appeal Decision-maker will first determine whether the Appeal will be accepted, based upon whether one or more of the Appeal Grounds set forth above has been properly alleged by the Appellant. Within five (5) Business Days of the receipt of the Appeal, the Appeal Decision-maker will send written notice to the Parties simultaneously that either (a) the Appeal has been rejected due to insufficient grounds, with the Appeal Decision-maker’s rationale, or (b) the Appeal has been accepted.
6. The non-appealing Party/ies will be entitled to submit a response to the Appeal, which must be sent to the Title IX Coordinator within five (5) Business Days of receipt that the Appeal was accepted.
7. The Appeal Decision-maker will then analyze all of the materials related to the Appeal and will take one of the following actions:
   a. Uphold the original decision
b. Send the matter back to the Hearing Board for further consideration

c. Refer the matter to the Title IX Coordinator for further investigation or a new hearing with a new Hearing Board

7. The Appeal Decision-maker will issue its written decision on Appeal within ten (10) Business Days after the receipt of the non-appealing Party/ies response. If no response is submitted by the non-appealing Party/ies, then the written decision shall be issued within ten (10) Business Days after the date the response was due to be submitted.

8. The written Appeal decision, which will include the Appeal Decision-maker’s rationale, will be sent to the Parties simultaneously.

D. Appeal Decisions are Final

A decision denying the entitlement to an Appeal and all decisions made by the Appeal Decision-maker are final.

E. When an Appeal is not Filed

The Parties will be notified if the time to file an Appeal has expired without any Appeal having been submitted.

XV. Grievance Process Timeframes

Measured from the conclusion of the investigation, Mount St. Mary’s University strives to meet the following timeframes for the Grievance Process. All days are measured in Business Days.

A. A Notice of Charge or Notice of Dismissal: The Notice of Charge or Notice of Dismissal will be sent to the Parties simultaneously within ten (10) Business Days of the conclusion of the investigation.

B. Notice of Live Hearing: As applicable, a Notice of Live Hearing will be sent the Parties simultaneously within ten (10) Business Days of the delivery of the Notice of Charge.

C. Challenge to Hearing Board Member: Within two (2) Business Days of receipt of the Notice of Live Hearing, Parties have the right to make a written request that the Title IX Coordinator remove a member of the Hearing Board based on reasonable and articulated grounds of bias, conflict of interest or an inability to be fair and impartial.

D. Live Hearing: The Live Hearing will begin no sooner than ten (10) Business Days after the Notice of Charge is issued, no sooner than five (5) Business Days after the Notice of Live Hearing, and no later than twenty (20) Business Days after the Notice of Live Hearing is issued.

E. Written Determination following a Live Hearing: Following a Live Hearing, the Written Determination will be sent to the Parties simultaneously within fifteen (15) Business Days of the conclusion of the Live Hearing.

F. Appeals:

1. Parties must file an Appeal within five (5) Business Days of receipt of the Written Determination.

2. Within five (5) Business Days of the receipt of the Appeal by the Title IX Coordinator, the Appellant and non-appealing Party/ies will receive written notice that an Appeal has been submitted and the identity of the Appeal Decision-maker.

3. The Parties will have two (2) Business Days after notice of receipt of the Appeal to request that the Title IX Coordinator remove a member of the Appeal Decision-maker based on reasonable and articulated grounds of bias, conflict of interest or an inability to be fair and impartial.
4. Within five (5) Business Days of the receipt of the Appeal, the Appeal Decision-maker will send written notice to the Parties either accepting or rejecting the Appeal.

5. The Appeal Decision-maker will issue its written decision on Appeal within ten (10) Business Days after the receipt of the non-appealing Party/ies response to the Appeal.

XVI. Informal Resolution

A. Option for Voluntary Informal Resolution

Mount St. Mary’s University offers a voluntary process for Formal Complaints to be addressed through Informal Resolution. During the Informal Resolution process, a Facilitator will attempt to help the Parties come to an agreement about how to resolve a Formal Complaint. The Informal Resolution process is available to the Parties only after a Formal Complaint is filed and before a Determination of Responsibility or No Responsibility is issued. The Informal Resolution process is never available where a Formal Complaint alleges that a Mount St. Mary’s University Employee engaged in Title IX Sexual Harassment toward a student.

All Parties’ participation in the Informal Resolution process must be voluntary. In order to initiate the Informal Resolution process, each Party must sign the “Consent to Informal Resolution Process” form and submit it to the Title IX Coordinator. When all Parties to a Formal Complaint have submitted the consent forms, Mount St. Mary’s University will pause the Grievance Process, including any ongoing investigation or hearing, for a period of fifteen (15) Business Days (unless a shorter or longer time is set by the Title IX Coordinator), to allow the Parties to proceed with the Informal Resolution Process. The time period during which the Grievance Process is paused for the Informal Resolution Process shall not count toward the time periods set forth to conclude the Grievance Process.

B. Notice Prior to Informal Resolution

Prior to the beginning the Informal Resolution process, Mount St. Mary’s University will provide notice of the allegations of the Formal Complaint and will direct the Parties’ attention to the Informal Resolution provisions of this Policy.

C. Role of the Facilitator

The Facilitator will decide the process and procedures to be used in the Informal Resolution process but shall not take actions inconsistent with this Policy. The Facilitator will treat the Parties fairly and equitably. Each Party may be accompanied by their Advisor during any portion of the Informal Resolution process. The Facilitator may meet with the Parties separately, may share information obtained during the course of any investigation with the Parties, may make suggestions about the terms of an Informal Resolution, and may take other reasonable steps to assist the Parties in determining if they can reach an Informal Resolution. The Facilitator shall not require the Parties to meet together, in-person, unless the Parties agree to do so.

If the Parties reach an agreement to resolve a Formal Complaint informally, the Facilitator shall create a written agreement that lists the terms of the Informal Resolution for the Parties to sign. A Party may withdraw from the Informal Resolution process at any time before they sign a written document agreeing to an Informal Resolution and within 48 hours after the Party signs the written agreement. If a Party timely withdraws from the information resolution process, then Mount St. Mary’s University shall resume the Grievance Process.

D. Approval of Informal Resolution By Title IX Coordinator

If no Party withdraws from the written agreement within 48 hours, the agreement shall be presented to the Title IX Coordinator for final approval and implementation. The Title IX Coordinator shall give deference to the Parties’ agreement but shall not approve an agreement that the Title IX Coordinator determines to be
impractical, unduly burdensome, or inconsistent with Mount St. Mary’s University’s obligations under this Policy, Title IX, or another applicable law or policy. If the Title IX Coordinator disapproves the Parties’ written agreement, the Facilitator and the Parties may agree to modify and resubmit the agreement. If they do not agree to do so and/or do not submit a modified written agreement, then Mount St. Mary’s University shall resume the Grievance Process.

