

Graduate Programs in Software IT & IS Student Handbook

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University of St. Thomas Mission, Vision and Convictions Statement

Preface

Founded in 1885, the University of St. Thomas is a Catholic, diocesan university based in the Twin Cities of St. Paul and Minneapolis. The largest private university in Minnesota, St. Thomas offers bachelor's degrees in over 85 major fields of study and more than 45 graduate degree programs including master's, education specialist, juris doctor and doctorates.

Mission

Inspired by Catholic intellectual tradition, the University of St. Thomas educates students to be morally responsible leaders who think critically, act wisely and work skillfully to advance the common good.

Vision

We seek to be a recognized leader in Catholic higher education that excels in effective teaching, active learning, scholarly research and responsible engagement with the local community as well as with the national and global communities in which we live.

Convictions

As a community we are committed to:

Pursuit of truth

We value intellectual inquiry as a life-long habit, the unfettered and impartial pursuit of truth in all its forms, the integration of knowledge across disciplines, and the imaginative and creative exploration of new ideas.

Academic excellence

We create a culture among faculty, students and staff that recognizes the power of ideas and rewards rigorous thinking.

Faith and reason

We actively engage Catholic intellectual tradition, which values the fundamental compatibility of faith and reason and fosters meaningful dialogue directed toward the flourishing of human culture.

Dignity

We respect the dignity of each person and value the unique contributions that each brings to the greater mosaic of the university community.

Diversity

We strive to create a vibrant diverse community in which, together, we work for a more just and inclusive society.

Personal attention

We foster a caring culture that supports the well-being of each member.

Gratitude

We celebrate the achievements of all members of our community in goals attained and obstacles overcome, and in all things give praise to God.

Graduate Programs in Software, IT & IS Mission Statement

Graduate Programs in Software, IT & IS (GPS) is committed to providing a high-quality graduate education that expands, strengthens, and converts technical expertise, knowledge, understanding, skill and insights about state-of-the-art software technologies into workplace solutions. Each degree and certificate program educates students with a balanced emphasis on theoretical concepts and practical applications of software technologies.

The graduate program is structured to build on the experiences of the professional:

- To enrich the lives of its students and their community.
- To enhance the economic health of the global environment.
- To support the overall mission of the University of St. Thomas.

GPS's mission includes providing opportunities for lifelong learning through advanced graduate education and professional development enhancement offerings on current and future software technologies.

The overall goals and philosophy of GPS are:

- To provide programs to prepare the student to meet the dynamic demands for developing quality software in their organization.
- To provide professional graduate education for career advancement or career change in software engineering.
- To provide professional graduate education in software development methodologies and technologies for users in education, government, marketing, business, law, medicine and manufacturing.
- To provide professional graduate education that couples theoretical knowledge with solving "real world" problems.
- To provide professional graduate education that leads the student and her/his organization into the use of current and future software technologies.
- To provide a learning environment where students become aware of the ethical, legal, moral and human issues of the Digital Age.
- To provide an environment that encourages lifelong learning.
- To provide timely and state-of-the-art continuing education opportunities in the field of technology for the software professional.

Disciplinary Rights and Procedures for Academic Matters of the GPS Department

The director of Graduate Programs in Software, IT & IS is responsible for maintaining the academic integrity of the department. A student charged with cheating, plagiarism or some other form of academic dishonesty will be dealt with in accordance with the following procedures.

1. In cases of cheating, plagiarism and other dishonest conduct related to academic course work, the instructor will impose a minimum sanction of failure for the work involved. The instructor will inform the student and the GPS Director in writing of: 1) the nature of the offense; 2) the penalty imposed within the course; and 3) the recommendation of the instructor as to whether further disciplinary action by the director is warranted. If the instructor or director determines that further disciplinary action is warranted, a disciplinary hearing shall be commenced at the request of either the instructor or director. If there is a previous offense of this nature on the student's record, a hearing is mandatory.
2. The hearing to determine whether or not further disciplinary action against a student charged with academic misconduct is warranted shall be initiated by the director of the program (or designee) by means of written notification. The notice shall specify the rule(s) alleged to have been violated and shall fairly inform the student of the reported circumstances of the allegedly wrongful conduct. The notice shall require the student to appear in the office of the director of the program (or designee) on or before a specified time and date to discuss the alleged violations. The faculty member making the charges shall be present at this hearing. The student may elect to have another full-time faculty member of his or her choice present at the hearing. The student has the right (under normal circumstances) to three days' written notification prior to a hearing of a case.
3. During the hearing, all alleged facts shall be presented as fully as possible. The student may, but need not, make responses and explanations. Charged students may present witnesses to the incident, documentation, or other evidence on their behalf. The director of the program (or designee) may call witnesses to the incident, present documentation and be advised by counsel (where appropriate).
4. If the director of the program (or designee) determines that further disciplinary sanctions is not warranted, the case is dismissed.
5. If the director of the program (or designee) is satisfied that the violation warrants sanction, a penalty shall be imposed by means of written notification. The student, by such notice, will be offered the choice of either consenting to the determination and the proposed penalty or of requesting an appeal before the Appeals Committee.
6. Appeal: Should a student desire an appeal hearing before the Committee on Discipline, the student must send written notice to the chair of the Committee within seven days of the date of the administrative decision letter which notifies the student of the violation and penalty. If no written request is received by the chair of the committee within the time specified, the penalty shall be imposed and the action shall be considered final. If a written request of the appeal is received within the time specified, the procedures of the Committee on Discipline shall be commenced. The Committee shall have the authority to investigate the facts of the particular case which has been appealed and may:
 1. affirm the original decision and sanction;
 2. affirm the original decision and reduce or increase the original sanction;
 3. reverse the original decision; or
 4. disallow the original decision and order a new hearing by the dean of the college or designee.

Committee on Discipline and Grievance Committee for Academic Matters

This committee shall consist of five faculty members, two administrators and four students. The Dean of Student Life (or any designated hearing officers) shall not be a member of the committee. The five faculty members shall be chosen in accordance with the Faculty Organizational Plan, except that the terms of office shall commence on June 1. The four students members of the committee shall be chosen for terms of one year, commencing May 1, in a manner designated by the All College Council. The two administrators shall be appointed for terms of two years, commencing on May 1, by the president of the university. In the case of vacancies, each of the above groups shall determine its own method of filling the unexpired terms. The committee shall elect a chair annually from among the committee's faculty members. It shall be the chair's duty to select, from among the members of the committee, a five member hearing panel for each disciplinary case. Each such special hearing panel shall consist of two faculty members, one administrator, and two students. The chair shall arrange for the meetings of each such panel, preside at these meetings, and see that the accused student is given a fair and impartial hearing. The chair may take part in the questioning and discussion, but shall not have a vote. The chair shall appoint, from among the committee's faculty members, a vice-chair who may take over a chair of a special hearing panel. In this case, the vice-chair must preside at all meetings of that panel. No meeting of a special panel shall be held unless the chair (or vice-chair) and all five voting panel members are present in person and not by substitute. If this proves impossible, a new panel shall be selected to hear the case again from the beginning.

Except as otherwise expressly provided herein or as otherwise provided in the document titled Committee on Discipline Procedures, the meetings of the special hearing panels shall be closed unless the chair (or vice-chair) decides otherwise.

The chair of the Committee on Discipline shall maintain a set of continuing records of all cases considered by the special hearing panels. These shall be available to faculty and administration.

The Committee on Discipline through the chair may require witnesses to appear before the committee to present evidence on cases when the committee deems it appropriate.

The Grievance Committee

This is a committee of the university which is available to insure students' rights. The committee is composed of three faculty members, three students, three administrators and graduate faculty. Annually, one of the faculty members is elected as chair. Each panel selected to hear an individual case will consist of one student member, one administrator member, one faculty member and the chair, who is non-voting, who will preside at meetings and who will see that parties involved are given a fair and impartial hearing. The chair may take part in the questioning and discussion. Once a panel has been selected all of those voting members plus the chair must be present in person to hear the case.

UST Disciplinary Rights and Procedures -Non-Academic

The Dean of Students is responsible for the enforcement of the Code of Conduct of the University of St. Thomas (University). The Dean has wide latitude and discretion within the University judicial system to take action deemed appropriate for any given case. Students charged with violating the University's Code of Conduct will be afforded a hearing in accordance with the following procedures.

(These procedures exclude those outlined in the Sexual Violence and Sexual Harassment Policies, which appear elsewhere in the online policy book.)

Fundamental Fairness

Notice and the Opportunity to be Heard

The goal of the University Judicial System is the same as that of the University; it is dedicated to the moral and intellectual development of our students. The judicial system is part of a private institution of higher education. It is not the civil or criminal justice system. The University System of Discipline is designed to assure fundamental fairness – that every student will be given the opportunity to know of any violation of the rules of conduct for which they have been charged and the opportunity to have their response to those charges heard.

Notice and Hearing: The basic requirements for due process within the University Judicial System are Notice and Hearing:

Students shall receive notice of their violations and the right to have those violations heard by an individual hearing officer or a hearing board. Notice, whenever possible shall be in writing. This writing may consist of email transmission through the University network and/or written correspondence through the campus mail. Personal contact or phone contact is acceptable provided that it is documented. A university student charged with a violation of the University Code of Conduct shall be allowed to review with a judicial officer, the written report on which the charges against them are based. A university hearing officer shall document any meeting with a student charged with a code violation. Documentation of such a meeting to review alleged code violations shall be considered adequate evidence that a student has received notice of the violations against them.

Hearings for the vast majority of student conduct violations shall be of an informal nature and will for all intents and purposes, resemble an interview. Such meetings with judicial officers are meant to discuss responsibility and appropriate sanctions should the student charged be found responsible for the conduct violation(s) alleged. Such interviews are not tape-recorded and any decision may be appealed to a University Hearing Board. A sanction letter will be issued from any hearing where a student has been found responsible for a University code violation.

