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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.

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
• 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.

Report of specific codes of conduct under review

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

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

Adjudication Withheld
Student agrees to participate in a diversion program

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

**Emergency Telephone Numbers**

<table>
<thead>
<tr>
<th>Department</th>
<th>Phone Number</th>
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<tr>
<td>Mount St. Mary’s University Department of Public Safety Dispatch (non-emergencies)</td>
<td>301-447-5357</td>
</tr>
<tr>
<td>Mount St. Mary’s University Department of Public Safety (emergencies)</td>
<td>301-447-5911</td>
</tr>
<tr>
<td>Student Health Services</td>
<td>301-447-5288</td>
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<tr>
<td>Dean of Students</td>
<td>301-447-5789</td>
</tr>
<tr>
<td>Counseling Services</td>
<td>301-447-5288</td>
</tr>
</tbody>
</table>

**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.
<table>
<thead>
<tr>
<th>Office/Department</th>
<th>Location</th>
<th>Phone (301-447-XXXX)</th>
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</thead>
<tbody>
<tr>
<td>Accounting &amp; Financial Affairs</td>
<td>Bradley Hall, 3rd Floor</td>
<td>5353</td>
</tr>
<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>
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<td>McGowan, 1st Floor</td>
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<td>Career Center</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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<td>Financial Aid</td>
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<td>Public Safety</td>
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<td>5357</td>
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<td>Recreational Services</td>
<td>ARCC</td>
<td>5290</td>
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<tr>
<td>Registrar</td>
<td>Bradley, 1st Floor</td>
<td>5215</td>
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<tr>
<td>Residence Life</td>
<td>McGowan, 2nd Floor</td>
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<td>Student Government Association</td>
<td>McGowan, 1st Floor</td>
<td>5273</td>
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<td>Title IX</td>
<td>Bradley, 2nd Floor</td>
<td>5086</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.
**Desk Assistants (DAs)** – From the hours of 6:00pm – 12:00am on week nights and 6:00pm – 2:00am on weekends a student desk assistant will be at the front desk of each residence hall (excluding the Apartments, Bradley and Cottages) who can assist in getting help in any situation.

**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](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](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 host’s 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, unearthing 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.

c. Posting on areas not approved by the Office of Student Life (e.g. on exterior buildings, trees, lamp posts, glass doors)
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.

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](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 be taken 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.
- **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&lt;br&gt;• 10 hours of Intervention Service Hours (completion date&lt;br&gt;within 2 months - $10 for every hour not completed by deadline)&lt;br&gt;• Alcohol Education Program&lt;br&gt;• Reflection Paper (500 words)</td>
</tr>
<tr>
<td></td>
<td>Underage alcohol</td>
<td>2nd</td>
<td>• Written warning&lt;br&gt;• 15 hours of Intervention Service Hours (completion date&lt;br&gt;within 2 months - $10 for every hour not completed by deadline)&lt;br&gt;• Additional Alcohol Education Programming</td>
</tr>
<tr>
<td></td>
<td>Underage alcohol</td>
<td>3rd</td>
<td>• University disciplinary probation (3 months)&lt;br&gt;• 20 hours of Intervention Service Hours (completion date&lt;br&gt;within 3 months - $10 for every hour not completed by deadline)&lt;br&gt;• DoS Letter to Parents</td>
</tr>
<tr>
<td></td>
<td>Distribution to minors</td>
<td>1st</td>
<td>• University disciplinary probation (1 year from date of incident)&lt;br&gt;• 15 hours of Intervention Service Hours (completion date&lt;br&gt;within 2 months - $10 for every hour not completed by deadline)&lt;br&gt;• Alcohol Education Program</td>
</tr>
<tr>
<td></td>
<td>Distribution to minors</td>
<td>2nd</td>
<td>• Possible Suspension&lt;br&gt;• 30 hours of Intervention Service Hours (completion date&lt;br&gt;within 2 months - $10 for every hour not completed by deadline)</td>
</tr>
<tr>
<td></td>
<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)&lt;br&gt;• 15 hours of Intervention Service Hours (completion date&lt;br&gt;within 3 months - $10 for every hour not completed by deadline)</td>
</tr>
<tr>
<td></td>
<td>Driving under the influence of alcohol (may involve injury, damage, and/or death)</td>
<td>1 thro 2nd</td>
<td>• Possible Suspension&lt;br&gt;• 30 hours of Intervention Service Hours (completion date&lt;br&gt;within 2 months - $10 for every hour not completed by deadline)</td>
</tr>
<tr>
<td></td>
<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)&lt;br&gt;• 15 hours of Intervention Service Hours (completion date&lt;br&gt;within 2 months - $10 for every hour not completed by deadline)&lt;br&gt;• Alcohol Education Program&lt;br&gt;• DoS Letter to Parents (if student is underage)</td>
</tr>
<tr>
<td></td>
<td>Alcohol abuse</td>
<td>3rd</td>
<td>• Possible Suspension</td>
</tr>
</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
code 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 younger 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 Symplicity Residence Housing System. To apply, students will use their Mount email and password to login into the Symplicity 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](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**

(Please see 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
   a. 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 their 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 use 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. Overnight visits should occur on a limited and infrequent basis not to exceed three consecutive nights and only with the consent of the others sharing the room/apartment. 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.