XVII. Prohibition Against Retaliation

Neither Mount St. Mary’s University nor any other person may retaliate against an individual who has participated or refused to participate in any matter addressed under this Policy. Retaliation includes any action to intimidate, threaten, coerce, or discriminate against an individual (a) for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations; or (b) because the individual has made a Report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing under this Policy. Retaliation is also prohibited against individuals involved in matters that do not arise under this policy but arise out of the same facts or circumstances as a Report or Formal Complaint of sex discrimination or sexual harassment.

XVIII. Recordkeeping

Mount St. Mary’s University will maintain the records identified in this section of this Policy for a period of seven (7) years. The records maintained shall be kept confidential and not disclosed, except as permitted or required by law. The records may be maintained in paper or digital files.

In connection with each Report and each Formal Complaint, Mount St. Mary’s University will maintain the following records, to the extent they exist:

- documentation of any Report of alleged Title IX Sexual Harassment;
- documentation of any Supportive Measures or if no Supportive Measures are provided, the reasons why and an explanation of how Mount St. Mary’s University’s response was not clearly unreasonable;
- the Formal Complaint;
- documentary evidence gathered in the course of an investigation and photographs or descriptions of nondocumentary evidence gathered in the course of an investigation;
- written responses of the parties provided prior to the finalization of the investigation report;
- the Investigation Report;
- the audio recording, audiovisual recording, or transcript of any Live Hearing;
- the Written Determination;
- any Appeal and Written Appeal Decision;
- records of the sanctions and/or remedies;
- records of any other steps taken to restore or preserve equal access to Mount St. Mary’s University’s Education Program or Activity,
- any written agreement of an informal resolution; and
- a statement documenting the basis for Mount St. Mary’s University’s conclusion that its response to a report or formal complaint was not deliberately indifferent.

Mount St. Mary’s University shall also maintain all materials used to train its Title IX Coordinators, Investigators, Decision-makers, and Facilitators and a copy of each version of its Title IX Policy on Sex Discrimination.
XIX. Modifications to this Policy

This Policy may be modified from time-to-time, during an academic year or otherwise, in Mount St. Mary’s University’s discretion and as may be required by law. Mount St. Mary’s University Employees and Students will be notified whenever this Policy is modified.
GLOSSARY OF DEFINED TERMS

- Advisor: A person selected by a Complainant or Respondent or appointed by Mount St. Mary’s University to support Complainant or Respondent or a person appointed by Mount St. Mary’s University to ask Cross-examination Questions, if the Party has not selected another Advisor.

- Administrative Leave: Temporary separation from a person’s job, with or without pay and benefits intact, as determined by Mount St. Mary’s University and any relevant obligations binding Mount St. Mary’s University.

- Appeal: An objective review of the prior process and outcome unless new evidence must be considered.

- Appeal Decision-maker: An individual or a group of people that decides an Appeal. An Appeal Decision-maker cannot be the Investigator, the Title IX Coordinator, or members of the Hearing Board.

- Appellant: A person who files an Appeal.

- Business Days: Any day, excluding Saturday, Sunday, and federal and state holidays.

- Campus Official: An Employee of Mount St. Mary’s University who has authority to institute corrective measures on behalf of Mount St. Mary’s University.

- Complainant: An individual who is alleged to have been the target of conduct that could constitute Title IX Sexual Harassment under this Policy, whether or not the individual has filed a Formal Complaint.

- Consent: Affirmative Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate Consent. The definition of Consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
  - Consent to any sexual act or prior consensual sexual activity between or with any Party does not necessarily constitute Consent to any other sexual act.
  - Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
  - Consent may be initially given but withdrawn at any time.
  - Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot Consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to Consent.
  - Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
  - When Consent is withdrawn or can no longer be given, sexual activity must stop.

- Credibility: The worthiness of belief of information shared by a Party or a Witness.
• Cross-examination Questions: Relevant questions and follow-up questions, including questions challenging Credibility. Cross-examination Questions are intended to give the Parties equal opportunity to meaningfully challenge the plausibility, reliability, Credibility, and consistency of the information provided by the other Party and Witnesses so that the outcome of each individual case is more likely to be factually accurate.

• Dating Violence: Violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and, (b) where the existence of such a relationship shall be determined by (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Title IX requires that Mount St. Mary’s University use this definition, of Dating Violence.

• Decision-maker: A person or persons designated to conduct Live Hearings, to decide whether or not a violation of this Policy has or has not occurred, to determine disciplinary sanctions and Remedies when a violation has occurred, and/or to decide Appeals. Decision-makers may or may not be Employees of Mount St. Mary’s University. Decision-makers are trained on the definition of Title IX Sexual Harassment, the scope of Mount St. Mary’s University’s program or activity, the Grievance Process, Relevance, the technology to be used at a hearing, how to conduct hearings and Appeals, and how to serve impartially.

• Determination of Responsibility or No Responsibility: A determination by the Hearing Board regarding whether the conduct of Respondent found to have occurred (the Findings of Fact) violates this Policy.

• Domestic Violence: Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the state. Title IX requires that Mount St. Mary’s University use this definition of Domestic Violence.

• Education Program or Activity: Locations, events, or circumstances over which Mount St. Mary’s University exercised substantial control over the Respondent and the context in which the conduct allegedly constituting Title IX Sexual Harassment occurred. Education program or Activity includes any building owned or controlled by Mount St. Mary’s University and/or by a student organization that is officially recognized by Mount St. Mary’s University.

• Employee: Faculty, staff, administrator, and any other individual employed by Mount St. Mary’s University in any capacity or role, except not including a person who is also enrolled as a full-time student of Mount St. Mary’s University.

• Exculpatory Evidence: Evidence, such as a Statement, tending to excuse, justify, or absolve the alleged fault or responsibility of a Respondent.

• Facilitator: A person or persons designated to facilitate an Informal Resolution of a Formal Complaint. Facilitators may or may not be Employees of Mount St. Mary’s University. Facilitators are trained on the definition of Title IX Sexual Harassment, the scope of Mount St. Mary’s University’s program or activity, how to conduct an Informal Resolution process, and how to serve impartially.