Standard of Proof: A preponderance of the evidence

The standard of proof for holding a student responsible for the code violation(s) alleged is a preponderance of the evidence. A preponderance of the evidence means, that upon weighing the evidence, a judicial officer or hearing board believes it is more likely than not that the student is responsible for the violation(s) alleged.

Fundamental Fairness

Notice and the Opportunity to be Heard

The judicial process is designed to be fundamentally fair. It is also designed to be flexible and efficient in order to achieve timely resolution to all allegations of misconduct. The structures, policies and procedures set forth below, are intended to achieve these goals. The Dean of Student Life reserves the right to establish and make adjustment to any rule or guideline in a given case.

I. University Judicial Authority:

The First Level of Judicial Authority – Judicial Officers

In a majority of cases, a judicial officer will be the university official designated to review an allegation that a St. Thomas student has violated the Rules of Conduct. Judicial officers will make inquiry into the merits of the allegations presented and may make a determination of responsibility and issue appropriate sanctions. A judicial officer may determine that an allegation has no merit and dismiss charges. A judicial officer may determine that the matter should be referred to a hearing board. All decisions made by a judicial officer are vested with the formal disciplinary authority of the university. All decisions made by a judicial officer may be appealed to a hearing board.

Judicial Officer - Definition:

The term “Judicial Officer” means a university official, authorized on a case by case basis by the Dean of Student Life Office, to investigate violations of university rules and policy, to make findings of fact and to impose sanctions.

Coordinating Judicial Officer (CJO):

The Coordinating Judicial Officer for the University is the Assistant Dean for Student Life. The Coordinating Judicial Officer shall:

- Determine the composition of hearing boards.
- Determine upon referral from public safety and/or residence life, which cases may or should be referred to a hearing board for the initial hearing.
- Serve as an advisor to hearing boards and work in conjunction with the chair.
- Advise and serve as counselor, administrator and observer to the Discipline Committee.
- Develop policies for the administration of the judicial program and procedural rules for the conduct of hearings that are not consistent with provisions of The Student Policy Book.
- Develop and institute appropriate training for judicial officers and other university personnel involved in the disciplinary process.
- Act as an informational liaison to the department of public safety, residence life and the university neighborhood liaison with regard to judicial matters and student violations of university policy and/or state law.
- Review and oversee the university judicial process.

The Dean of Student Life also authorizes the following personnel to act as judicial officers in their capacity as university officials responsible for enforcement and adjudication of violations of the university Rules of Conduct:

- Residence Life Staff
- Other university personnel as deemed necessary and appropriate

Judicial Officer – Role & Duties:

A judicial officer is a University official who is designated to have original jurisdiction in most matters involving student conduct violations. A judicial officer is vested with broad and flexible authority to gather information and is empowered to make decisions regarding the disposition of alleged student code violations.

Hearings before judicial officers are of an informal nature with the intent of achieving a quick and fair resolution to the issue of responsibility and subsequent sanctions if appropriate. Hearings with judicial officers most resemble an interview. They are documented but are not audio recorded unless requested by the student or the officer. All decisions rendered by judicial officers carry the full weight and authority of the university. They are documented and placed in the student's file.

All judicial officers are vested by the university with the power and authority to:

- Follow up on the initial investigation into incidents involving violation(s) of university policy.
- Make findings of fact and determinations of responsibility for violation(s) of university policy.
- Issue sanctions upon completion of an investigation and a finding that a student is responsible for a violation of the rules of conduct.
- Refer any student conduct matter to a hearing board through the Coordinating Judicial Officer.

All decisions made by a judicial officer may be appealed to a University Hearing Board. Forms for appeal of a decision by a judicial officer can be found in the Dean of Student Life Office or the Residence Life Office, and are discussed in detail in the section on appeals.

Upon the receipt of written charges of misconduct and after review of the written charges, the CJO, in consultation with the lead judicial officer for Residence Life, will make a determination of whether the hearing will be heard by an officer or a hearing board. Judicial officers will adjudicate the majority of cases. In cases where the gravity or complexity of a given situation require it, a hearing board will be given original jurisdiction to hear the matter for the first time.

Except in cases of conflict of interest or cases where placing a particular judicial officer on a particular board would be unfair or prejudicial, judicial officers are authorized to act as full voting members of hearing boards to which they are appointed.

The Second Level of Judicial Authority – University Hearing Boards

University Hearing Boards serve a dual purpose. In some cases, a hearing board will act as an appeals board to review decisions made by a judicial officer. In general, when the board hears an appeal, it will not review the facts of the case but only the decision of the judicial officer based on the standard of appeal to a hearing board as set forth below.

In some cases, a University Hearing Board may be convened to act as a trial court to make determination of facts, assign responsibility and issue sanctions. It is anticipated that the board will act in this manner only in select cases involving conduct where the violations alleged give rise to potentially severe consequences. The coordinating judicial officer in conjunction with other designees of the Dean of Student Life shall make this determination.

University Hearing Boards – Role and Duties

The University Hearing Board, acting as a designee of the Dean of Student Life, shall have the authority to hear cases of alleged misconduct and impose appropriate sanctions subject to review and approval of the Dean of Student Life. Boards will consist of 3-5 members made up of faculty, staff and students including a chairperson.

Chairpersons

There will be a pool of trained chairpersons. The chairperson will be responsible for the organization and the conducting of the hearing, the recording and maintenance of an audiotape of the hearing, and the issuance of the decision to the accused student. The chairperson will participate in the deliberation of the committee and work to bring consensus. If a vote is necessary, the chair will only vote in the case of a tie.

Appointments/Selection of University Hearing Board Members

Terms of university hearing board members typically begin the first week of the fall semester, and continue for one year with the possibility of reappointment. *Some members may not be available during the normal transition time of fall semester or summer months, however appointments will include summer months to allow the university hearing board to be used throughout the year.

Student members will be chosen by a selection process overseen by the Dean of Student Life with members approved by the All College Council (ACC) elections and credentials committee. Students must have a minimum of a 2.25 GPA and not be on academic or disciplinary probation. Executive board members of the All College Council, the Residence Hall staff, or any voting member of the ACC general council will not be eligible for selection to the University Hearing Board.

Staff members will be recruited by the Dean of Student Life and approved by the Vice President of their division. Faculty members will be appointed by the Dean of the College of Arts and Sciences and/or appointed by the faculty governance process.

University Hearing Boards will have full decision-making authority with regard to all non-academic disciplinary violations and sanctions, subject to review and approval of the Dean of Student Life. *All attempts will be made to convene a hearing board of faculty, staff and students the first few weeks of fall or summer months. A hearing board will be made up of trained designees of the Dean of Student Life Office.

The Third Level of Judicial Authority – The Discipline Committee

The University Discipline Committee is the highest level of appeal in the University Judicial Process. Appeals to the Discipline Committee are not automatic. All appeals to the Discipline Committee will be reviewed by the Dean of Student Life to assure that there are legitimate grounds for an appeal. If, in the

sole discretion of the Dean of Student Life, the appeal is allowed to go forward, the determination by the Discipline Committee is final. There are no further judicial appeals from the Discipline Committee. The chairperson and faculty chosen to serve on the Discipline Committee are selected in accordance with the Faculty Organization Plan. It is a hearing body that is integrally related to the Office of the Dean of Student Life, but is autonomous. The CJO is the liaison between the Dean's office and the committee.

Executive Authority

The Vice President for Student Affairs is the university officer designated by and vested with the executive power and authority of the university to intervene in any matter involving student conduct. The Dean of Student Life also has executive authority subject to that of the Vice President for Student Affairs. The Dean reserves the right to establish and make adjustment to any rule or guideline in a given case.

II. Rules of Conduct

1. Actions which violate the human rights of any student or member of the University community; use of or threatened use of physical force or violence to restrict the freedom of action or movement of another, or to endanger the physical health, psychological health or safety of any person, including oneself.
2. Conduct, on or off campus, that is detrimental to the good of the University or which discredits the university. Such conduct off campus includes, but is not limited to hosting house parties and/or student behaviors that are disruptive to the community and violate laws. Conduct on campus includes, but is not limited to behavior disruptive to a residence hall community as detailed in the Resident Student Handbook; behavior or language disrespectful of university employees or students; interference with faculty, administrators, security officers or staff.
3. Misrepresentation and/or academic dishonesty such as: cheating and plagiarism; knowingly furnishing false information or identification; and fraud, forgery, alteration or unauthorized use of university documents, records, identification or property.*
4. Unauthorized taking or possession of university property, services or the property or services of others.
5. Intentional damage to or destruction of university property or the property of others on University premises (including vandalism or tampering with fire alarms or extinguishers). This includes damage for acts of gross negligence.
6. Underage use or possession of alcohol, distribution of alcohol to underage persons, excessive consumption of alcoholic beverages which results in irresponsible behavior, continued excessive drinking in and of itself, or the possession of alcoholic beverages or beverage containers on university property contrary to law or university regulations.
7. Possession, use, or trafficking of illegal drugs and/or drug paraphernalia.
8. The possession or use of explosives, fireworks, firearms, knives, ammunition, other dangerous weapons or materials on university property.
9. Gambling on university premises.
10. Failure to comply with the directive of University officials and their authorized agents acting in the performance of their duties; failure to appear before the Dean of Student Life, designee** or the Discipline Committee when properly notified to do so as either student charged in a discipline case or as a witness.
11. Students, when on campus, must be able to produce identification, usually a St. Thomas ID card, when requested to do so by any official representative of the university including security, resident assistants, dining hall authorities, library personnel, et al.
12. Violations of federal, state, city laws/ordinances: Should an act violate both university regulations and public law, the student is subject to dual jurisdiction.

Notice: Students are responsible for the actions of their guests.