- 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.
- 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.
- University residences are designed to support a community of young adult students and are not the proper environment for children. Children, toddlers, and infants are only allowed as occasional visitors for short periods of time in the residence halls.
- Students are responsible for the actions of their guests at all times. When a student is hosting a guest, 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. The privilege of having guests is a matter of trust between a student and the University community: the community trusts that students will only have guests who have the intention to do well and to uphold that trust you must be willing to be responsible for their actions and make sure that they are, in fact, living within the expectations we have established together. All students must follow the proper guest registration procedures found below:

All overnight guests or those visiting campus between the hours of 10:00am to 8:00am must sign in at the Office of Public Safety with their host present. All guests must be 18 years of age with a valid, state issued picture identification. (Prior written permission from the Dean of Students must be granted for any guest under the age of 18.)

- Guests must meet their host at the Department of Public Safety and sign the guest log with the following information; First and Last Name, Address, Phone Contact Info, Host First and Last Name, Host Campus Address, Host Phone Contact.
- Public Safety will make a copy of a state issued photo identification. No guest will be admitted without this identification or written approval from the Dean of Students.
- All hosts and guests are subject to all Mount St. Mary’s University policies and procedures.
- Only those students who have been officially assigned, who have paid housing fees, and have a signed housing agreement on file, may reside in University housing. The use of the assigned living space by persons other than those officially assigned to the space is prohibited. Each resident contracts equally for a room and adjoining living space and is entitled to privacy as well as the right to sleep and study in his/her room. The person entertaining guests is expected to go elsewhere, not the roommate.
Residents who wish to host a guest under the age of 18 must contact the Dean of Students via email to request an overnight visit. Additionally, the parent/guardian of a guest under the age of 18 must contact the Dean of Students office to confirm the visit. These requests must be submitted at least 48-hours prior to the campus visit. Once the Dean of Students or designee has received the request, a written response will be sent to the host via email. The Dean of Students or designee reserves the sole right to approve or deny a visit of a guest.

- Guests are not a right but solely a privilege granted in agreement with the roommate(s).
- Only guests of the same gender may stay overnight in a student’s room.
- It is the responsibility of the host student to find alternative housing for a guest of the opposite gender.
- Residents wishing to host guests must first acquire permission in advance from their roommate(s). The resident hosting guest(s) is expected to go elsewhere when the roommate(s) has not granted permission. When permission is granted by the roommate(s), a resident may host no more than three (3) overnight guest(s) for no more than three nights in a seven day period. There can be no signs of cohabitation that include repeated stays by guests which might include keeping belongings in the room.
- The host that registers a guest is responsible for that guest and for making sure their guest adheres to all university and housing policies and will be held accountable for their guest’s behavior. Financial responsibility resulting from damages, destruction of property, or violations of policies by a guest are the responsibility of the host. Hosts are expected to have their guests leave when directed by university personnel. It is prohibited for a resident to allow any person who is banned from a building to visit their room or provide entry into a building. Registered guests will receive a card identifying them as a guest. This guest card must be carried by the guest during their visit and presented to University officials when asked.
- Community bathrooms are designated by gender. The entry of community bathrooms by persons of the opposite gender is prohibited.
- Residence Life reserves the right to deny entry or access to any non-resident for any reason.

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. Hosts must not sign in guests or visitors for the purpose of allowing him/her a place to reside or for an extended stay. 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. 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.

S. 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.

T. 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).

U. 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.

Front Desk Hours
Sunday-Thursday 6:00pm-12:00am
Friday and Saturday 6:00pm-2:00am
Residence halls may be accessed by all students between the hours of 8am and 6pm every day. Non-resident students or non-student guests are required to have a resident student host while in the residential community. The following procedures must be followed upon entering or exiting a building (with the exception of the Apartment Complex, Cottages, and Bradley) between the hours of 6 p.m. and midnight during the week and 2 a.m. Friday and Saturday nights while Desk Assistant is on duty:

- Resident students entering their own building must show their current, valid MOUNT CARD identification.
- Resident students entering a building other than their own residence hall must leave their current, valid MOUNT CARD identification with the front desk clerk and sign in with an eligible resident host.
- All non-campus residents, regardless of age or relationship to their host, must be accompanied by a resident host at all times while in the residential community.
- All non-campus residents, regardless of age or relationship to their host, must leave a valid photo identification with the front desk clerk (with the exception of the Apartment Complex, Cottages, and Bradley) when a Desk Assistant is on duty.
- Residents are allowed to host up to four (4) non-campus residents at one time (3 over-night guests).
- All non-campus visitors entering residential facilities must follow the University Guest Policy.
- After front desk hours, identification that is left is returned to Public Safety for students to retrieve there.

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 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
TITLE IX POLICY ON SEXUAL HARASSMENT, SEXUAL DISCRIMINATION AND SEXUAL MISCONDUCT

I. INTRODUCTION
Mount St. Mary’s University is a Catholic institution committed to upholding standards that promote respect and human dignity. Members of the university community have the right to be free from all forms of sexual harassment, sex discrimination and sexual misconduct, examples of which can include acts of sexual assault, domestic violence, dating violence, and stalking. All members of the campus community, guests and visitors are expected to conduct themselves in a manner that does not infringe upon these rights. This policy specifies the rights and duties of employees, including faculty members, and students in matters involving sexual harassment, discrimination, and misconduct. For purposes of this policy, references to “employees” includes faculty members and students employed by the university.

II. TITLE IX COORDINATOR
The university’s Title IX Coordinator oversees compliance and implementation of all aspects of the Sexual Harassment, Sex Discrimination and Sexual Misconduct policy. The Coordinator report directly to the President.