• Formal Complaint: A document signed by a Complainant or a Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the allegation(s) be investigated.
- Findings of Fact: A Hearing Board’s decision regarding what occurred.
- Grievance Process: The process for investigating and resolving a Formal Complaint.
- Hearing Board: A single Decision-maker or group of Decision-makers who conduct the Live Hearing. The Hearing Board cannot be the same person(s) as the Title IX Coordinator or the Investigator.
- Inculpatory Evidence: Evidence that shows or suggests that a Respondent engaged in the alleged Title IX Sexual Harassment.
- Informal Resolution: A voluntary process that allows the Parties to engage in discussions in an attempt to come to an agreement, subject to approval by Mount St. Mary’s University to resolve a Formal Complaint that does not involve a full investigation, hearing, and/or determination.
- Investigator: A person or persons, internal or external to Mount St. Mary’s University, designated by Mount St. Mary’s University to investigate the allegations of a Formal Complaint. An Investigator may also be the Title IX Coordinator but may not be a member of the Hearing Board or the Appeal Decision-maker. Investigators are trained on the definition of Title IX Sexual Harassment, the scope of Mount St. Mary’s University’s program or activity, the Grievance Process, Relevance, how to conduct an investigation, how to create an investigation report, and how to serve impartially.
- Live Hearing: A hearing where all Parties can see and hear each other in real time, whether in the same location or connected via technology.
- Notice of Charge: A notice sent to the Parties detailing the allegations potentially constituting Title IX Sexual Harassment (the charges) and indicating that charges and information gathered during an investigation will proceed to the Grievance Process for evaluation.
- Notice of Dismissal: written notice of the Title IX Coordinator’s decision to dismiss a Formal Complaint, including the basis of the decision.
- Notice of Investigation: A written notice to the Parties commencing the Grievance Process.
- Notice of Live Hearing: The letter sent to the Parties providing notice that allegations falling with the scope of this Policy will proceed to a Live Hearing.
- Party or Parties: Individuals who are Complainants and Respondents in a Grievance Process. When referencing the Complainant, the Respondent may be referred to as the “other Party” and when referencing the Respondent, the Complainant may be referred to as the “other Party.”
- Procedural History: A section of the Written Determination describing the procedural steps taken from the receipt of the Formal Complaint through the determination, including notifications to the Parties; the date Respondent received notice of the allegation; the investigation process; and hearings held.
  o Regarding the description of the investigation process, the Procedural History section should include: which Parties and Witnesses were interviewed and when; site visits; methods used to gather evidence; what type of evidence was reviewed; and the process undertaken to inspect and review the evidence and to disseminate the investigation report, including timelines. The Written Determination should include any actual or perceived procedural issues. For example, if a process was delayed for good cause, that delay should be explained in the Written Determination. Likewise, if the Parties requested that the Investigator follow certain “leads”
that the Investigator was not reasonably able to pursue based on a lack of time, resources, or the unavailability of Witnesses, that should be addressed in the timeline.

- **Procedural Irregularity:** A failure to follow Mount St. Mary’s University’s own procedures.

- **Rape Shield Protections:** Rules that protect Complainants from questions about or submission of evidence regarding the Complainant’s sexual predisposition or prior sexual behavior except in very limited circumstances.

- **Relevance:** Information that is relevant directly relates to the allegations in dispute, and, therefore, is probative of a material fact concerning the allegations. Information that is not relevant includes information protected by a legally recognized privilege; evidence about a Complainant’s prior sexual predisposition or prior sexual behavior unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or offered to prove Consent, where Consent is at issue (and it concerns specific instances of sexual behavior with Respondent); any Party’s medical, psychological, and similar records unless the Party has given voluntary, written consent; Party or Witness Statements that have not been subjected to Cross-examination at a Live Hearing; and evidence duplicative of other evidence.

- **Remedies:** Measures taken by Mount St. Mary’s University following a Determination of Responsibility on the part of Respondent designed to restore or preserve equal access to Mount St. Mary’s University’s Education Program or Activity. Remedies may be disciplinary or punitive and may burden the Respondent.

- **Report:** The submission of information to the Title IX Coordinator or a Campus Official regarding a potential violation of this Policy. A Report is not a Formal Complaint and, therefore, will not be investigated and does not trigger the Grievance Process.

- **Respondent:** Any individual who has been alleged to have engaged in conduct that could violate this Policy.

- **Sexual Assault:** Any conduct that would constitute a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual Assault includes the following prohibited conduct:

  1. **Rape (Except Statutory Rape)** - the carnal knowledge of a person, without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity. “Carnal knowledge” means contact between the penis and the vulva or the penis and the anus, including penetration of any sort, however slight.

  2. **Sodomy** - oral or anal sexual intercourse with another person, without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.

  3. **Sexual Assault with An Object** - to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.

  4. **Fondling** - touching of the private body parts of another person for the purpose of sexual gratification without the Consent of the person, including instances where the person is incapable
of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.

5. Incest - nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

6. Statutory Rape - nonforcible sexual intercourse with a person who is under the statutory age of consent.

Title IX requires that Mount St. Mary’s University use this definition of Sexual Assault.

- Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for their safety or the safety of others; or (b) suffer emotional distress. Title IX requires that Mount St. Mary’s University use this definition of Stalking.

- Standard of Evidence: The Standard of Evidence reflects the degree of confidence that a Decision-maker has in the correctness of the factual conclusions reach. Mount St. Mary’s University will apply the PREPONDERANCE OF EVIDENCE Standard of Evidence to matters within the scope of this Policy.

- Statement: Evidence that constitutes a person’s intent to make factual assertions.

- Supportive Measures: Non-disciplinary and non-punitive services that are offered, without fee or charge, by Mount St. Mary’s University on an individualized basis to a Complainant or Respondent that are designed to restore or preserve equal access to Mount St. Mary’s University’s Education Program or Activity without unreasonably burdening the other Party.

- Title IX Coordinator: The person or persons designated by Mount St. Mary’s University as a Title IX Coordinator, including any persons designated as an “acting,” “deputy” or “interim” Title IX Coordinator. In the event that special circumstances require the Title IX Coordinator to designate another person to address their responsibilities, the term also includes the Title IX Coordinator’s designee.

- Title IX Sexual Harassment: Conduct, on the basis of sex, that occurs within Mount St. Mary’s University’s Education Program or Activity within the United States, and that involves:
  1. an employee of Mount St. Mary’s University conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
  2. unwelcome conduct that is determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to Mount St. Mary’s University’s Education Program or Activity;
  3. Sexual Assault;
  4. Dating Violence;
  5. Domestic Violence; or,
  6. Stalking.

- Witness: A person who has seen, heard or otherwise has knowledge or information relevant to an alleged violation of this Policy, but not including the Investigator. The Investigator and Hearing Board meet with Witnesses at their request and at the suggestion of the Parties.

- Written Determination: A letter delivered simultaneously to the Parties that describes the Hearing Board’s decision regarding responsibility, which must be supported by evidence.
Student Return to Campus Guide

FALL 2020

Updated July 28, 2020
I. GUIDING PRINCIPLES

Mount St. Mary’s policies and protocols for responding to the COVID-19 pandemic are rooted in safety for our students, faculty, staff and the public we interact with.

The primary goals for the University’s response to the COVID-19 pandemic are to protect public health and continue the institution’s vital missions of education and service.

The Mount’s plans are aligned and consistent with local orders and ordinances of the Town of Emmitsburg and Frederick County, as well as the State of Maryland’s Roadmap to Recovery. The Mount’s plans will also follow recommendations from the federal government (Opening Guidelines), Centers for Disease Control and Prevention, Maryland Department of Public Health and the Mount Safe Team Initiative.

Our knowledge and understanding of the COVID-19 virus continues to evolve, and our policies and plans will be updated when appropriate as more information becomes available.

II. PRIOR TO RETURNING TO CAMPUS

All students who will be on campus this fall, full and part-time, residential and commuter, are required to 1) complete the Student Community Care Agreement; 2) testing for COVID-19; and 3) complete online COVID-19 training videos to ensure their understanding of the virus and their knowledge of university procedures and protocols. This training must be completed before the semester begins.