* Misrepresentation related to academic services or offices will be adjudicated by the Dean of the College of Arts and Sciences or designee. Misrepresentation related to nonacademic services or offices will be heard by the Dean of Student Life or designee.

** Designee may include individuals of the Dean of Student Life staff given the responsibility of adjudicating discipline cases or the University Hearing Board.

*** All decisions made by the designees of the Dean of Student Life are subject to review and approval by the Dean of Student Life.

For violations of the Rules of Conduct concerning study-abroad situations, please see The Disciplinary Rights and Responsibilities for Study-Abroad Programs Academic and Non-Academic.

III. Charges:

Violations of the Rules of Conduct will normally be addressed according to the following sequence: The first step in the judicial process is the submission of a written report of misconduct to a judicial officer. Upon review of the written report by a judicial officer, appropriate charges of misconduct will be issued. Any incident should be reported and submitted as soon as possible after the incident, preferably within three working days.

The written report on which the charges are based should include the following:

- a. The date, time and location of the incident;
- b. The name(s) of the individual(s) involved;
- c. Specific factual details of the incident.

IV. Investigation:

The judicial officer will review the report and charges alleged and, if necessary, make further investigation into the circumstances surrounding the alleged violation of university rules or policies. The judicial officer will meet with the student(s) involved to inform them of their rights and the nature of the charges against them. The judicial officer will also interview them for any further information regarding the incident. This meeting may be considered a hearing if no further investigation is necessary.

The judicial officer will also interview any other University students, staff or interested third party necessary to make an accurate finding of fact and determination of responsibility.

The officer may at this time determine that:

1. The information in the charge contains facts that rise to the level of a conduct violation and will be adjudicated by that officer.
2. The information in the charge does not contain facts that rise to the level of a conduct violation and are therefore dismissed.
3. This matter needs to be referred to the Coordinating Judicial Officer (CJO) for a hearing before a board.
4. The matter needs further investigation.

The judicial officer may, at any time during the course of this investigation, formally present the student with charges of student misconduct along with an Indication of Plea Form.

V. Notification of Charges:

It is anticipated that in most cases involving a code violation, the student will be contacted by and directed to meet with, the judicial officer reviewing the incident. During the initial meeting, which is to be considered a hearing, the student will be informed of the specifics of the charges as described above and contained in the written incident report. In those cases, a formal charge letter is unnecessary provided the judicial officer properly documents his or her efforts to contact the student. Appearing at a hearing with a judicial officer to review charges contained in an incident report is evidence of satisfactory notice.

Either during or upon completion of the investigation, the judicial officer shall give the student formal notice of the charges contained in the Indication of Plea form. The student will also receive a Notice of Rights form, indicating that they have received notice of the violations alleged and refers them to the online Student Policy Book.

In cases where circumstances dictate and/or the student cannot be reached through the normal channels as described above, a formal and detailed charge letter will be delivered to the student by other means such as personal delivery or certified mail. Such a formal charge letter will outline with specificity the facts of the alleged violations and will direct the student(s) to appear before the judicial officer at an appointed date and time.

VI. Hearing Before a Judicial Officer and Hearing Boards

Hearings Before a Judicial Officer

Hearings with judicial officers, while carrying formal consequences, are of an informal nature. A hearing may be defined as any time a judicial officer is discussing the investigation or adjudication of a student conduct incident with a student who has been directed to meet with that judicial officer regarding that incident. One or more judicial officers may be present at a hearing.

At the hearing, the student will be given an Indication of Plea form and a Notice of Rights form. The student will read and sign the Notice of Rights form at the hearing. The student may choose to wait the allotted three working days to return the signed and completed Indication of Plea form. Failure to return the completed and signed Indication of Plea form will result in a determination of responsibility and sanctions will ensue. The student may also choose to further discuss the issues of responsibility and sanctions with the judicial officer to come to a resolution of the incident.

Hearings before a judicial officer are meant to be non-adversarial. They are designed to inform students of alleged code violations, and also to educate students and answer any questions about the University Judicial System and their rights under that system. The purpose of hearings before a judicial officer is a quick and fair resolution to the incident.

At the hearing, or after the student has completed and returned the Indication of Plea, the matter may take one of the following paths:

1. The charges against the student are dismissed or the student is found not responsible and the incident is removed from their university record.
2. The student takes responsibility for the code violation. If so, then the judicial officer will issue sanctions. They may issue the sanctions in that meeting or within the next five working days.
3. The judicial officer makes a determination of responsibility with which the student disagrees. In this case the matter may be appealed in writing to the CJO within three working days (See section on Appeals).
4. The student takes responsibility for the code violation but disagrees with the sanctions issued. In such cases the student may appeal the officer's decision to the CJO within the next three working days. (See section on Appeals).

In all the above cases except #1, the judicial officer will write an official closing letter indicating the status of the charges and the sanctions. This letter will be placed in the student's disciplinary file.

Hearings Before a University Hearing Board

Situations involving misconduct arise where circumstances create matters of a serious nature. Such matters require the authority and formality of a University Hearing Board. Examples of such situations are listed below:

1. Cases involving violence.
2. Cases involving the sale or distribution of illegal drugs.
3. Cases involving personal injury or acts of extreme negligence.
4. Fact situations that may also be adjudicated by civil or criminal authority.
5. Situations involving students who have had multiple adjudicated violations.
6. Cases that have been forwarded to a hearing board by the original investigating judicial officer through the CJO in the Dean of Student Life Office.

The above list is not meant to be exhaustive, but demonstrative of situations where a University Hearing Board will convene to hear a case for the first time. In such cases it is empowered to hear the case and make final disposition with regard to responsibility and sanctions.

VII. Issuance of Decision:

Decisions made by a Judicial Officer

It is anticipated that in most cases involving student misconduct, the judicial officer and the student involved in the prohibited conduct will discuss the case and subsequent sanctions if found responsible.

Through the notification, investigation and informal hearing process, the student and the judicial officer will come to a mutual understanding about responsibility and subsequent sanctions. In all cases where a student has been found responsible by a preponderance of the evidence, a closing letter, a sanction letter or some other documentation based on the judicial officer's determination will be issued to the student and placed in their file. The judicial officer will issue a decision within five working days of the hearing/meeting.

A student who fails to return the Indication of Plea form, will be adjudicated as responsible for the code violations alleged. The judicial officer will issue a sanction within five days of the deadline set by the judicial officer for the return of the form.

If the student disagrees with any decision made by a judicial officer, they may file an appeal, in writing, to the CJO in the office of the Dean of Student Life within three working days. (See the section on Appeals).

Decisions made by a University Hearing Board

In cases heard by a University Hearing Board, decisions will be rendered by a majority vote of all voting members of the hearing board.

If, based on the preponderance of evidence, the hearing board is satisfied that the violation occurred as alleged, a proper response shall be considered. The hearing board will review the student's discipline file to consider prior violations of the rules of conduct, and will take prior violations into consideration in determining an appropriate sanction.

The decision of the hearing board shall be put in writing, and shall be signed by the board chair. A copy of the decision, including information regarding appeal, shall be provided to the student. By such notice, the student will be offered the choice of either consenting to the determination and the proposed sanction or may request an appeal. Decisions will be communicated to the student in person or by sending it to their permanent address during January and summer terms.

The results of any hearings cannot be reported to the general public and press. Only the accused and necessary administration personnel/offices will be notified of decisions. In cases involving a victim(s), they will be notified of the decisions.

Study-abroad cases are exempt from Dean of Student Life review.

VIII. Appeals:

If the student disagrees with the determination of responsibility by either a judicial officer or a university hearing board, or the level of sanctions imposed, the student may appeal the decision. In all cases, appeals must be made in writing and must outline the grounds for appeal as described below. The appeal must be received in the Dean of Student Life Office within three working days of the decision.

Appeal of a judicial officer's determination is to a University Hearing Board. Appeal of a hearing board determination is to the Discipline Committee.

Grounds for Appeal of a Decision by a Judicial Officer or Hearing Board:

1. That the decision was made contrary to existing University policy.
2. That information used to reach a decision was incomplete and/or inaccurate.
3. That circumstances beyond the control of the student kept the student from responding to the allegations in a timely manner.
4. That there was substantial evidence that a violation of the appropriate disciplinary procedures occurred.
5. That the decision of the judicial officer or hearing board was not based on a preponderance of the evidence. In such cases, the burden of proof shifts to the student.
6. That the sanctions imposed are manifestly unfair and bear no rational relation to the conduct alleged, based on the incident at hand and the student's prior discipline record, if any.

University Hearing Board as an Appeals Board:

A University Hearing Board will act in the capacity of an appeals board where it is asked to review

decisions made by judicial officers. Such appeals have been made through the dean's office, usually through the CJO. Students have the right to appeal any decision made by a judicial officer regarding violations and/or sanctions. The hearing board will rehear the case following disciplinary hearing procedures and may:

- a. Affirm the original decision and sanction;
 - b. Affirm the original decision and reduce or increase the original sanction;
 - c. Reverse the original decision and drop all charges;
 - d. Reverse the original decision and order a new hearing by the Dean of Student Life, or their designees.
- In situations where a judicial officer's decision has been appealed, it will first be referred to the CJO. The CJO will meet with the student(s) to discuss the appeal. This can be thought of as one more chance to clarify questions and attempt to resolve any issues regarding the issue of responsibility and/or sanctions. If this is unsuccessful, the CJO will convene a University Hearing Board. Appeals of a decision made by a hearing board will be referred to the Discipline Committee.

Discipline Committee

The Discipline Committee will act in the capacity of an appeals board that will review decisions made by a University Hearing Board. The Discipline Committee is the highest level of judicial appeal.