Questions about this policy should be directed to the Title IX Coordinator or Deputy Title IX Coordinators:

Pauline Engelstatter:
Title: Vice President for University Affairs
Title IX Coordinator
Main Floor, Bradley Hall
301-447-5086
engelsta@msmary.edu

Levi Esses
Title: Dean of Students
Deputy Title IX Coordinator
McGowan Student Center
301-447-5475
l.k.esses@msmary.edu
III. JURISDICTION
This policy applies to behaviors that take place on the campus or at Mount St. Mary’s University sponsored events and also applies to actions that occur off-campus or online that affect a substantial Mount St. Mary’s University interest. This policy applies to each student, faculty member, and employee of Mount St. Mary’s University.

IV. CONDUCT PROHIBITED BY THIS POLICY
The university prohibits sexual harassment, sex discrimination, and sexual misconduct, including non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, intimate partner violence, and stalking. The university also prohibits retaliation. As used throughout this policy “Prohibited Conduct” means any or all of the conduct prohibited by this policy.

V. DEFINITIONS
For purposes of this Policy, the following definitions will apply:

Reporting Party
A person who has been subjected to conduct that may constitute conduct prohibited by this policy.

**Responding Party**
A person who is alleged to have engaged in conduct prohibited by this policy.

**Third-party Reporter**
A person who reports to the university that another person has been subjected to conduct that may constitute conduct prohibited by this policy.

**Personal Supporter**
A person chosen by the Reporting Party or Responding Party to support and accompany him or her during the investigation and disciplinary procedures under this policy. The role of a Personal Supporter is further defined in this policy.

**Responsible Person**
Responsible persons include members of the faculty, administration, and other university employees, except those who are designated as a Confidential Resource in this policy. The term includes student Resident Assistants, but does not include other student employees. Responsible persons who receive a report of conduct that may constitute conduct prohibited by this policy are required to report the information to a Title IX Coordinator.

**Student Life Liaison**
A member of the residence life team who will be assigned to a Reporting Party or Responding Party. The Student Life Liaison will serve as the primary point of contact for questions regarding the status of a pending Title IX matter and support services available on campus and will regularly reach out to the parties to provide updates and inquire if they have any questions.

**Investigating Authority**
The person or entity responsible for conducting a fair and impartial investigation of alleged Prohibited Conduct under this policy. The Investigating Authority may be the Department of Public Safety, the Office of Human Resources, or another person or authority designated by a Title IX Coordinator to conduct the investigation.

**Hearing Officer**
The person responsible for conducting a hearing regarding alleged Prohibited Conduct under this policy and to make findings and determinations about whether a violation of this policy has occurred. The Hearing Officer may be a Title IX Coordinator or another person designated by the Title IX Coordinator to conduct the hearing.
Sex Discrimination
Unequal treatment on the basis of sex/gender that is sufficiently serious to unreasonably interfere with a person’s work or ability to participate in a university program or activity.

Sexual Harassment
Unwelcome verbal, written, or physical conduct based on sex/gender that has the purpose or effect of unreasonably interfering with an individual’s work or education (including living conditions) or that creates an intimidating, hostile, or offensive environment. It may consist of unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature when:
- Submission to such conduct is made explicitly or implicitly a term or condition of an individual’s employment or participation in an educational program or activity, or
- Submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting the individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or educational performance or of creating an intimidating, hostile, or offensive living, working, or learning environment.

Non-Consensual Sexual Contact
- Any intentional sexual touching,
- However slight,
- With any object or body part,
- By a person upon another person,
- Without consent and/or by force
- Other than sexual intercourse.

Sexual touching includes but is not limited to intentional contact with the breasts, buttock, groin, or genitals of another, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts.

Non-Consensual Sexual Intercourse
- Penetration,
- However slight,
- Of another person’s vagina or anus,
- With a penis or object,
- Without consent and/or by force.

Sexual Assault Sexual assault includes any non-consensual sexual contact or any non-consensual sexual intercourse.

Sexual Exploitation
Taking non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, which behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples include:
- Invasion of sexual privacy;
-Prostituting another person;
-Non-consensual digital, video or audio recording of nudity, sexual activity or sexting;
-Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
• Engaging in voyeurism;
• Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
• Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
• Intentionally or recklessly exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals;
• Sexually-based stalking and/or bullying

**Consent**
Knowing, voluntary, clear permission, by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. In order for consent to be valid, there must be a clear expression of words or actions that the other individual consented to that specific sexual conduct.

- Consent is active, not passive.
- Silence, in and of itself, cannot be interpreted as consent.
- Consent can be given by words or actions as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
- Consent cannot be given by someone who is incapacitated
  - Incapacitation can result from physical or mental disability, sleep, unconsciousness, involuntary restraint, duress, or the consumption of alcohol, drugs, or other substances.
  - Whether the respondent knew or should have known that an individual was incapacitated is based on the totality of the circumstances.
  - Possession, use and/or distribution of “date rape” drugs, including Rohypnol, Ketamine, GHB, and Burundanga, are prohibited.

**Force**
The use or threat of physical violence, including threats, intimidation (implied threats) or coercion that overcomes free will or resistance or that produces consent ("Have sex with me or I'll hit you."
"Okay, don't hit me; I'll do what you want.").

- Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- NOTE: There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent.