Testing for COVID-19 Before Coming to Campus

Every Mount student must be tested and provide negative results for COVID-19 prior to coming to campus for the Fall 2020 semester. If you are currently within the U.S. borders or in one of the U.S. Territories, such as Puerto Rico or Guam, testing should be performed before arrival to campus, with negative results dated within 10 days before your arrival. This simple nasal or saliva swab test is provided by the Maryland Department of Health at free testing sites within the state for Maryland residents. Pennsylvania also has free testing sites for Pennsylvania residents. Please visit https://www.hhs.gov/coronavirus/community-based-testing-sites/index.html to locate free COVID-19 testing sites in your state. If you have challenges identifying free COVID-19 test sites in your home area, please contact the Office of the Dean of Student Life to discuss how to proceed. If your state does not provide free COVID-19 testing, your personal or family health insurance plan may cover the cost. We will work with you to get a pre-testing plan solution prior to your return.

- Testing should be completed between 7 and 10 days prior to coming to campus.
- Students who are coming to campus should reduce their contact with others after the testing and before arriving on campus.
• Your test results must be sent through your MyMount account no later than August 17, 2020.

Students from U.S. Territories

Students from U.S. Territories, such as Puerto Rico, Guam and the Virgin Islands, should follow the requirements of all other U.S. students traveling from a distance to the MSMU campus. Your COVID-19 test results should be sent by you to your MyMount account no later than August 17, 2020.

International Students

We recognize this pandemic presents an extra set of stressors for international students who likely have concerns about their visa, ability to travel, academics and more. Our top priority is your health, safety and well-being. We are here to support you, and we will continue to update this information as new developments take place.

In this unprecedented time, we realize that some of you may need assistance with managing this process. Brendan Rockwell, international student coordinator (301-447-5605; b.w.rockwell@msmary.edu) is a resource in the Admissions Office; Associate Provost David McCarthy, Ph.D., (301-447-5333; dmccarth@msmary.edu); and Jamie Brown, Assistant Director of Residence Life, (301-447-5586; j.c.brown@msmary.edu) may assist you with your academic and housing options for the fall semester. Once you are on campus, Assistant Dean of Students and Director of New Student Programs Mallory Wishard, Ph.D. (301-447-5005; m.l.wishard@msmary.edu) would be happy to assist you in your ongoing transition to the Mount community.

If the U.S. government allows you to enter the country in August or early September, you will need to quarantine for 14 days. Please call the Office of Residence Life; 301-447-5586) for information about coming to campus, and to make arrangements to quarantine on campus.

III. CAMPUS ARRIVAL PROTOCOLS

Student Community Care Agreement & Health Survey

All students will have completed the COVID-19 Student Community Care Agreement and training as well as confirmation of their negative test result before their arrival to campus. The Mount takes very seriously the health and well-being of every member of its community – students, faculty, staff and visitors. This initial step in the arrival protocol is intended to ensure that everyone's initial arrival on campus is a welcoming and safe one while setting expectations and guidance for safe living and engagement on our campus for the foreseeable future.

Campus Arrival Protocol

Residential Students
All residential students will be engaged in Return to Campus Protocol as they initially arrive on campus that includes these steps:

1) All residential first-year students will report to campus on August 12 & 13, 2020. Residence Life will invite students to sign up for a staggered move-in time period.
2) All returning residential students should arrive on August 15 & 16. Returning residential students will also be invited by Residence Life to sign up for a move-in time period.
3) All students will be tested for COVID-19 once on campus. Details will be provided in a separate communication from Student Life.
4) The move-in restrictions will be strictly enforced and managed for social distancing. Please report to the Powell parking lot once you arrive on campus. Immediately prior to your arrival complete the health survey for yourself and any other guests.
5) Once on campus every residential student should be prepared to:
   a. Fill out a health survey if you or your guests did not complete it online
   b. Have your temperatures checked
   c. Once the above steps have been successfully completed, you will then receive keys for your student residence.

Commuter Students

All main campus commuter students (those not living on campus) must come to campus on August 15 or 16 between 8 and 11 a.m. and 3 and 6 p.m. to pick up their Personal Care Kit and get COVID-19 testing. They will have already complied with submission of a negative test and the signed Student Community Care Agreement as well as completed training. Once the above steps have been successfully completed, you will be cleared to attend classes.

IV. PROTECTING OUR CAMPUS COMMUNITY

Daily Health Survey Protocol

All students who will be on campus this fall must complete the Health Survey each day before engaging in any activities on campus. You must be free of any symptoms potentially related to COVID-19 to be eligible to engage in any activities. The Health Survey, included at the end of this document at Appendix B, is a means for all members of the Mount Community to pause and assess whether they have any of the symptoms associated with COVID-19 or have been in close contact with someone who has tested positive for COVID-19 within the last 14 days. See Section V for what to do if you feel you have symptoms.
Safety Policies and Protocols

Face Coverings
Face coverings must be worn by all employees, students, visitors/guests, and contractors/vendors on all University campuses (Emmitsburg, Frederick, Seminary, Grotto) when in the presence of others and when indoors. Face coverings are not required while alone in private offices, in residence hall rooms (unless visitors are present) or outdoors when not in the presence of others. Appropriate use of face coverings is critical in minimizing risks to others near you.

Students are expected to bring their own face coverings. However, each student will receive a Personal COVID Kit that includes a cloth face mask that needs to be washed after each use; a thermometer; and a 2 oz. hand sanitizer bottle. A limited number of disposable masks will be provided by the Mount, if needed. A disposable masks may only be worn for one day and then must be placed in the trash.

Cloth face coverings must only be worn for one day at a time and must be properly laundered before use again. Having a week’s supply of cloth face coverings can help reduce the need for daily laundering. See details regarding mask use and care below.

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<th>Type and Intended Use of Face Coverings/Masks</th>
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| Intended use | Required for campus community use in non-healthcare settings (office spaces, general research/work settings, shops, community areas where 6’ social distancing cannot be consistently maintained.) Must be replaced daily. While likely necessary for ingress and egress, they are not required when working alone in an office. | These masks are reserved for healthcare workers and other approved areas with task specific hazards. | Respiratory emissions |
Putting on the face covering/disposable mask:

• Wash hands or use hand sanitizer prior to handling the face covering/disposable mask.
• Ensure the face-covering/disposable mask fits over the nose and under the chin.
• Situate the face-covering/disposable mask properly with nose wire snug against the nose (where applicable).
• Tie straps behind the head and neck or loop around the ears.
• Throughout the process: Avoid touching the front of the face covering/disposable mask.

Taking off the face covering/disposable mask:

• Wash hands or use hand sanitizer prior to removing the face covering/disposable mask.
• Do not touch your eyes, nose or mouth when removing the face covering/disposable mask.
• When taking off the face covering/disposable mask, loop your finger into the strap and pull the strap away from the ear, or untie the straps.
• Wash hands immediately after removing.