While the Discipline Committee is autonomous of the Office of the Dean of Student Life, all appeals to the Discipline Committee will be reviewed and approved by the Dean of Student Life. If referred, the Discipline Committee will consider the basis for appeal and may respond in the following ways:

1. If the appeal is made for noncompliance with disciplinary procedures, the Discipline Committee will not rehear the case, but will consider evidence of a violation of procedures. Should such a violation of procedures be determined, a new hearing of the case will be ordered. At this time, the student again will be given a choice of hearing bodies (judicial officer or the hearing board) to hear the case.
2. If the appeal is made for disagreement with the decision of the hearing body and/or the appropriateness/fairness of sanction(s) imposed, the Discipline Committee will rehear the case following disciplinary hearing procedures and may:
 - a. Affirm the original decision and sanction;
 - b. Affirm the original decision and reduce or increase the original sanction;
 - c. Reverse the original decision and drop all charges;
 - d. Reverse the original decision and order a new hearing by the Dean of Student Life, or their designees.

IX. Sanctions:

The scope of disciplinary penalties that may be imposed on a student found responsible for violating the Rules of Conduct of the University of St. Thomas are as follows:

Expulsion: This action is the permanent removal of a student from the university community. Apart from civil or criminal sanctions, expulsion is the most severe penalty the university can employ.

Suspension: This action is the temporary removal of the student from the university community for a specific period of time. In no case shall the period of suspension be less than the balance of the semester during which the hearings take place. Suspension may be immediate or delayed to a future academic term.

Interim Suspension: Interim suspension is an executive decision made by the Dean of Student Life or the Dean's designee and may be appealed only to the Vice President for Student Affairs. Interim suspension is an immediate change in a student's status that denies a student access to the residence halls and/or the university pending a hearing on the incident for which the student has been suspended.

Interim suspension may be imposed: a) In situations involving the safety and well-being of members of the university community or preservation of University property; b) to ensure the student's own physical or emotional safety and well-being; c) if the student poses a definite threat of disruption of normal operations of the University; or d) because the severity of the offense alleged will likely result in suspension or expulsion from a residence hall or the University.

Residence Hall Status:

Removal and Cancellation of Housing Contract: This action is not permanent, but is a strong statement that a student's conduct has been so detrimental to the residence hall community that their housing contract for that academic year has been canceled. A student whose contract has been canceled will be allowed to reapply for housing in the future, but will lose their priority to apply for such housing, as they are no longer a residential student. A student whose contract has been canceled may enter the residence halls as a guest, provided that student is not currently on conduct probation. A student who enters the residence halls after being removed while on conduct probation is subject to suspension or permanent removal from the residence halls.

Suspension from University Residence Halls: A student who has been suspended from University housing will cause the Dean of Student Life to retain their disciplinary file indefinitely. A student who has been suspended from University housing is not allowed to enter a University residence hall for any reason during the period of their suspension. Violation of the terms of residence hall suspension may lead to expulsion from the residence halls and/or suspension or expulsion from the University. Students may reapply for university housing after the period of their suspension has expired.

Expulsion From the Residence Halls: Students expelled from the residence halls will not be allowed to enter a University Residence Hall. Expulsion is a permanent and will remain on file indefinitely. A student who enters a residence hall after expulsion faces suspension or expulsion from the University.

Conduct Probation: This action constitutes a specified time period during which a student must conduct him or herself in an exemplary manner. Any student found responsible for violations of University Rules of Conduct while on conduct probation will normally be suspended or expelled, and/or evicted from the residence halls. A student on conduct probation cannot apply to or participate on the study abroad program. Conduct probation may also affect your ability to apply for some leadership positions on campus.

Formal Reprimand: This action constitutes an official written reprimand concerning violation of university policy. As a general rule, a student receiving a formal reprimand can expect that any future violation of University Rules of Conduct will result in a minimum sanction of conduct probation.

Written Warning: This action constitutes an official written reprimand concerning violation of university policy, which will be considered in any future case of behavioral misconduct.

Fines: The university recognizes that fines for violation of university rules, particularly for alcohol and illegal drug violations are an appropriate sanction. Fines are standard consequences for violation of the laws of society at large and as such they model future consequences a student may encounter in the civil and criminal justice systems. Fines go back into the community and are used to provide for student programming.

Community Service: The university recognizes that community service for violation of university rules, particularly for alcohol and illegal drug violations are an appropriate sanction. Community service is a standard consequence for violation of the laws of society at large and as such they are a model of future consequences a student may encounter in the civil and criminal justice systems. As a rule, community service is offered when available. All community service is performed on campus.

Educational Sanctions: Where appropriate to the conduct violation, educational sanctions may include: Attendance at community court, parental notification where students under the age of 21 have been found in violation of drug and/or alcohol laws of the State of Minnesota, restitution for damages to property, undergoing counseling and/or assessments, attending workshops or seminars, formal apologies, mandated mediation or fulfilling other possible sanctions dictated by the circumstances of the offence.

Sanction guidelines are provided to all university personnel involved in the discipline process. These guidelines are meant to provide a measure of consistency and fairness in the discipline process. Copies of the sanction guidelines are available in the Office of the Dean of Student Life.

X. Hearing Procedures:

The following procedures shall apply to all formal hearings before a University Hearing Board, the Discipline Committee or, in academic cases, the Dean of the College of Arts & Sciences.

1. During the discipline hearing, all information shall be presented as fully as possible. Except as otherwise expressly provided herein, all disciplinary hearings shall be closed to the university community, the general public, and the press.
2. A student shall have the right to be present during the presentation of all testimony. A student shall not have the right to directly cross-examine witnesses, but may direct questions through the judicial officer or board/committee chairperson.
3. The student may, but need not, make verbal responses to the charges brought against him/her and to the testimony of witnesses during the hearing process. This does not indicate acceptance of responsibility for the charges on the part of the student.
4. A student shall have the right to present witnesses to the incident, documentation, or other evidence on his/her behalf. Such rights shall be subject to reasonable limitation in order to avoid unduly prolonged hearings. Character reference testimony is allowed at the discretion of the chair of the hearing body. Written statements regarding character will be limited by the discretion of the chair of the hearing body.
5. The university may call witnesses to the incident, present documentation, and be advised by counsel (where appropriate).
6. A student may have present with him/her parents, relatives, attorney, or a judicial advisor from the school (i.e., a student or member of the faculty or administration). Such person or persons shall not participate in any manner in the proceedings. A student may also request a trained advisor to assist her/him either before or during the hearing. A list of trained advisors is available in the Dean of Student Life office.
7. All hearings by a University Hearing Board or the Discipline Committee shall be audio recorded. Copies will not be made available to parties involved in the hearing, but will be available to appeal bodies.
8. The deliberations of a University Hearing Board and the Discipline Committee will be closed to all persons except members of the hearing body and those persons requested to be present for deliberations by the unanimous approval of the hearing body. The CJO is an advisor to all hearing bodies and may be present for deliberations.
9. University Hearing Boards and the Discipline Committee reserve the right to establish their own rules and guidelines for the review of any case.

Exceptions to the previous procedures

In cases involving an on-campus victim, that person normally will be in attendance to provide testimony at the hearing. In cases involving violence, at the request of the victim, a screen may be used to separate the victim from the accused. Under extreme circumstances, the victim may be seated in a separate room, but both the victim and the accused must be able to hear and participate in the process through an intercom system. The accused will have the right to hear all testimony against him/her directly. There can be no cross-examination or other exchange between the victim and the accused. Each may speak only to the hearing officer or board committee members.

In extreme cases, the Dean of Student Life or any higher administrative authority of the university may immediately place on interim suspension from school and/or from the residence halls, any student pending a hearing by the university hearing board or a designee of the Dean of Student Life. These cases will be heard in a time sensitive manner.

The university reserves the right to change or modify at any time the method of selecting the members of the Discipline Committee or its chair.

Study-abroad discipline cases have a different procedure and are exempt from the above procedures.

XI. Parental Notification

The Dean of Student Life or the Dean's designee may notify parents or legal guardians (notification will be made to parent or legal guardians listed in university records as guardians or parents) of disciplinary and other matters under the following conditions:

1. The health and well being of a student is determined to be at risk. This includes:

- Situations involving suicide, attempted suicide or when students are doing harm to themselves.
 - Situations where a student is missing and their whereabouts are unknown.
 - Situations where a student is hospitalized.
 - Incidents where a student are incapacitated requiring EMTs to be called to the scene.
2. When students are placed on conduct probation for violations of the university code of conduct with respect to use or possession of alcohol and/or drugs and the student is under 21 years of age. In cases where students would be at risk due to family situations, the university reserves the right not to notify parents or legal guardians.
 3. University staff may contact parents or guardians of students found to be in violation of the University Rules of Conduct involving drugs or alcohol when the student is less than 21 years of age.

XII. Confidentiality

The discipline process is confidential subject to university policy, Federal and State Law. Confidentiality covers the records of hearings and the decisions rendered. Third parties normally will not have access to this file unless written permission is provided by the student. The university's policy statement concerning the implementation of the Family Education Rights and Privacy Act of 1974 describes the circumstances under which the contents of such records may be disclosed without the consent of the student.

XIII. Disciplinary Records

While conduct files do not go on a student's academic record, a student's disciplinary file is considered a part of his or her educational record. The records will be kept on file at the Dean of Student Life Office and/or the Residence Life Office if the student lives on campus. All discipline files will eventually be held in the Office of the Dean of Student Life.

1. Records of cases resulting in a decision of "not responsible" are destroyed at the end of the current academic year.
2. Records that consist of sanctions other than suspension or expulsion from a residence hall and/or the University are destroyed at graduation or after two years upon separation or withdrawal from the University.
3. Records of suspensions and expulsions from the university or university housing are kept permanently.
4. Records of students who withdraw from the university prior to disciplinary action being taken may be held indefinitely

If a student meets the condition of his/her suspension and is allowed to re-enroll in the university, the student's file will be destroyed at graduation or after two years upon voluntary withdrawal from the University. Students who have been suspended or expelled from the university or university housing may petition the Dean of Student Life for the removal of their file two years after the date of expulsion or suspension.