**Intimate Partner Violence**
Violence or abuse between those in a current or former intimate relationship to each other.

**Stalking**
A pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.
Retaliation
Any adverse action taken against a person for reporting an allegation, for supporting a reporting or responding party, or for assisting in providing information relevant to an allegation. Retaliation is considered a serious violation of this policy.

VI. REPORTING OF POTENTIAL POLICY VIOLATIONS
The university strongly encourages anyone who has experienced, witnessed, or has information pertaining to a potential violation of this policy to report the information to a Title IX Coordinator or to one of the Confidential Resources listed below.

All Responsible Persons who receive a report of a potential violation of this policy have a mandatory duty to share the report with a Title IX Coordinator unless the employee is a confidential resource listed in the “Confidential Reporting” section below. A Responsible Person’s failure to report potential violations to a Title IX Coordinator can result in disciplinary action against the employee.

Reports of potential violations must be made in good faith. Allegations made in bad faith, such as knowingly false allegations, may result in disciplinary action.

Amnesty For Alcohol or Drug Violations
Sometimes, people are hesitant to report to university officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking. It is vital that members of the campus community come forward to share information about potential violations of this policy. To encourage reporting, the university provides amnesty for certain drug and alcohol policy violations or other minor policy violations to persons who, in good faith, report conduct prohibited by this policy to the university or a law enforcement officer and to persons who, in good faith, participate in an investigation under this policy. Under this amnesty, the university will not impose disciplinary sanctions for that person’s own violations of university drug or alcohol policies or other minor policy violations, for conduct that occurred during or near the time of conduct prohibited under this policy, as long as the person’s conduct did not place the health or safety of another person at risk. While policy violations cannot be overlooked, the university will provide educational options, rather than punishment, to those who report conduct prohibited under this policy.
Confidential Resources and Supports
If a person who has experienced Prohibited Conduct or suspects that he/she has experienced Prohibited Conduct wishes to keep the information confidential, he or she may speak with the following Confidential Resources

- On-campus licensed professional counselors
  - Gerald Rooth – rooth@msmary.edu, 301-447-5003
  - Elizabeth Kellett – e.f.kellett@msmary.edu, 301-447-3429
  - Alesha Leonard – a.r.leonard@msmary.edu, 301-447-5002

- On-campus health service providers

- On-campus members of the clergy/chaplains working within the scope of their licensure or ordination
  - Rev. Martin Moran – m.o.moran@msmary.edu, 301-447-5223

- Off-campus:
  - Licensed professional counselors
  - Local rape crisis counselors
    - Heartly House, 24-hour hotline 301-662-8800
  - Domestic violence resources,
    - Heartly House, 24-hour hotline 301-662-8800
  - Local Clergy/Chaplains

All of the above university employees will maintain confidentiality except in cases of immediate threat to safety, or suspected abuse of a minor. Reports to Confidential Resources will not trigger an investigation under this policy.

Anonymous Reporting
Anonymous reports can be made by using the online reporting form posted at www.msnu.ethicspoint.com. Note that anonymous reports may trigger an investigation under this policy. Employees and Resident Assistants who receive a report of a potential violation of this policy are not permitted to use the anonymous reporting mechanism.

Reporting to Law Enforcement
A Reporting Party has the right to file criminal charges with an appropriate law enforcement agency. At the request of a Reporting Party, the university’s Department of Public Safety and/or a Title IX Coordinator will promptly assist the Reporting Party in contacting the appropriate law enforcement agencies. The following law enforcement agencies may have jurisdiction over incidents that occur on or near campus:
  - Frederick County Sheriff’s Office 301-600-1046
  - Maryland State Police 410-379-9700

A Reporting Party who wishes to seek medical attention may request cooperation and support of the Department of Public Safety, which will provide prompt cooperation in obtaining medical attention, including transport to either of the hospitals listed below.

  - Gettysburg Hospital, 147 Gettys St., Gettysburg, PA 17325
  - Frederick Memorial Hospital, 400 W. 7th St., Frederick MD 21701
  - Washington County Hospital, 251 E. Antietam St., Hagerstown, MD 21740.
The hospitals nearest to campus that are equipped with the Maryland Department of State Police Sexual Assault Evidence Collection Kit are Frederick Memorial Hospital and Washington County Hospital. Gettysburg Hospital is able to collect forensic evidence of a sexual assault.

**Civil Remedies**
 Individuals experiencing harassment or discrimination have the right to file a complaint with the United State Department of Education:

U.S. Department of Education
Office for Civil Rights (OCR)
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline: (800) 421-3481
Facsimile: (202) 453-6012
TDD: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

Individuals experiencing harassment or discrimination may have other civil remedies available to them and may wish to consult counsel regarding those remedies.

**VII. CONFIDENTIALITY AND PRIVACY**
Reporting parties may want to consider carefully whether they share personally identifiable details with Responsible Persons because Responsible Persons are required to share all reports with a Title IX Coordinator.

If a reporting party does not wish for his or her name to be shared, does not wish for an investigation to take place, and/or does not want a resolution to be pursued, the individual may make such a request to the Title IX Coordinator or Deputy Coordinator, who will evaluate that request in light of the university’s duty to protect members of the community and comply with Title IX. In cases indicating a pattern, predation, weapons, violence, or the threat of violence, the university likely will be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the university to honor that request, the university will still offer interim supports and remedies to the victim and the community, but will not otherwise pursue investigation or resolution of the complaint. The university will support the privacy concerns by limiting disclosures of information to those that the university determines, reasonably and in good faith, to be necessary to protect health and safety interests and implement this policy.