Care, storage and laundering:

• Keep face coverings/disposable mask stored in a paper bag when not in use.
• Cloth face coverings may not be used more than one day at a time and must be washed after use. Cloth face coverings should be properly laundered with regular clothing detergent before first use and after each day of use. Cloth face coverings should be replaced immediately if soiled, damaged (e.g. ripped, punctured) or visibly contaminated.
• Disposable masks must not be used for more than one day and should be placed in the trash at the end of the day or if it becomes soiled, damaged (e.g., stretched ear loops, torn or punctured material) or visibly contaminated.

Social Distancing

Keeping space between you and others is one of the best tools to avoid being exposed to the COVID-19 virus and slowing its spread. Since people can spread the virus before they know they are sick, it is important to stay away from others when possible, even if you have no symptoms.

• Stay at least 6 feet (about 2 arms’ length) from other people at all times
• Do not gather in groups
• Stay out of crowded places and avoid mass gatherings.

Handwashing

Wash your hands often with soap and water for at least 20 seconds especially after you have been in a public place, or after blowing your nose, coughing, sneezing or touching your face. If soap and water
are not readily available, use a hand sanitizer that contains at least 60% alcohol. Cover all surfaces on your hands and rub them together until they feel dry. Avoid touching your eyes, nose and mouth, and wash your hands after touching your face. Hand sanitizer dispensers are located throughout all buildings on campus.

Gloves

High-risk students should use gloves as part of personal protective equipment (PPE), but according to the CDC, gloves are not necessary for general use and do not replace good hand hygiene. Washing your hands often is considered the best practice for common everyday tasks.

Goggles/Face Shields

You do not need to wear goggles or face shields as part of general activity on campus. A face covering or mask is sufficient. Good hand hygiene and avoiding touching your face are generally sufficient for non-healthcare environments.

Personal Disinfection

While custodial crews clean restrooms and common areas based on CDC guidelines, additional care should be taken to wipe down commonly used surfaces such as residence hall desks, light switches and doorknobs.

Coughing/Sneezing Hygiene

If you are in a private setting and do not have on your cloth face covering, remember to always cover your mouth and nose with a tissue when you cough or sneeze or use the inside of your elbow. Then throw used tissues in the trash.Immediately wash your hands with soap and water for at least 20 seconds. If soap and water are not readily available, clean your hands with a hand sanitizer that contains at least 60% alcohol.

Using Restrooms
Please obey posted occupancy limits. Wash your hands thoroughly afterward to reduce the potential transmission of the virus.

Using Elevators

No more than one person may enter an elevator at a time, so please use the stairs whenever possible. We strongly recommend only those who need to use the elevator should use one. All others should use the stairs. If you are using the elevator, wear your mask or face covering and avoid touching the elevator buttons with your exposed hand/fingers by using a pen/pencil to push elevator buttons, if possible. Wash your hands or use hand sanitizer with at least 60% alcohol upon departing the elevator.

Meals

Before and after eating, you should wash your hands thoroughly to reduce the potential transmission of the virus. While dining on campus, you should wear your mask or face covering until you are ready to eat and then replace it afterward. Campus food service providers, will allow at least 6 feet of distance between each customer, including lines and seating arrangements.

Meetings/Gatherings

Convening in groups increases the risk of viral transmission. Where feasible, meetings should be held in whole or part using the extensive range of available collaboration tools (e.g., Zoom, WebEx, Microsoft Teams, telephone, etc.).

Residential Living

Students are encouraged to limit visits to other residence halls or university housing outside of their own hall.

Only residential students and Mount staff are authorized to enter University housing; non-Mount guests and non-residential students are not allowed. Students may not entertain guests on campus. Students may meet with family members in public spaces on campus.

Classroom Instruction
All classrooms will have reduced capacity in order to comply with our social distancing protocols. Instructors and students will generally be no closer than 6 feet apart and will wear face coverings at all times. In many cases, students in classes will be split into two groups and alternate between attending class face-to-face and remotely. Other safety policies and protocols specific to curricular (or co-curricular) activities will be provided by the appropriate program director or sponsor.

Student Travel

During the coronavirus outbreak students are discouraged from leaving campus unless necessary because they run the risk of becoming infected with the virus and bringing it back to campus. Students should limit their travel to low-risk destinations and avoid high-risk destinations:

- Low-risk destinations are ones that follow CDC and state guidelines for face coverings, physical distancing and occupancy limits. Examples include:
  - Most retail businesses
  - Outdoor activities with low densities of people such as hiking, biking, canoeing and golfing
  - Family homes if the household is following state guidelines
  - Religious services and other gatherings where physical distancing and face coverings are used

- High-risk destinations include:
  - Events with high densities or numbers of people (rallies, sporting events, concerts)
  - Large gatherings or crowds where face coverings and social distancing are not used
  - Places where the use of face coverings and social distancing is unknown

Residential students and employees who travel off campus risk exposure to COVID-19 in areas where disease incidence is high or preventive measures are lax. Therefore, good judgment must be exercised when traveling to minimize the risk of exposure. The President of the University may at times restrict student travel off-campus when deemed necessary to contain or prevent an outbreak of COVID-19.

University-Sponsored Student Travel

Travel off campus for athletic competitions, athletic training, class field trips, community service projects, mission trips and others similar events is allowed when the trip is an essential element of the student experience and when the risks of disease transmission are well defined. Program director, sponsor or coach will provide the appropriate campus approval and arrangements for the travel. Accommodations must be made for students who do not wish to travel due to health concerns related to COVID-19.

Destinations where the COVID-19 risks are unknown or high (e.g., face coverings and physical distancing guidelines are not followed) should be avoided. CDC travel guidelines will be followed as much as possible.
The President of the University may at times restrict student travel off-campus when deemed necessary to contain or prevent an outbreak of COVID-19.

**Campus Visitors (Invited Guests, Contractors and Vendors)**

With the exception of the National Shrine Grotto, which is open to the public, only invited guests and those on official university business are permitted on campus. These include (and are not limited to): Prospective students and families, guest speakers, current student family members, admissions event attendees, athletics guests (visiting teams), ARCC members, job applicants, event attendees, wedding parties, conference & special program guests, vendors, contractors and delivery persons. Friends of employees and students are not allowed.

All campus visitors must stop at Public Safety to complete a safety questionnaire and submit to a temperature check upon arrival at campus. Visitors will be turned away if they self-report COVID-19 symptoms, have tested positive for COVID-19 within the last 14 days, or have been in close contact with a confirmed case of COVID-19 within the last 14 days.

**V. GUIDANCE FOR THOSE WHO ARE ILL OR HAVE SYMPTOMS**

What to Do If You Have COVID-19 or Its Symptoms

The most important thing to do if you feel you are experiencing symptoms associated with COVID-19 is COMMUNICATE! Acting quickly is key to keeping our community safe. The Dean of Students will have oversight of the health and safety for all traditional undergraduate students (resident or commuter); however, the Rector of the Seminary shall have oversight for all seminarians and the Associate Provost for the Division of Graduate, Continuing and Professional Students shall have oversight for all graduate and accelerated students.

List of contact numbers:
- Dean of Student Life: 301-447-5274
- Student Health Center: 301-447-5288
- Rector, Seminary: 301-447-5295
- Associate Provost, Frederick Campus: 301-447-5024

Below are some answers to frequently asked questions.
1. I am sick and worried that I may have COVID-19, what should I do?