Code of Conduct for Graduate Students

1. Actions which violate the human rights of any student or member of the university community; use or threatened use of physical force or violence to restrict the freedom of action or movement of another, to endanger the physical health, psychological health or safety of any person, including oneself; or behavior or language disrespectful of university employees or students.
2. Conduct, on or off campus, that is detrimental to the good of the university or which discredits the university. Such conduct off campus includes, but is not limited to hosting house parties and/or student behaviors that are disruptive to the community and violate laws. Conduct on campus includes, but is not limited to, behavior disruptive to a residence hall community as detailed in the Resident Student Handbook; Conduct detrimental to the university also includes knowingly assenting to or condoning violation of university policies or state, federal

or local laws by others.

3. Misrepresentation and/or academic dishonesty such as: cheating and plagiarism; knowingly furnishing false information or identification; and fraud, forgery, alteration or unauthorized use of university documents, records, identification or property. *
4. Unauthorized taking or possession of university property, services or the property or services of others.
5. Intentional damage to, or destruction of, university property, or the property of others on university premises. This includes damage as a result of gross negligence (including vandalism or tampering with fire alarms or extinguishers.)
6. Underage use or possession of alcohol, distribution of alcohol to underage persons, excessive consumption of alcohol, public intoxication, possession of alcoholic beverages or beverage containers on University property contrary to law or university regulations, or knowingly assenting to or condoning violation of university alcohol policies by others.
7. Possession, use, or trafficking of illegal drugs and/or drug paraphernalia.
8. The possession or use of explosives, fireworks, firearms, knives, ammunition, other dangerous weapons or materials on university property.
9. Gambling on university premises.
10. Failure to comply with the directives of University officials and their authorized agents acting in the performance of their duties; failure to appear before the Dean of Students (or designee**) or the Committee on Discipline when properly notified to do so as either a witness or a student charged in a discipline case or as a witness; disruption or purposeful interference with faculty, administrators, security officers or staff in the performance of their duties.
11. Students, when on campus, must be able to produce identification, usually a St. Thomas ID card, when requested to do so by any official representative of the University including security, resident assistants, dining hall authorities, library personnel, et al.
12. Violations of federal, state, city laws/ordinances: Should an act violate both university regulations and public law, the student is subject to dual jurisdiction.

* Graduate Programs in Software, IT & IS Director will adjudicate misrepresentation related to academic services. The Dean of Students or designee will hear misrepresentation related to nonacademic services.

** Designee may include individuals of the Dean of Students staff given the responsibility of adjudicating discipline cases or the University Hearing Board.

*** All decisions made by the designees of the Dean of Students are subject to review and approval by the Dean of Students.

The Dean of Student Life is responsible for the enforcement of the Rules of Conduct of the University of St. Thomas. The Dean has wide latitude and discretion within the University Judicial System to take action deemed appropriate for any given case. Students charged with violating the University's Rules of Conduct will be afforded a hearing in accordance with the following procedures.

(These procedures exclude those outlined in the Sexual Violence and Sexual Harassment Policies, which appear elsewhere in this policy book.)

Community Expectations

The University of St. Thomas is a private, comprehensive, regional Catholic university and is a community of scholars. As such, it expects all members of its community, regardless of age, to act reasonably, responsibly, maturely and appropriately at all times both on and off campus. Students are subject to disciplinary sanctions for conduct which occurs on or off campus when that conduct is detrimental or disruptive to the purposes and/or goals of the university. Violations of academic policies cited in the in this Policy Book may result in disciplinary sanctions as outlined below or within this Policy Book.

Statement on Offensive Behavior

The University of St. Thomas is a Catholic institution of higher learning. As such, it is dedicated to the proposition that hatred has no place in a community based on principles of Christian love for our fellow human beings. Harassment of an individual or group of individuals based on their race, gender, sexual orientation, age, national origin, marital status, creed, religion, socio-economic status, physical or mental disability is an attack on the very fabric of the institution itself.

Harassment is defined as unwelcome verbal or physical conduct that has the purpose or effect of unreasonably interfering with a person's performance, or which creates an intimidating, hostile, or offensive environment.

It includes, for example:

- The display or circulation of written materials or pictures which are offensive to either gender or to racial, ethnic, or religious groups,
- Verbal abuse, jokes, or insults directed at members of a racial, ethnic, or minority group.

Should any St. Thomas student be confronted with the stain of discrimination or harassment, once reported, the University will vigorously engage, investigate and confront any such conduct through the procedures and policies found in The Student Policy Book. These procedures and policies are meant to deal with issues of harassment and discrimination wherever they arise - be it in the classroom, in a residence hall, in a commons area or in an electronic medium.

In addition to being a community based on principles of Christian love, the University is also an institution based on open inquiry. While the University condemns harassment of any kind, it is important to distinguish harassing speech from the normal discomforts engendered in an arena of free intellectual exchange and disagreement. This is particularly the case in the classroom setting, where in the course of legitimate intellectual inquiry and argument a student might encounter (or even introduce) course materials or comments that are disturbing, challenging, or perhaps even offensive to one's own or others' belief systems. Such discomfort does not in and of itself constitute harassment, unless it is so egregious as to satisfy the definition outlined above. It is the responsibility of professors to maintain an atmosphere of open inquiry in the classroom, just as it is the responsibility of students to participate in their own learning process with open-mindedness and receptivity to new ideas and perspectives. This ensures that controversial, even potentially offensive, material discussed with the objective of critical analysis for learning can be dealt with in an atmosphere of mutual respect. This policy in no way diminishes the protection of academic freedom as stated in the Faculty Organization Plan.

St. Thomas students facing such situations should proceed directly to the Office of the Dean of Student Life. Members of the Dean's staff will be able to provide information and support with regard to the procedures in place at the University to deal with such issues.

Student Bill of Rights

Student Rights

1. Students have the right to receive regular and organized instruction and guidance consistent with the aims of the course for which they have registered.
2. A student's grade in a course would be determined only by academic achievement consistent with the aims and content of that course. At the beginning of the course, the instructor should make known the factors that will be considered in determining the grade such as class attendance, class participation, papers, examinations, projects and/or presentations.
3. A student has the right to have papers and tests graded and returned within a reasonable amount of time, generally before the next assignment is due. In the case of final exams, students should be allowed access to their exam scores and final grades.
4. A student has the right to meet with his or her instructor to ask questions about or discuss course material, either during office hours or during a scheduled appointment.
5. All students have the right to use the educational resources of the university in accordance with the rules concerning their use.
6. A student has the right to the opportunity to participate in student government, athletics and other activities on campus (as set forth in this Student Policy Book).
7. The University of St. Thomas recognizes that free inquiry and free expression are indispensable elements for the achievement of the goals of an academic community. Students have the right to freedom of expression, including the right to dissent, protest and/or take reasoned exception to the information and views offered in any course.
8. Financial regulations are set forth in the university catalog and the award form. Financial aid offered and officially accepted according to these conditions will not be revoked except for serious cause after a hearing by an ad hoc Financial Aid committee. The students will be notified and/or allowed to be present at this hearing. An exception to the above may occur when the funding for any kind of aid does not cover the amounts awarded. In this case, the Committee may modify awards without a hearing in order to reduce awards to the amount of funds available.
9. Each student has the right to fair and reasonable treatment by other members of the university community.
10. All students have the right to the opportunity to participate in and receive the benefits of the programs at St. Thomas. No one may be excluded on the basis of disability, race, ethnicity, national origin, creed, gender, age, sexual orientation or economic status.
11. If a student feels that his/her rights have been violated in the process of attempting to resolve a grievance, he or she has the right to bring the case before the University Grievance Committee (see "Grievance Process" in this Student Policy Book).

Student Responsibilities

1. Each student is responsible for learning the content and the skills required by his or her courses.
2. Each student is responsible for being honest in all of his or her classes. Students will not cheat on examinations, copy another student's work, plagiarize from secondary sources or from other students or engage in any other forms of academic dishonesty.
3. Students have the responsibility to attend their classes; the student is expected to arrive by the beginning and remain for the class period. Attendance policies will be stated in the course syllabus. The student has the responsibility of notifying Academic Counseling and his or her instructors of extended absences due to illness or other allowable reasons. If a student knows that he or she will be absent on a particular day, the student is responsible for seeing the instructor beforehand to obtain the assignments for that day.
4. If a student misses a class, he or she is responsible for making up the work by obtaining a classmate's notes and handouts and turning in any assignments due.
5. The student is responsible for arranging with faculty any modifications of class requirements necessitated by special needs, such as medical conditions, physical disabilities, or learning disabilities. Students with physical or learning disabilities who desire accommodations are required to provide documentation of their disability before accommodations are provided.

6. Each student has the responsibility to treat other members of the university fairly, and respect their rights.
7. Students must use library and all educational resources of the university in a responsible manner. Students may not deface or vandalize books, periodicals, and/or computer resources in the St. Thomas libraries as well as computer lab hardware, software and related equipment.
8. While students have the right to freedom of expression, including the right to dissent, protest, or take reasoned exception to the information and views offered in any course, this expression cannot interfere with the rights of others, impede the progress of instruction, or disrupt the processes of the university. Students have the responsibility to express views in a reasonable and orderly fashion as further described in the Student Policy Book.
9. Each student has the responsibility to know and abide by what is contained in the Student Policy Book of the University of St. Thomas and all other applicable university regulations and policies.