**VIII. RIGHTS OF REPORTING PARTY AND RESPONDING PARTY**
Any Reporting Party or Responding Party shall have the following rights:
- the right to be informed of their rights under this policy by receiving a copy of this policy via the university’s distribution and posting of this policy or by receiving a copy of this policy promptly after a report is made by or about the Reporting Party or Responding Party;
- the right to file criminal charges as set forth within this policy;
- the right to be free from retaliation, as set forth within this policy;
- the right to be treated with dignity, respect, and sensitivity by university officials during all phases of any proceedings undertaken pursuant to this policy;
- the right to have a personal supporter of the student’s choice, as set forth in this policy;
- the right to a fair and impartial investigation of reports of alleged Prohibited Conduct;
the right to prompt and equitable disciplinary procedures as set forth within this policy
the right to be heard and participate in proceedings undertaken pursuant to this policy, as set forth in this policy; and,
the right to appeal the outcome of proceedings under this policy, as set forth in this policy.

In addition to the rights above, a university student who is a Reporting Party or a Responding Party shall also have the following rights:
the right to seek counseling from the university’s professional counselors and/or the other Confidential Resources and Supports designated within this policy;
the right to request his/her own transfer to alternative classes or housing, where alternatives are available and feasible; and
the right to assistance by an attorney or an advocate in cases where sexual assault is alleged, as set forth in this policy.

The university is committed to ensuring that its resolution processes (e.g., investigation, hearing, appeal, etc.) are free from actual or perceived bias or conflicts of interest that would materially impact the outcome. Any party who feels that there is actual or perceived bias or conflict of interest that would materially impact the outcome may submit a written petition for the person’s removal from the process. The petition should include specifics as to the actual or perceived bias or conflict of interest and why the petitioner believes the bias or conflict could materially impact the outcome. Petitions should be submitted promptly to a Title IX Coordinator.

**IX. INTERIM MEASURES**

Upon receipt of a report of Prohibited Conduct, the university may take interim measures to address safety concerns and the emotional and physical well-being of the parties and the community while the investigation and disciplinary procedures are ongoing. The interim measures may include but are not limited to:

- Referral to counseling and health services
- Altering the housing situation of the reporting party or responding party
- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.
- University education to the community

The university may suspend a student or employee pending the completion of an investigation and resolution in order to protect the safety or well-being of any member(s) of the campus community. In all cases in which an interim suspension is imposed, the student or employee will be given the opportunity to meet with the university official imposing the interim suspension. Violation of an interim suspension under this policy is grounds for expulsion or termination.
During an interim suspension, a student or employee may be denied access to university housing and/or the university campus/facilities/events. This restriction may include classes and/or all other university activities or privileges for which the student/employee might otherwise be eligible. Alternative coursework/work options may be pursued to minimize the impact of an interim suspension.

Interim measures are offered on a case-by-case basis and designed to meet the needs of the individuals involved, considering the circumstances of the situation. The individuals involved may seek interim measures or seek a change in interim measures. A student has the right to request that his or her housing or courses be changed but does not have the right to insist that another student’s housing or courses be changed. The university may alter or withdraw interim measures as additional information is gathered. Interim measures are not based upon a finding of responsibility and are not an indication of a finding of fault.

X. INVESTIGATION PROCEDURES

This investigation process applies to any member of the university community (student, faculty, staff, administrator) who is alleged to have violated the university’s Title IX Policy on Sexual Harassment, Sexual Discrimination and Sexual Misconduct. Similar procedures, as determined by the Title IX Coordinator, will apply to alleged violations by third parties depending on the identity of such third parties and the circumstances. The university will provide the reporting party and the responding party with a written explanation of their rights and options during their respective initial meetings.

The university aims to resolve Title IX complaints within sixty (60) days, which timeframe can be extended as necessary for cause by a Title IX Coordinator with notice to the reporting party and the responding party. Investigations may take longer depending on their nature or complexity. The university’s process typically will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the university may undertake a short delay in its investigation or resolution process to comply with a law enforcement request for cooperation (e.g., to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The university will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete. A copy of the university’s Memorandum of Understanding with local sexual assault response organizations is on file with the Title IX Coordinator and may be viewed upon request.

All investigations will be fair and impartial and will include interviews of the Reporting Party, the Responding Party, and relevant witnesses, obtaining available evidence and identifying sources of expert information, if necessary. Witnesses are expected to cooperate with and participate in the university’s investigation. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone or videoconference, if they cannot be interviewed in person.

The Office of Human Resources is designated to investigate any reports that any employee, other than a student employee, has allegedly engaged in Prohibited Conduct. The Department of Public Safety (DPS) is designated to investigate any reports that a student has allegedly engage in Prohibited Conduct. A Title IX Coordinator may designate another person, including a thirty party, to
investigate reports of alleged Prohibited Conduct. For purposes of this Subsection of the policy, the Office of Human Resources, DPS, or any other person designated to investigate a report is referred to as the “Investigating Authority.” The Title IX Coordinator shall provide notice to the Reporting Party and the Responding Party that an investigation is being undertaken and the name and contact information of the Investigating Authority.

The Reporting Party and the Responding Party shall be interviewed separately by the Investigating Authority.