Do not come to campus or go to classes. (If you are on campus or in class, leave immediately.) If you are concerned that you may contracted COVID-19, seek medical advice by using a tele-health service, calling your healthcare provider, or calling the Health Center at 301-447-5288. The Health Center will conduct a symptom scan by phone and provide guidance on next steps. Students should also contact the Dean of Students (Dr. Levi Esses, esses@msmary.edu).

2. What do I do if I'm on campus and come in contact with someone who appears to be sick?

If the individual is an employee, contact Human Resources, if they are a student contact the Dean of Students (Dr. Levi Esses, 301-447-xxx; esses@msmary.edu). The sick individual should isolate themselves in their office, car or outside alone, and call their healthcare provider or the Health Center for further phone evaluation and decisions about next steps.

3. What will happen if an individual becomes ill while on campus or during class?

If an individual becomes ill while on campus or during class, they should be directed to go home immediately (if a graduate or commuter student) or make contact with the Health Center (if a resident student), even if their symptoms are mild to see if they can come in for an immediate appointment or obtain further direction.

In addition, supervisors and/or faculty members may address a particular situation if an individual may be exhibiting symptoms in order to ascertain whether or not the individual should be directed to go home or seek care from the Health Center. Notification should be made immediately to Human Resources for incidents involving an employee, or the Dean of Students in the case of a student.

4. What is the definition of close contact?

Close contact means someone was closer than 6 feet for more than 15 minutes from an individual who is positive for COVID-19. It does not matter if the individuals were wearing face coverings.
If the COVID-19 positive person had symptoms, the contact time would start 2 days (48 hours) before they developed symptoms. If the person did not have symptoms, the contact time would start 2 days (48 hours) before the date of the positive COVID-19 test.

5. If an individual has come into close contact with an individual who came into close contact with someone rumored to be positive for COVID-19, what should I do?

The CDC does not recommend self-quarantine; rather, the individual should continue to self-monitor for symptoms. Concerned individuals can also seek out COVID-19 testing.

6. How are quarantine and isolation different?

Quarantine is used to keep someone who might have been exposed to COVID-19 away from others. Quarantine helps prevent spread of disease that can occur before people know they are sick or if they are infected with the virus without feeling symptoms. People in quarantine should stay home, separate themselves from others, monitor their health, and follow directions from their healthcare provider. [See Quarantine Procedures in the next section below.]

Isolation is used to separate people infected with the virus (those who are sick with COVID-19 and those with no symptoms) from people who are not infected. People who are in isolation should stay home until it’s safe for them to be around others. In the home, anyone sick or infected should separate themselves from others by staying in a specific “sick room” or area and using a separate bathroom (if available). [See Quarantine Procedures in the next section below.]

7. What are the quarantine rules for individuals who had close contact to a COVID-19 positive individual?

Under CDC guidelines, individuals who have had close contact with a COVID-19 positive individual must self-quarantine (see care instructions above for quarantine). However, the length of the quarantine may differ depending upon the proximity of the close contact with the COVID-19 positive individual.

Will not have further close contact – Quarantine for 14 days from the date you had close contact with COVID-19 positive individual.

Live with person but can avoid further close contact – Quarantine for 14 days from when the person with COVID-19 began isolation.
Under quarantine and had additional close contact with COVID-19 positive individual – Restart quarantine from the last day you had close contact with anyone in your house/room who has COVID. Anytime a new household/roommate gets sick with COVID and you had close contact, you will need to restart quarantine.

Live with person and cannot avoid continued close contact – Avoid contact to the extent possible, quarantine for 14 days AFTER the person with COVID ends isolation.

8. If someone had close contact with a COVID-19 positive individual, can they just get a test and go back to classes instead of being in quarantine for 14 days?

No. People infected with COVID-19 can take up to 14 days to develop symptoms. The individual must finish the full 14 days of quarantine.

9. If an individual has a “suspected” (but unconfirmed) case of COVID-19, what will the University do?

The University will encourage the individual to be tested for COVID-19. Until results are available, the individual must self-isolate. The individual must remain in self-isolation for 14 days after symptoms started and 3 days after fever has resolved and symptoms improved, whichever is longer.

The University will conduct deep cleaning and disinfection protocols.

The University also will identify individuals with whom the suspected individual may have had close contact. Close contact means someone was closer than 6 feet for more than 15 minutes from an individual who is positive for COVID-19. It does not matter if the individuals were wearing face coverings.

If the individual tests positive, the exposed individuals identified as close contacts must self-quarantine for 14 days following the close contact.

10. If someone has just tested positive for COVID-19, what will the University do?

The individual will be instructed to stay home and self-isolate if a graduate or commuter student or if a resident student, the University will arrange for self-isolation.
a. If the individual had symptoms, they should not return to work/classes for at least 14 days after symptoms first started and 72 hours (3 full days) after fever has resolved without the use of fever-reducing medicines and symptoms have vastly improved.
b. If the individual did not have symptoms, they should not return to work/classes for 10 days past their positive test, and have 2 negative tests in a row at least 24 hours apart.

The University will meet its obligation to notify the Mount community.

IMPORTANT: It is against the law to identify this individual by name. The University will not disclose to other staff/students or third parties the name or other personal or health information of the individual who tested positive for COVID-19.

The University will conduct deep cleaning and disinfection protocols.

Within 24 hours of learning that an individual has tested positive for COVID-19, the University will notify the Frederick County Department of Public Health.

Members of the Mount St. Mary’s community are required to cooperate with contact tracing efforts, including notification of potential contacts, while maintaining confidentiality required by state and federal law and regulations.

Isolation and Quarantine Procedures

The defining symptoms of COVID-19 are 1) a fever AND 2) a cough or shortness of breath. Students who are experiencing either of these symptoms are encouraged to call the Health Center at 301-447-5288. In order to reduce the risk of transmission of disease to other students, students should not, as a first step, come into the Health Center in person. After hours, students should call Frederick Health 301-418-0059.

Health Center staff will triage and assess patients. Students who are beyond the scope of our clinic to treat will be supported in accessing a higher level of assessment and care.

Isolation

1) If you answer "yes" to any of the questions on the daily health survey, you are not permitted to come to campus or move around on campus at this time. Please contact your resident assistant (RA) for additional guidance and the Health Center should contact you to assess your condition. You should notify your professors, coach, employer and others that you will be absent. Students can continue to attend classes remotely.
2) All students who are engaging in self-isolation should continue to fill out the Daily Health Survey each day. Students should also e-mail their faculty and coach to alert them of their absence. Students should continue their classes remotely if possible. Students who expect to miss three days or more of classes and need assistance in communicating with faculty should contact the Dean of Students Office. Students living on campus will be provided with a Well Kit to support their isolation.