Grievance Process

Students who believe they have been aggrieved according to the specifications in the "Statement of Student Rights and Responsibilities" should utilize the following process to resolve that grievance. In the governance of a college there is a "chain of command." Grievances should be first discussed with the alleged aggrievor and if the grievance is unresolved, the student should proceed up the chain of command (see Grievance Procedure diagram) until the grievance has been satisfactorily settled. Any student who feels aggrieved may consult with the Dean of Student Life concerning the process and the procedures. All persons who become involved in the process will attempt to resolve the grievance prior to any formal Grievance Committee hearings.

The Grievance Committee will hear any case in which a student thinks one of the rights listed in the Statement of Student Rights and Responsibilities has been denied. The Grievance Committee will consider only whether the challenged action or decision by a member of the faculty, administration, student body or any agency of these groups was unfair (arbitrary) or capricious.

The committee will first examine the facts presented (in writing) by the student. If the committee judges that there is sufficient evidence, it will investigate the matter and hear testimony. If the Grievance Committee decides that the student's complaint is justified, it will discuss the matter with the person or persons concerned and determine the means to ensure the student's rights. The decision of the Grievance Committee will be binding on all parties concerned unless the decision is appealed to the executive vice president.

Grievance Appeal Procedure

Either interested party (defendant or plaintiff) may appeal a decision of the Grievance Committee to the executive vice president of the university within five days from the receipt of the decision. The executive vice president will choose an appeal board of three members. The appeal board will not rehear the case, but will consider evidence of a violation of the proper procedures or manifest partiality. The appeal board will bring its recommendation to the executive vice president, whose decision will be final.

Grievance Procedure

Policy Title: Student Records Privacy Policy

Effective date: 07/01/02

Pertains to: All students, faculty and staff

Policy Index: <http://www.stthomas.edu/policies/>

University of St. Thomas Student Records Privacy Policy, with Regard to the Amended Family Educational Rights and Privacy Act of 1974

Revision of 6/30/00, by the University Registrar

The University of St. Thomas is required to annually provide this notice by any means that are reasonably likely to inform those who have rights under the Act.

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days of the day the university receives a request for access. Students should submit to the university registrar written requests that identify the record(s) they wish to inspect. The registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the registrar, the registrar will advise the student of the official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the university registrar, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the university decides not to amend the record as requested by the student, the university will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. Some of the exceptions authorized by the law are set out below.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University of St. Thomas to comply with the requirements of FERPA.

The university also advises students that:

1. The university may deny access to the following classes of records: Financial information submitted by parents; confidential letters or recommendations placed in the file prior to January 1, 1975; confidential letters or recommendations to which the student has waived rights of inspection; private records of instructors, counselors, or administrators kept for their own use; alumni records which contain only directory information and information collected after the student has left the university; and medical, psychiatric, psychological or similar records.

2. The University may disclose educational records without written consent of students to the following:

* personnel within the University who maintain educational records and those with a legitimate educational interest, including faculty or staff who deal with the student and carry out education studies, and employees designated by them to assist in these tasks. The University of St. Thomas defines "legitimate educational interest" as "needs the record(s) to carry out employment responsibilities" Therefore, any university employee, or person acting on behalf of the university, may have access to student records without the student's written consent if that person needs the access to carry out his/her employment responsibilities. ;* officials of other colleges or universities in which the student seeks to enroll, with a notice of the disclosure being sent to the student's last known address;

* organizations conducting studies approved by the university having educational value or concerning financial aid.

* accrediting organizations approved by the university carrying out their accrediting functions;

* parents who submit to the registrar a copy of the first page of their most recent federal income tax form, indicating that their child/student is a dependent as defined by the internal revenue service.

* persons in compliance with a judicial order or a lawfully issued subpoena, with a notice of the disclosure being sent to the last known address of the student;

* persons in an emergency if, in the judgment of an official in charge of the records, knowledge of the information is necessary to protect the health or safety of the student or other person.

3. Directory information may be released without the written consent of the student, unless the student specifies to the contrary as described below. Directory information includes student name, address, email address, telephone number, class year, photograph, current schedule of classes, major field of study, dates of attendance, degrees and awards, current membership in clubs or fraternities, participation in activities and sports with weight and height of team members, high school and other colleges attended, parent's names and address.

4. Students may refuse disclosure of one or more categories of directory information by filling out the appropriate form in the registrar's office within one week after the beginning of the fall semester of each academic year (or the semester in which the student registers). Students may not choose individual items to be withheld or released but may choose the category to which the item belongs.

5. When personally identifiable information other than directory information is released, a notice will be given that the recipients are not permitted to disclose the information to unauthorized persons without written consent of the student. University personnel will be informed annually of this restriction and their responsibilities under this Act so that individual notices will not be required.

To withhold certain categories of directory information from the public, the student must file a form available in the office of the registrar and at <http://www.stthomas.edu/registrar/forms/Nondiscloseorder.htm> within one week from the beginning of the fall semester (or the semester in which the student enters). The order for withholding will remain in effect until the student rescinds it in writing. The form for withholding directory information will inform the student of some possible consequences. For example, if the student's name is withheld, he or she cannot participate in intercollegiate athletics where team rosters are published, or commencement ceremonies. Graduate students will fill out this form in their respective graduate offices. School of Continuing Studies students will fill out this form in the SCS office, OEC 119

UST POLICY GUIDELINES

Policy Title: Alcohol and Drugs

Effective date:9/1/1999

Pertains to:All students

Policy Index: <http://department.stthomas.edu/policies/>

Alcohol and Drugs

Philosophical Statement

In the light of its Christian mission, the University of St. Thomas is compelled to express a daily concern for the health and well-being of each member of its academic community, including students, faculty, and staff. One area of that concern involves the use of illicit drugs or the irresponsible use of legal substances such as alcohol and other mood-altering drugs. The university affirms that chemical abuse is neither socially nor morally acceptable.

The university promotes responsibility in the use of alcohol and drugs. Responsible use reflects respect for self and respect for others, behaviors which are always socially and morally appropriate.

The university acknowledges and affirms an individual's right to abstinence. A goal of the university is the fostering of an atmosphere in which abstinence from alcohol and other legal drugs is accepted and respected.

The university recognizes the reality of chemical dependency and is aware of its occasional presence in the academic community. The university will encourage and provide reasonable help for any of its members who seek treatment for chemical dependency.

The following policies have been developed to reflect this philosophical statement which expresses our Christian concern for one another.

Individual Use Policy

A. Use of drugs or alcohol by students, staff or faculty must conform to the laws and statutes of the city of St. Paul, state of Minnesota.

1. Use of alcohol by faculty and staff at the university must be at approved university functions and represent responsible use.

2. Students of legal drinking age may possess and participate in responsible consumption in university residence halls, in accordance with Residence Life policies.

3. Students living in off-campus housing may participate in responsible consumption in accordance with city and state laws and ordinances.

4. Students of legal drinking age may possess and participate in responsible consumption at approved all-school and club functions.

Policy for Those Voluntarily Seeking Help

It is the primary intent of this policy to encourage members of the St. Thomas community who want or need help to seek such assistance.

A. Students, faculty and staff seeking help for problems relating to drug and alcohol use may avail themselves of programs offered by the Personal Counseling Department.

B. It must be recognized, however, the participation in any treatment program will not in itself prevent the imposition of disciplinary action up to and including discharge from employment, suspension or expulsion from the university for violations of the alcohol and drug policy which occur after completion of the program, which affect the performance of an employee or student. Moreover, continued use of alcohol or drugs by an individual who refuses to admit that he or she has a substance abuse problem may result in disciplinary action up to and including discharge, suspension or expulsion, if such use negatively affects the individual's performance.

Policy for Those Not Voluntarily Seeking Help

If the university has a reasonable suspicion that a particular student, faculty or staff member has a problem with alcohol or drugs and the individual refuses to admit that he or she has such a problem, the university may require that the individual seek assistance of a counselor in the Personal Counseling Department. After conducting an alcohol/drug assessment, the counselor may recommend that the individual participate in an appropriate treatment program. Persistent behavior not in conformity with the above stated policies will incur sanctions appropriate to the individual's position.

A. Information on sanctions for inappropriate student behavior is found elsewhere in the Student Policy Book, under the section entitled "Discipline."

B. Information on sanctions for inappropriate behavior of faculty and staff is available through the Office of the Vice President for Academic Affairs and the Department of Human Resources, respectively.

Assistance for Others Affected by Alcohol or Drug Abuse

The university recognizes that alcohol or drug abuse often affects others besides the abuser. However, due to the variety of professional or academic relationships that alcohol or drug abuse can affect, no succinct policy statement can adequately address each individual case. Instead, the university vigorously encourages any member of the St. Thomas community who is affected by or concerned for another's alcohol or drug abuse to seek confidential assistance at the Personal Counseling Office. A personal counselor is qualified to help the concerned individual plan a strategy to address the specific problem.

Alcoholic Beverage Service Policy at Campus Events

A. Only recognized organizations or departments on campus and some off-campus groups will be given approval of alcoholic beverage service. Groups sponsoring events are responsible for the behavior of people attending these events. Should any violent, disruptive or destructive behavior occur in any university facility as a result of an on-campus function, the group sponsoring the event will be subject to disciplinary action by the Dean of Student Life either individually or collectively. The sponsoring group also will be financially responsible for damages incurred and will pay for repair or replacement costs. The sponsoring group could be held responsible for injuries to their guests as a result of consumption of alcoholic beverages.

B. At the time of facility reservation the Request to Serve/Use Alcoholic Beverages form should be completed. A plan to distribute alcohol must accompany the Request to Serve Alcoholic Beverages on Campus form. This plan must include details regarding security, control of sales, amount of alcohol to be served and a responsible use statement. The alcohol distribution plan may be given to the Alcohol and Drug Advisory Council(ADAC) for approval. The Executive Vice President must approve this request form at least fourteen days before the date of the activity.

C. BYOB and tailgating type functions are not allowed on campus. There can be no more than three on-campus, all-school functions per year at which alcohol may be served. ADEC will be responsible for determining the date, times and locations of those functions.