The Investigating Authority shall provide written notice to the Reporting Party of the date, time, and location of any interview(s) of the Reporting Party. The first such written notice shall include the website address where this policy is posted.

The Investigating Authority shall provide written notice to the Responding Party of the date, time, and location of any interview(s) of the Responding Party. The first such written notice shall include a website address where this policy is posted. Prior to interviewing the Responding Party about alleged Prohibited Conduct, the Investigating Authority shall provide written notice of the date, time and location of the alleged Prohibited Conduct (to the extent that that information has been provided to the Investigating Authority) and the range of potential sanctions associated with the alleged Prohibited Conduct.

Each party shall have the right to submit to the Investigating Authority a list of witnesses with information relevant to the investigation and specific questions that the party wishes to have the Investigating Authority pose to the other party. The Investigating Authority shall make a good faith effort to contact and interview witnesses identified by the parties who have information relevant to the alleged Prohibited Conduct and witnesses that the Investigating Authority believes may have relevant information. Witnesses solely as to an individual’s character will not be interviewed. The Reporting Party, Responding Party, and witnesses may submit documentary, digital, or physical evidence relevant to the investigation. The Investigating Authority shall request that persons interviewed submit written statements.

The Investigating Authority shall consolidate the information obtained via interviews, the written statements submitted, and the other evidence into a written investigation report. The Investigation Report shall include all contents of the Investigating Authority’s case file and a summary synthesizing the information gathered; it may include the Investigating Authority’s impressions of credibility.

Upon completing the Investigation Report, the Investigating Authority shall provide the report to the Deputy Title IX Coordinator. The Deputy Title IX Coordinator shall determine if any identifying information of the parties or witnesses must be redacted pursuant to FERPA or safety concerns. The Deputy Title IX Coordinator shall provide a copy to the Reporting Party and the Responding Party, upon their signing a document confirming the confidential nature of the report and the prohibition against unnecessary disclosure. The Reporting Party and Responding Party may submit, in writing to the Deputy Title IX Coordinator, any concerns that they have about the information in the Investigation Report and any information that is not included in the Report. Such submissions must be delivered to the Deputy Title IX Coordinator within five (5) days after a copy of the Investigation Report is provided.
The Deputy Title IX Coordinator may request that the Investigating Authority undertake further investigatory actions. After the investigation is complete, the Deputy Title IX Coordinator shall promptly forward the Investigation Report, including any submissions from the Reporting Party or the Responding Party after their review of the Investigation Report, to the Title IX Coordinator or designated hearing officer.

**XI. DISCIPLINARY PROCEDURES**

Except where a report is resolved through informal resolution procedures, as provided in this policy, allegations of Prohibited Conduct will be resolved through these Disciplinary Procedures.

**Formal Resolution Process for Reports of Misconduct by Students**

When the Investigation Report indicates that a policy violation may have occurred, the Title IX Coordinator will initiate a hearing. The Title IX Coordinator may sit as the hearing officer or may designate another university administrator, or a neutral, qualified, third party to sit as the hearing officer.

The hearing shall commence within ten (10) days after receipt of the Investigation Report, barring unusual circumstances. The hearing officer has the authority to hear all collateral misconduct, meaning that the officer may hear any additional alleged policy violations related to the Title IX allegations. At the request of either the Reporting Party or the Responding Party, the hearing will be held via telephone or videoconference or in another way that allows the Reporting Party and Responding Party to hear each other and the witnesses, if any, but does not require them to be in the physical presence of the other. Requests for accommodation of disabilities in the hearing process should be directed to the hearing officer in advance.

**Pre-Hearing Procedures**

At least five (5) days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the hearing officer will send a letter to the parties with the following information:

- A description of the alleged violation(s) and, a description of the applicable procedures;
- The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If a party does not appear at the scheduled hearing, the hearing will be held in his or her absence. For compelling reasons, the hearing officer may reschedule the hearing.
- Notification that the parties may have the assistance of an supporter at the hearing;
- If applicable, as set forth in this policy, notification of the parties' right to assistance of an attorney or advocate; and,
- The names of any witnesses, if any, that the hearing officer will call to attend the hearing.

Within two (2) days after issuance of the hearing officer’s notice, the Reporting Party and Responding Party shall submit to the hearing officer any request that the hearing be held in a manner that does not require the Reporting Party and the Responding Party to be in the physical presence of the other. At the same time, the Reporting Party and Responding Party may submit specific questions that they wish to have the hearing officer pose to the other.
### Hearing Procedures

The Reporting Party and Responding Party will have ample opportunity to present their testimony and evidence at the hearing. The parties may include evidence regarding how the alleged Prohibited Conduct has impacted them. The parties are not permitted to question each other directly or to cross-examine each other. During the hearing, the Reporting Party and Responding Party may request that the hearing officer pose specific questions to the other party. Unless the question seeks information that is irrelevant or has no proper purpose, the hearing officer shall pose the question to the other party.

### Prohibited Evidence

Character evidence, i.e. evidence that speaks solely to an individual’s character, is not permitted.

Evidence of a party’s prior sexual history with an individual other than a party to the proceedings is prohibited, except to (a) prove the source of an injury; (b) prove sexual misconduct; (c) support a claim that a party has an ulterior motive; or (d) impeach a party’s creditability after the party has put his or her own prior sexual conduct at issue.

Evidence of a party’s history of mental health counseling, treatment, or other diagnosis is prohibited, unless the party consents to the introduction of that evidence.