3) When students are assessed by Health Center staff or other health professionals as needing to engage in isolation:

- All students will be provided counsel from the Dean of Students Office about their options, including living with family during their period of isolation.
- Students who live off campus will be provided instruction and counsel from the Dean of Students Office about how to engage in isolation.
- For students who live on campus and have a meal plan, you will be given instructions regarding meals.
- Public Safety will assist in the move to an isolation room.
- The Student Life Office staff will ensure the student receives housing support, meals, academic support, and safety support.
- Students will receive a Wellness Kit that includes tissues, hand sanitizer, disposable thermometers, anti-fever medication, and a face mask.

4) In all cases above, contact Health Center staff if your symptoms worsen.

5) Students also should cooperate with all contact tracing efforts.

**Quarantine**

1) Separate yourself from others and wear a face covering at all times, even in your room if you have a roommate. Do not attend classes in person, practices, meetings, or events. Notify your professors and coach. Students can continue to attend classes remotely. If you live off campus, do not come to campus.

2) If you have been in close contact with someone who has COVID-19, you should quarantine for 14 days since the contact. You are not permitted to be moving about on campus at this time. Please contact your RA for additional guidance and the Health Center should contact you to assess your condition. Students should continue their classes remotely if possible. You should notify your professors, coach, employer, and others that you will be absent. If you live off campus, you must stay at home and call the Health
3) For students who live on campus and have a meal plan, you will be given instructions regarding meals.

4) In all cases above, contact Health Center staff should your symptoms become worse.

5) Students should cooperate with all contact tracing efforts.

Provision of Food Service

Aramark Food Service staff will prepare meal boxes (three meals a day) for all students in isolation or quarantine on campus. A food preference and information form will be provided to allow students to inform food service staff of food needs, preferences and any allergies or accommodations.

Each boxed meal will be placed outside of the student’s door for their convenience.

- Students will be expected to put trash in a plastic bag for pick up.

Academic Adjustments

If necessary, Student Life staff will contact students in isolation and quarantine to review options for students to continue their class work. Students will have the option to send a Faculty Notification to their instructors and advisor(s) from the Associate Provost’s Office, notifying them of their current situation. For questions regarding academic support, students can contact the Dean of Students or send email to studentlife@msmary.edu. Students may also schedule a phone or Zoom appointment as well. Phone appointments will be available for students who are in isolation and quarantine.

Ongoing Monitoring of Impacted Students/First Response

Student Life staff will retain a roster of students who are known to be engaging in isolation and quarantine. The contact tracer team will contact all students in isolation daily to record their health status and find out if they have any needs.

Whenever emergency response is required to those students, responding Student Life staff will wear N-95 masks. Whenever Public Safety or Student Life staff are aware of an emergency response by external first responders to such a student, those staff will inform the external first responders of the student’s status in isolation or quarantine.
This document has been sent to all students for completion and return through MyMount.

COVID-19 Student Community Care Agreement

Overview

As the Mount St. Mary’s University community reconvenes on campus for the fall semester, the health and safety of all students, faculty, and staff is of paramount importance. The COVID-19 virus is a significant health challenge, and it is impossible to know who will develop significant and life-threatening symptoms and who will not. All of us need to work together to keep ourselves and the entire community safe.

We know how excited our upper-class students are to be back on campus, and many of our first-year students expressed at summer orientation their excitement to begin their college career at the Mount. We share in that excitement. We also know how much you value being part of this special community, and how seriously you and everyone here takes their responsibilities to each other.

As a Catholic university, we are called to inspire students to discover their gifts and callings, to embrace learning, to play an active role in the community, and to lead lives of significance in service to God and others. Being part of the Mount community allows the opportunity to support, and be supported by, one another. This pandemic has further elevated that commitment, and need for ongoing grace, compassion and care. This year, our commitment to one another is particularly important. Our actions can help prevent a friend, a faculty member, or another member of the community from exposure to the virus. Individual behavior and choices play a significant role in slowing and stopping the spread of COVID-19. Physical distancing, use of face coverings and good hygiene are critical to the resumption of in-person instruction and the completion of a successful fall semester.

If we do not follow the rules outlined below, the transmission of the disease to another person is far more likely. Additionally, if we do not follow the rules, it will make it more likely that the University may be forced to return to the remote learning experience that defined the end of the last academic year. We cannot emphasize enough that it is within our collective power to make this semester work! If we pull together and if we all play our part, we can have a safe and healthy fall and spring semester together.

In order to have a successful fall semester, ALL students must agree to follow a set of expectations to minimize the spread of COVID-19. These standards were recommended by medical and public health professionals and meet or exceed federal and state guidelines. All students who plan to come to campus for instruction must commit to the expectations below. Please review these agreements and the rationale for them often, and with any of your friends, teammates or student organization associates, before signing. Make sure you and your circle are fully aware of these agreements.

Personal Care

- I agree to sanitize my hands with soap and water or hand sanitizer thoroughly and frequently throughout the day.
• I agree to maintain a physical distance of six feet from other people in communal spaces on campus.
• I will wear a face covering that covers my nose and mouth when on campus, except when in my residence hall room with assigned roommates, in residence hall bathrooms when engaged in personal hygiene, when exercising outdoors or when eating. In University-operated residential apartments, suite-style spaces, cottages and houses, face coverings are not required in common living areas or bathrooms.
• I agree that I will monitor myself daily for symptoms of COVID-19, including temperature.
• I agree to contact the Health Center if I have COVID-19 symptoms.
• I will honestly answer the questions on the daily health survey, and I will follow all instructions on the form.
• If I am not feeling well, I will not attend class and will contact the Health Center immediately.
• I agree to be tested for COVID-19 upon my return to campus.
• I understand the Mount will engage in ongoing testing throughout the semester in order to reduce the spread of the virus. The testing will include students who are symptomatic, students from higher risk groups and some students selected at random. I understand I may be contacted for testing at any time and I agree to be tested by the Health Center upon request.
• I agree to clean my room regularly and disinfect surfaces that may carry the virus, such as desk surfaces, light switches and doorknobs. This agreement also applies to surfaces in common spaces, bathrooms and kitchens.
• I agree to obtain a seasonal flu shot from a provider at home or at no cost from the Health Center when they become available in the fall.
• I agree to restrict my travel to essential trips only. To mitigate any spread of the virus, the Mount strongly discourages students from traveling beyond the immediate Emmitsburg area. Exceptions include travel for healthcare, employment, and emergency situations.

Quarantine, Isolation and Contact Tracing

• Contact tracing is a vital technique to detect and isolate COVID-19 cases. It is the identification of people who may have been exposed to the virus. It is critical that students respond accurately to any questions asked regarding potential contacts to contain the virus on campus. Understanding the importance of contact tracing, I agree to respond quickly and accurately to any contact tracing requests that I receive in order to protect the health and safety of other community members.
• Quarantine and isolation are important mitigation efforts that can help reduce the spread of COVID-19. Both terms refer to separating someone from the rest of the community for a time because that person may have been infected with the virus (quarantine) or has symptoms of COVID-19 and/or has a positive COVID-19 test (isolation).
• I agree to isolate if I test positive or have symptoms for COVID-19, as instructed by the Health Center until released by the Health Center.
• I agree to quarantine as instructed if I am identified as a contact of anyone who has been determined to be positive for COVID-19.
• I agree to quarantine if I have been tested for COVID-19 and am awaiting results of that test.
• If possible, I agree to self- quarantine at home for a period of 14 days prior to my scheduled return to campus.