D. Events involving students are approved when only students attending St. Thomas and one guest each will be in attendance. All UST students must have a valid university ID and driver's license or official state ID card in their possession when in attendance. Their guests must have a driver's license or official state ID card in their possession. The total number permitted to attend is subject to state and local fire codes and the discretion of the Dean of Student Life (or designee).

E. The serving of alcoholic beverages on campus Sunday through Thursday ordinarily will not be approved.

F. Guidelines for dispensing alcoholic beverages are found on the Request to Serve/Use Alcohol Beverages Form and are also available from ADAC.

G. A city license to sell alcohol is required if alcohol is served and any type of charge is levied pursuant to the sale of distribution of alcohol (e.g., admission charges). Additional liability insurance may also be required.

H. In accordance with state law, an individual must have reached his/her 21st birthday to be legally served, possess, distribute or consume alcohol.

I. Alcoholic beverages cannot be served after 12:00 midnight. All alcoholic beverage service must conclude 30 minutes prior to the conclusion of the event.

J. Specific guidelines for advertising on- or off-campus events where alcohol is served are available from the facilities coordinator or the Dean of Student Life. Prior approval must be received from the Dean of Student Life, or his designee, before any advertising can begin.

K. The primary purpose of any function must be other than the use of alcohol. The function must be appropriate to the mission of the University of St. Thomas. No social event shall include any form of "drinking contest" in its activities or promotion.

L. The quantity and quality of nonalcoholic alternative beverages must be appropriate for the size and purpose of the activity. If the supply of nonalcoholic beverages runs out, the serving of alcoholic beverages shall be terminated. Guidelines for appropriate amounts of alcoholic and nonalcoholic beverages to be served are available from the facilities coordinator.

M. An appropriate quantity and quality of food must be served at any event at which alcohol is being served.

N. A bartender(s) will be required when alcoholic beverages are sold by the glass and may be required at the discretion of the authorizing university official at other events.

O. Adequate security personnel will be required, dependent on the size and purpose of the activity. Both individual(s) responsible for an activity and a faculty or staff member must attend the entire approved activity. Both must sign as responsible for the event. Guidelines for security personnel are available from the Department of Public Safety and Parking Services.

Individuals or groups responsible for university-affiliated events will be subject to formal disciplinary proceedings if there are any infractions of the above guidelines. Disciplinary sanctions for such infractions include probation or suspension of sponsoring group, restitution of fines levied, and action taken against individuals held responsible.

Alcohol Beverage Service Policy at Off-Campus Events

A. Any recognized university organization hosting an off-campus event in which alcohol is served must complete a Request to Serve/Use Alcoholic Beverages Form. The Executive Vice President must approve this request at least 2 weeks prior to the event. This request must include a plan for distribution of alcohol, control of sales, amount of alcohol to be served, availability of food and nonalcoholic beverages, and hours of operation.

Transportation, University Vehicles and Alcoholic Beverages

A. No alcoholic beverages of any sort for private use will be allowed in vehicles used for activities sponsored by the university or any of its recognized clubs and organizations. Exceptions to this policy will be approved by the Office of the Executive Vice President or the Dean of Student Life. An example of an acceptable exception would be transportation of closed containers of wine to a dinner reception at the Gainey Conference Center. An example of unacceptable use of a university vehicle would be a keg of beer on an ACC sponsored bus to an out-of-town athletic event.

B. The use of university-sponsored transportation to and from events where alcohol is served shall be subject to the approval of the director of the physical plant. Driver (s) of such vehicles must not participate in any consumption of alcohol before, during or after an event.

Policy Title: Bulletin Boards

Effective date:9/1/1999

Pertains to: All students

Policy Index: www.stthomas.edu/policies

Bulletin Boards

Bulletin boards are a major means of communication on campus. For this reason, classification and regulations are required:

1. Any material (posters, fliers, etc.) that are to be posted on UST bulletin boards in Murray-Herrick Campus Center must be approved and stamped by the Department of Campus Life, Room 111, Murray-Herrick Campus Center. Clubs and organizations are responsible for their own posting with prior approval of materials to be posted.
2. We will stamp up to 30 St. Thomas-related event fliers (8 1/2" x 11"). There is a limit of three fliers per event per board (8 1/2" x 11"). If the flyer is larger than this, there is a limit of one flier per board.
3. Do not use the reserved boards that are marked, e.g., Campus Ministry, ACC, Career Center. Post Office area is the only area where postings are allowed on walls. No postings are allowed on wood or glass surfaces or on painted or wallpapered surfaces.
4. Posters and fliers will be allowed to remain up for two weeks or until the event has occurred. Groups are responsible for removing their posters/fliers.
5. Bulletin board postings should be of interest to the St. Thomas community. All posters are subject to approval by the Department of Campus Life personnel. Large banners need special permission and need prior approval by the Department of Campus Life.
6. All Buy - Sell - Rent - Help notices must be posted on the specific board in Murray-Herrick located near the Campus Square and around the corner from the Post Office. If posted anywhere else, they will be removed. There is a limit of 3 flyers when it is not a St. Thomas event.
7. Travel posters: a trip must be sponsored by an officially recognized club or organization. For more information, see the Executive Director of Campus Life, Room 111, Murray-Herrick Campus Center.
8. Any advertisements that appear to be solicitations for off-campus venues or events, particularly those venues whose central function is the sale of alcohol, will be restricted to one posting on the "Twin Cities Happenings" board in the northeast corner of Murray-Herrick Campus Center.
9. Sidewalk chalking must be registered at the Department of Campus Life. If chalking is for reasons other than promoting an event, it must be approved by the Department of Campus Life. All chalking must be at least 30 feet away from doorways.

Policy Title: Acceptable Use Guidelines/Unacceptable Use Policy

Effective date:9/1/1999

Pertains to: All students, faculty and staff

Policy Index: www.stthomas.edu/policies

Acceptable Use Guidelines/Unacceptable Use Policy

St. Thomas encourages computer use in accordance with its mission and purpose by providing computing resources to the university community. This Policy describes the University's guidelines and policies governing responsible use of computing resources by students and employees.

Acceptable Uses of UST Computing Resources

Computing resources are intended for instruction, study, academic research, and the official work of campus organizations and university offices. In addition, as with any resource on campus, access to academic computing resources is provided, in part, to allow members of the community to learn, explore, and grow.

All users of University computing resources must:

1. Comply with all federal, Minnesota and other applicable law, with all applicable University rules and policies, and all applicable contracts and licenses.
2. Use only those computing resources that they are authorized to use, and use them only in the manner and to the extent authorized.
3. Respect the privacy of other users and their accounts.
4. Respect the limited capacity of the University's computer resources, and limit use so as not to consume an unreasonable amount of those resources or to interfere unreasonably with the activity of other users.
5. Protect one's password and I.D. from unauthorized use.
6. Access only information that is one's own, that is publicly available, or to which the user has been given authorized access.
7. You are required to cooperate with system administrators if you are advised of potential security problems associated with your account or system.

II. Unacceptable Uses of UST Computing Resources

Conduct which constitutes unacceptable use under this Policy includes, but is not limited to:

1. Accessing another person's computer, files or data without permission. This includes data in transit on the network.
2. Using a system or the network to obtain unauthorized access to or deny services to any offsite system. Such actions may also violate Federal Law.
3. Circumventing, violating, or subverting system or network security measures, or exploiting flaws in same, or attempting to do so. Examples include creating or running programs that are designed to identify security loopholes, to decrypt intentionally secured data, or to gain unauthorized access to any system. If you find a hole in the security of any St. Thomas system, notify IRT staff immediately at 962-6230.
4. Engaging in any activity that might be purposefully harmful to systems or to any information stored thereon, such as creating or propagating viruses, disrupting services or damaging files or making unauthorized modifications to University data.
5. Performing any act, intentionally or otherwise, that will interfere with the normal operation of computers, terminals, peripherals or networks.
6. Using University systems for personal commercial purposes or partisan political purposes, such as using electronic mail to circulate advertising for products or for political candidates.
7. Making or using illegal copies of copyrighted software or data, storing such copies on University systems, or transmitting them over University networks. Unless given explicit permission by the copyright holder, you may not copy software or computer data, including audio or video data, available through the University. You may not place copyrighted material on any computer connected to the UST network for the purpose of making it available for others to copy, unless you own the copyright or can demonstrate a teaching or research fair-use exemption from copyright. Software piracy constitutes theft and will not be tolerated.
8. Using University software or data, including electronic mail, to harass or intimidate another person.
9. Saturating network or computer resources to the exclusion of another's use, for example, overloading the network with either legitimate (file backup, archiving, bulletin boards, synchronous chat sessions) or malicious (denial of service attack) activities.
10. Using the University's systems or networks for personal gain; for example, by selling access to your user id or to University systems or networks, or by performing work for profit with university resources in a manner not authorized by the University.

11. Sharing your username and password with others. Providing access to UST systems or networks to users who do not have an official affiliation with the University without IRT permission is prohibited. This includes providing user accounts on personal systems (i.e. Unix shell accounts, PC-Anywhere passwords, or any such analog). If permission is granted, the administrator of that system is responsible for all user activities on that system.

12. Attaching any device other than a personal computer to the campus network without the expressed permission of the information technology staff. This includes (but is not limited to) printers, hubs, switches, routers, and protocol analyzers.

13. Abuse of E-mail – The following activities specific to e-mail use are prohibited:

- * Forging the identity of a user or machine in an electronic communication.
- * Failure to comply with a request to stop e-mailing someone or to take them off a distribution list
- * Sending all-campus e-mail messages
- * Creating or forwarding chain letters
- * Initiating or facilitating in any way mass electronic mailing (e.g., “spamming,” “flooding” or “bombing”).