### Deliberation and Decisions

The hearing officer will deliberate in closed session to determine whether the Responding Party is responsible or not responsible for the policy violation(s) alleged. The hearing officer will base his or her determination(s) on a preponderance of the evidence (i.e., whether it is more likely than not that the responding party committed each alleged violation). The preponderance of the evidence standard of proof is the same as that which applies to the determination of all allegations of discrimination or harm to an individual.

Within 48 hours after the closing of the hearing, the hearing officer will prepare a preliminary written report setting forth the proposed findings of fact and conclusions and will provide the preliminary written report to the Reporting Party and Responding Party. Unless the hearing officer is the Title IX Coordinator, the preliminary written report shall also be provided to the Title IX Coordinator. Within 48 hours after issuance of the preliminary written report, the Reporting Party and Responding Party shall provide any written response that they have to the preliminary report to the hearing officer.

Promptly after review of the preliminary report and any responses submitted by the parties, the hearing officer shall issue simultaneous, written notice to the Reporting Party and the Responding Party of the final determination. If the hearing officer is not a Title IX Coordinator, the hearing officer shall provide a copy of the final determination to the Title IX Coordinator, who shall determine any sanction to be imposed. Notification of the final determination and sanction, if any, will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official university records; or emailed to the parties’ university-issued email account.

Where a violation is found, the university will act to end the discrimination, prevent its recurrence, and remedy its effects on the Reporting Party and the university community.
Records of all allegations, investigations, and resolutions of sex discrimination or sexual harassment matters, including sexual assault, intimate partner violence, and stalking, will be kept by the Title IX Coordinator in the electronic Title IX database.

**Sanctions**
For students who are found responsible for a violation of this policy, the potential sanctions include disciplinary actions as set forth in the Student Code of Conduct. For employees who are found responsible for a violation of this policy, the potential sanctions include any form of responsive action, or progressive discipline set forth in the employee handbook. Sanctions may be imposed individually, or a combination of sanctions may be imposed. The determination of sanctions is based upon a number of factors, including the nature of the Prohibited Conduct, the harm suffered by the Reporting Party, any ongoing risk posed by the Responding Party, the impact of the violation on the campus community, previous conduct violations, and any mitigating or aggravating circumstances. In cases where a Responding Party is found responsible for non-consensual sexual intercourse, non-consensual sexual contact, domestic violence, dating violence, or stalking, the potential sanctions include probation, residence hall separation (for students), campus restriction, suspension, expulsion (for students), and dismissal.

The Title IX Coordinator will meet with the University officials who will implement sanctions to ensure that sanctions imposed under the Title IX Policy are properly and fully enforced.

**XII. PARTICIPATION OF PERSONAL SUPPORTER**
The Reporting Party and Responding Party are entitled to a personal supporter to guide and accompany them throughout the investigation and disciplinary procedures.

The Reporting Party and Responding Party are entitled to be accompanied by their personal supporter in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. Personal supporters should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. Personal supporters may not present on behalf of their advisee in a meeting or hearing. Personal supporters may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their personal supporters should ask for breaks or step out of meetings to allow for private conversation. Personal supporters will typically be given a timely opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow personal supporters to clarify any questions they may have, and allows the university an opportunity to clarify the role of the personal supporter.

Personal supporters are expected to refrain from interference with the university investigation and resolution. Any personal supporter who violates these expectations will receive a warning. If the personal supporter continues to disrupt or otherwise fails to respect the limits of the personal supporter role, the personal supporter will be asked to leave the meeting. When a personal supporter is removed from a meeting, the meeting will typically continue without the personal supporter. Subsequently, the Title IX Coordinator or a deputy will determine whether the personal supporter may be reinstated, may be replaced by a different personal supporter, or whether the party will forfeit the right to a personal supporter for the remainder of the process.
The parties are responsible for sharing any documentation with their personal supporters. Personal supporters must maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the university. The university may seek to restrict the role of any personal supporter who does not respect the sensitive nature of the process or who fails to abide by the university’s privacy expectations.

The university expects personal supporters to adjust their schedule to allow them to attend meetings when scheduled. The university typically does not change scheduled meetings to accommodate a personal supporter’s inability to attend. The university will, however, make provisions to allow a personal supporter who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

The parties must advise the Investigating Authority of the identity of their personal supporter at least two (2) business days before the date of their first meeting in which the personal supporter will participate. The parties must provide subsequent timely notice to the Investigating Authority if they change personal supporters at any time. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with campus officials.

**XIII. ADDITIONAL STUDENT RIGHTS IN PROCEEDINGS ALLEGING SEXUAL ASSAULT**

The procedures in this section shall apply only when (1) a Reporting Party alleges conduct that, if proven, would constitute Sexual Assault and (2) the conduct is alleged to have occurred when either the Reporting Party or the Responding Party (or both) were enrolled as a student of the university.

**Right to Attorney/Advocate and Personal Supporter**

When these procedures apply, the Reporting Party and the Responding Party shall each have the following rights:

- the right to assistance of an attorney or an advocate throughout the investigation and disciplinary proceedings, including the attorney or advocate’s:
  - attendance at hearings, meetings, and interviews with the student;
  - private consultations with the student during hearing, meetings, and interviews, except during questioning of the student at a hearing; and
  - assistance with the student’s exercise of any right during the disciplinary proceedings;

- the presence of no more than two people, including a personal supporter of the student’s choice, an attorney, or an advocate, at any hearing, meeting or interview during the investigation and disciplinary proceedings.