Social Events
• I agree I will not host off-campus guests, including students studying remotely, in my residence or on campus. Residential students may visit each other, with a maximum occupancy of four in a standard room at any time.
• I understand that, across the country, social gatherings at bars and parties, especially indoors, have been a major contributor to the spread of the COVID-19 virus. With this in mind, I agree not to attend or host social events that violate room occupancy limitations or any social event where six-foot distancing cannot be maintained, either on campus or off campus.

Evolving Conditions

Recognizing that the COVID-19 situation evolves rapidly, the Mount may have to adjust guidelines quickly. Updates will be e-mailed directly to all students if there is a significant change in protocols.

Violation of the COVID-19 Student Health Agreement

Compliance with these expectations is non-negotiable. Students who have concerns about adhering to the expectations should not plan to live or attend classes on campus for the fall.

• I understand that as a consequence of failing to uphold these standards, I may be subject to disciplinary procedures, including being asked to leave campus immediately. I understand I cannot be guaranteed the opportunity to complete my courses remotely.
• I understand that students who host a social event in violation of these principles are subject to immediate removal and restriction from campus.
• Social events hosted at off-campus locations will be considered the joint responsibility of each student living at that address. If a student living off campus does not wish to share that responsibility, the student should contact the Office of Residence Life for a housing reassignment on campus.
• Student organizations or groups that do not follow the social events provisions may be suspended from the campus community.

Pledge of Commitment to COVID-19 Student Community Care Agreement

☐ I agree to the expectations outlined in the COVID-19 Student Community Care Agreement in support of in-person classes at Mount St. Mary’s University for the Fall 2020 semester.

☐ I understand my decisions and behaviors potentially impact the health and safety of all members of the community, including my fellow students, employees of the Mount and my own well-being.

☐ I understand I may be asked to leave the campus and may face disciplinary consequences if it is determined I did not uphold the expectations outlined above.
I have carefully reviewed these agreements.

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<thead>
<tr>
<th>Type First and Last Name</th>
<th>Date</th>
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Additional parent signature is required if the student is under age 18.

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<th>Type First and Last Name</th>
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Mount St. Mary’s University is making every effort to mitigate potential risks and promote the safety of our community during this pandemic. We ask your cooperation by completing this short questionnaire.

This information will be disclosed and used solely for the purposes of determining your safety and the safety of others during the COVID-19 pandemic.

Please ensure at all times that you are following protocols for hand hygiene and physical distancing and also remember to clean your keys, phone, computers and other personal items frequently.

The questionnaire intends to identify NEW symptoms or worsening of symptoms that could be related to this pandemic. Symptoms related to pre-existing conditions or allergies are excluded from this questionnaire.

Printed Name: ________________________________  Date: __________________

Signature: _____________________________________  Risk Assessment: ___

Screening Questions:

1. Do you have any of the following symptoms which are new or have worsened:

<table>
<thead>
<tr>
<th>Symptom</th>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>Fever?</td>
<td></td>
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<tr>
<td>Cough?</td>
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<tr>
<td>Shortness of Breath/Difficulty Breathing?</td>
<td>YES</td>
<td>NO</td>
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<tr>
<td>Congestion or Runny Nose?</td>
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<tr>
<td>Chills/Shaking?</td>
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<td>Muscle Pain?</td>
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<td>Headache?</td>
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<td>Fatigue?</td>
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<td>Sore Throat?</td>
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<td>New Loss of Taste or Smell?</td>
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<td>Diarrhea? Nausea or vomiting?</td>
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2. Did you have close contact with someone who has a probable or confirmed case of COVID-19?

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<tr>
<th>YES</th>
<th>NO</th>
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</table>

3. Did you have close contact with a person who had acute respiratory illness that started within 14 days of their close contact with someone who has a probable or confirmed case of COVID-19?

| YES | NO |
4. Have you tested positive for COVID-19 in the past 14 days?  

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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5. Have you returned to the U.S. from outside the country in the past 14 days?  

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<th>YES</th>
<th>NO</th>
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If you answer “YES” to any of the above, you will not be permitted to proceed at this time and you must self-quarantine. If you answer “NO” to all of the above, you can proceed.

June 21, 2020

Daily Health Survey FAQs

1. How often do I need to submit the survey?

Daily. All students and employees are required to submit the health survey and check their temperature every day that they are on campus or plan to be on campus.

2. I’m not going to be on campus today. Do I need to submit the health survey?

Yes. If you would, under normal circumstances, be expected on campus (work, classes, etc.) you need to submit the form. The survey allows you to note you do not plan to be on campus today.

3. Do I have to wait for someone to tell me I can come to campus?

No. If you are able to answer ‘no’ to all questions, you may proceed.

4. What does “close contact” mean?

Close contact means someone was closer than 6 feet for more than 15 minutes from an individual who is positive for COVID-19. It does not matter if the individuals were wearing face coverings.

- If the COVID-19 positive person had symptoms, the contact time would start 2 days (48 hours) before they developed symptoms.
- If the person did not have symptoms, the contact time would start 2 days (48 hours) before the date of the positive COVID-19 test.

5. What happens if I answer ‘yes’ to any of the questions?

If you answer "yes" to any of the questions on the daily health survey, you are not permitted to come to campus or move around on campus at this time. For resident students, please contact your RA for additional guidance and the Health Center should contact you to assess your condition. For undergraduate commuter students, please contact the Dean of Students.
6. What if my situation changes after I submit the health survey?

**Students should go to your room (residence hall or home), and contact the Health Center.**

7. What if I answer a question incorrectly and submit the health survey before I catch it?

**Contact the Dean of Students Office to inform them of your error. Only the Dean’s Office can override the error.**

8. What if a student comes to campus and shouldn’t have based on the health survey responses?

**Students should be referred to the Mount’s Health Center.**

9. Is the survey HIPAA compliant?

Yes, in order to assist with the public health collection of information about those who are sick with, exposed to or test positive for COVID-19, the U.S. Department of Health and Human Services issued a bulletin describing greater flexibility in the HIPAA law.

Mount St. Mary’s University is not a healthcare entity and as such is released from the regulations tied to HIPAA. We are, however, responsible for handling any COVID-19 related health information about our employees and students in a confidential manner. This means that though we can call any of your close contacts, IF you happen to test positive for COVID-19, to tell them they’ve been exposed to you, we CANNOT describe your health/symptoms, etc. We can also inform the Mount community that one of our employees or students is positive for COVID-19, but we can’t divulge the individual’s name.

10. What is the university doing with the information from the health survey?

**Data collected will only be stored for the duration of the global pandemic. The University’s Dean of Students will be able to see the following information for those individuals who report to them: Name and whether a student completed the survey and is able to access campus that day. They will not have access to the individual's answers to each question on the survey.**

*Please be aware that our knowledge and understanding of the virus continues to evolve and our policies and procedures will be updated as more information becomes available.*