Attorneys or advocates may not present on behalf of the student in a meeting or hearing. Attorneys or advocates may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their attorneys or advocates should ask for breaks or step out to allow for private conversation.

Attorneys or advocates are expected to refrain from interference with the university investigation and resolution. Any attorney or advocate who violates these expectations will
receive a warning. If the attorney or advocate continues to disrupt or otherwise fails to respect the limits of their role, the attorney or advocate will be asked to leave the meeting.

The parties are responsible for sharing any documentation with their attorneys or advocates. Attorneys or advocates must maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the university. The university may seek to restrict the role of any attorney or advocate who does not respect the sensitive nature of the process or who fails to abide by the university’s privacy expectations. The university expects attorneys or advocates to adjust their schedule to allow them to attend meetings and hearings when scheduled. The university will make provisions to allow an attorney or advocate who cannot attend in person to attend a meeting or hearing by telephone, video and/or virtual meeting technologies as may be convenient and available.

The parties must advise the Investigating Authority of the identity of their attorney or advocate at least two (2) business days before the date of their first meeting in which the attorney or advocate will participate. The parties must provide subsequent timely notice to the Investigating Authority if they change attorney or advocate. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with campus officials.

Unless a student waives the right to counsel, the Maryland Higher Education Commission (MHEC) shall pay reasonable costs and attorney’s fees for the Reporting Party and Responding Party as described in this paragraph. MHEC maintains a list of attorneys and legal services programs willing to represent students on a pro bono basis or at fees equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation. Prior to the conclusions of the Disciplinary Procedures, a Reporting Party or Responding Party may select an attorney from the list maintained by MHEC. If a student selects and retains an attorney who is not on the list maintained by MHEC, MHEC shall pay fees to the attorney selected by Reporting Party or Responding Party that are equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation. MHEC is not required to pay for representation in a criminal or civil matter.

Please visit the Maryland Higher Education Committee webpage for further information regarding Sexual Assault Proceedings and more information about legal representation:

https://mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings.aspx

When these procedures apply, the first written notice provided to the Responding Party and the Reporting Party by the Investigating Authority shall direct the recipient to the provisions of this policy regarding the student’s right to the assistance of an attorney or an advocate, the legal services organizations and referral services available to the student, and the student’s right to have a personal support of the student’s choice at any hearing, meeting, or interview. The university shall not discourage a Reporting Party or a Responding Party from retaining an attorney.
XIV. INFORMAL RESOLUTION PROCEDURES
The university will determine if Informal Resolution of a report is appropriate based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution. Informal Resolution will not be used unless the Reporting Party requests it and the Responding Party and the university agree to it. Informal Resolution will not be used if the alleged conduct involves sexual assault or sexual coercion.

In an Informal Resolution meeting, a trained administrator will facilitate a dialogue with the parties in an effort to achieve an informal resolution. At any time while the informal resolution process is ongoing, the Reporting Party, Responding Party, or university may end the informal resolution process and seek a formal resolution. Sanctions are not imposed as the result of an informal resolution process, although the parties may agree to appropriate remedies. The university will keep records of any resolution that is reached.

XV. APPEALS
A Reporting Party or Responding Party may appeal the decision and/or sanctions by filing an appeal in writing to a Title IX Coordinator within five days after the written decision is issued by the hearing officer. When a Title IX Coordinator serves as the hearing officer, any appeal shall be made to the other Title IX Coordinator. The ONLY grounds for appeal are as follows:

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

The Title IX Coordinator will first determine whether the appeal is timely and states appropriate grounds for appeal and may dismiss an untimely or improper appeal. If the appeal request is accepted, the Title IX Coordinator will share the appeal request with the other party, who may file a response. (The same process will be followed if both parties appeal.) The Title IX Coordinator will decide the appeal and send a letter of outcome to all parties. The Title IX Coordinator can:

1. Uphold the finding(s) and sanction(s);
2. Overturn the finding(s) and/or modify the sanction(s); or
3. Remand the matter to the hearing officer for further review.

If the appeal is remanded to the hearing officer for further review, the reconsideration of the hearing body is not appealable. In rare cases where a procedural error cannot be cured, the Title IX Coordinator may order a new hearing with a new hearing officer. The results of a new hearing can be appealed, once.

All sanctions imposed by the hearing officer will be in effect during the appeal. A request may be made to the Title IX Coordinator to delay implementation of the sanctions until the appeal is decided due to exigent circumstances. Graduation, study abroad, internships, etc., do NOT in and of themselves constitute exigent circumstances.
The Title IX Coordinator typically will render a written decision on the appeal to all parties within five (5) business days from hearing of the appeal. The Title IX Coordinator’s decision to deny an appeal is final.

**XVI. RETALIATION**
Neither the university nor any student or employee may engage in retaliation against any person because of their participation in the reporting, investigation, or disciplinary proceedings under this policy. Retaliation includes acts or statements made against a person based upon their good faith participation in an activity under this policy. Retaliation may be found even when an underlying report made pursuant to this policy was not substantiated.

**XVII. POSTING AND DISTRIBUTION OF THIS POLICY**
This policy shall be posted in the Dean of Students Office, the Office of Human Resources, the Department of Public Safety, the Counseling Center, and the Center for Campus Ministry. This policy shall be posted on the university’s website and distributed electronically, at least once per year, to all students and employees via their campus email.