14. Applicability of Other University Codes of Conduct

All University of St. Thomas codes of conduct, including those related to plagiarism and harassment, apply also to technology resources. These policies are based on respect for the work and privacy of other St. Thomas community members.

III. Data Privacy

As a general policy, University employees will not read your e-mail or private files (whether they are stored centrally or locally). However, the University of St. Thomas reserves the right to log and examine network traffic, and to retrieve and examine files stored on UST systems when necessary, particularly in the following situations:

* If information is required in a court proceeding. Electronic data, including deleted information that has been restored from back-up tape, has been subpoenaed as evidence during both civil and criminal court cases. If such a situation arises, the university is legally bound to cooperate with law enforcement authorities.

* If an individual is suspected of an infraction of University policy or of the law (e.g., engaged in unacceptable use of UST computing resources as outlined in this Policy), Information Resources & Technologies (IRT) will act as the investigating office and will involve other offices as needed. If an individual's private files (electronic or e-mail) are wanted as evidence on a non-computer-related disciplinary matter (such as an academic dishonesty or a sexual harassment investigation), IRT will provide those files on request of the Dean of Student Life, the Dean of the appropriate college, or the Associate Vice President of Human Resources. Unless the infraction involves potentially criminal behavior, IRT will make an effort to inform the individual that their files are being examined.

IV. Enforcement

The University considers violations of acceptable use principles to be serious offenses. The University will take such action as is necessary to copy and examine any files or information resident on University systems allegedly related to unacceptable use, and to protect its network from systems and events that threaten or degrade operations. Blatant violations or repeated offenses will be referred to the appropriate University entity for discipline.

In the case of minor infractions, IRT will attempt to contact the offending party via e-mail, telephone or in person to explain the problem and discuss its resolution.

In the case of major infractions, for example those that impair others' ability to use networking and computing resources, IRT may restrict systems or network access as it deems necessary to mitigate such activities. Only thereafter will IRT make a reasonable effort to contact the involved parties when these incidents occur.

Violations of this policy will result in disciplinary action by the Dean of Student Life, Associate Vice President of Human Resources, and other appropriate authorities, if necessary. IRT staff may take immediate action as needed to ensure system integrity. This may include, but not be limited to, immediate denial of access to your account, loss of e-mail privileges or removal of your system from the network. In cases involving violations of this Policy on Responsible Use of University Computing Resources or other campus codes, the relevant disciplinary offices will be given all information about an incident that IRT can collect. IRT will advise and testify as requested, and if asked to disable accounts as a result of disciplinary hearings, will do so with all possible speed.

Further Information

If you have any questions about whether an activity is permissible or not, you may call the IRT Tech Desk at (651) 962-6230 or the Dean of Student Life at (651) 962-6050.STP:97948.1/65510-2003

Policy Title: Consenting Relationships Policy

Effective date:9/1/1999

Pertains to: All students, faculty and staff

Policy Index: www.stthomas.edu/policies

Consenting Relationships Policy

Consenting romantic or sexual relationships between faculty and students, administrators and students, or between supervisor and employee are considered to be inappropriate. The power differential inherent in such relationships compromises one's ability to decide freely. Therefore, faculty, administrators and supervisors are warned against the possible costs of even an apparently consenting relationship. Any university employee who enters into a romantic or sexual relationship with a student or subordinate where a professional power differential exists must realize that, if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to prove mutual consent.

Relationships between a graduate student and an undergraduate student when the graduate student has some supervisory responsibility for the undergraduate student are included in this policy. Among other relationships included are those between a student or employee and an administrator, coach, adviser, program director, counselor or residential staff member who has supervisory responsibility for that student or employee.

Policy Title: Event Request Process / Campus Space Request

Effective date:9/1/1999

Pertains to: All students, faculty and staff

Policy Index: www.stthomas.edu/policies

Event Request Process / Campus Space Request

Any individual, club, organization or department which is planning to reserve a campus space for an all-campus educational/informational event or a sales or solicitation process will need to use the Facilities Scheduling On-line Request. This request has questions that each organizer must answer in order to confirm their space reservation.

- Go on-line to the Facilities Scheduling Request for Service and login. The contact person must chose the "Student Organization/Student Affairs Request" menu and answer the questions posed before entering in the times needed for reserving campus space.

All sales and solicitations sponsored at the University of St. Thomas must comply with all guidelines and regulations within the Sales and Solicitation Guidelines.

All speakers, performers and entertainers sponsored at the University of St. Thomas must comply with all guidelines and regulations within the Speaker/Performer Procurement and Performance Policy. These guidelines can be obtained in the Office of Campus Life.

- The Office of Campus Life will review the request from Facilities Scheduling. If it appears the event, sales or solicitation involves a controversial issue [see *Statement Regarding the Addressing of Controversial Issues*, in the St. Thomas Student Policy Book], the Campus Life Staff will refer the request to the College Life Committee. The College Life Committee, advised by the Dean of Student Life, will review the request and either (1) approve the request, (2) approve the request with recommended revisions or (3) deny the request. The request will then be returned to the Department of Campus Life. The Campus Life Staff will contact the designated contact person as to the progress of the requested event.
- If the event does not involve a controversial issue or involves a controversial issue and is approved by the College Life Committee, the Office of Campus Life will confirm the reservation with Facilities Scheduling. The contact person of the requested event will be expected to follow up with Facilities Scheduling to see that the requested space has been secured.
- The contact person of the request event is expected to contact those offices/services relevant to the execution of the requested event.
- A copy of the completed *On-Line Request* will remain on file in the Office of Campus Life. Should any detail of the approved event change prior to the event, the contact person of the request event must notify the Department of Campus Life and inform the office of the changes.

Policy Title: Gambling, Raffles and Games of Chance Policy

Effective date: 9/1/1999

Pertains to: All students, faculty and staff

Policy Index: www.stthomas.edu/policies

Gambling, Raffles and Games of Chance Policy

The Minnesota Gambling Control Board has issued the following policy/procedures concerning gambling, raffles and games of chance sponsored by clubs, organizations, or individuals at the University of St. Thomas:

UNIVERSITY NON-PROFIT STATUS

The entity known as the *University of St. Thomas* does have tax exempt, nonprofit status. However, student clubs, organizations or individuals **are not** seen as subsidiaries or subordinates of this entity. Hence, student clubs, organizations or individuals are not eligible to engage in gambling, raffles or games of chance, regardless if the revenue is for profit or is designated for a charitable cause.

NATIONAL NON-PROFIT ORGANIZATION AFFILIATION

If a student organization falls under a national organization (i.e. local chapters of national fraternities or sororities, ODK, etc.), then that student organization must (1) obtain a copy of the IRS letter showing the national organization as a nonprofit organization and carries a group ruling and (2) obtain a copy of the organization's charter recognizing the student group as a subordinate. Department of Campus Life for more information.

FUND-RAISING OR CHARITABLE CAUSE OPTIONS

In an effort to raise revenue for profit or for a charitable cause, clubs/organizations or individuals may engage in the following practices:

Games of Skill – A “game of skill” is an activity where the participant may pay for a ticket or a chance to logically estimate so as to win (i.e. guessing the number of marbles in a jar). There must be the ability to arithmetically and logically arrive at an answer during a game of skill. The item used (i.e. jar with marbles) must be sealed and in plain view.

Silent Auction – Individuals have the ability to silently suggested a price for an item that is on auction. There is to be no selling of tickets or chances for the bidding process and bids can either be posted on paper or concealed on a slip of paper and submitted. The item goes to the highest bidder on auction.

These two options outlined above are not presently regulated by the Gambling Control Board and no applications or permits are needed to engage in these practices.

Policy Title: Responsibility for Personal Safety

Effective date:9/1/1999

Pertains to: All students, faculty and staff

Policy Index: www.stthomas.edu/policies

Responsibility for Personal Safety

While the University of St. Thomas can assume no responsibility for risks associated with participation in programs or activities, the university attempts to provide a safe environment for its students. Historically, few students have been injured while participating in program-related activities, yet none of us are immune to injury in the course of our daily lives, work, play, or field of study. Each student should conduct himself/herself using due and reasonable care in his/her actions. Student status creates no "special" relationship between the student and the university, and the university is not a "custodian" of the safety of students.

Policy Title: Sales and Solicitation on Campus

Effective date:9/1/1999

Pertains to:All students, faculty and staff

Policy Index: www.stthomas.edu/policies

Sales and Solicitation on Campus

Solicitation or sale of any products at the University of St. Thomas by any group or individual requires written permission. The Director of Campus Living is the university official responsible for granting such permission in university-owned housing facilities, and the Executive Director of Campus Life is the university official who may grant such permission for university-wide sales and solicitation.

A. The Executive Director of Campus Life (for Murray-Herrick Campus Center) or Director of Residence Life (for residence halls) may grant permission for sales and solicitation to an officially recognized student organization if all of the following conditions are met:

1. An officially recognized student organization in good standing is either selling the item itself or agrees to sponsor the sales or solicitation. Organizations will be limited to no more than three sales per organization per semester, each sale not exceeding five days.
2. The product is not sold in direct competition with another approved sale or solicitation. The sale of similar but not identical items may be approved.

3. The product is not sold in direct competition with products sold in the university Bookstore or university Food Service (exceptions may be granted for periodic bake sales, or school spirit items such as hats, mufflers, shirts, etc.).

4. The sponsoring club or organization is guaranteed at least 15 percent of the gross sales or a flat rate of at least \$50 per day, whichever is higher.

5. The proceeds from any sale must benefit the entire sponsoring organization and not simply some members who might use the organization as a front to set up such sales. For credit card solicitations, at least one member of the sponsoring organization must be present to staff the table.

6. T-shirts, posters, etc., which contain design elements must be approved by the Executive Director of Campus Life.

7. The product for sale or the solicitation is appropriate for a Catholic university.

8. The written permission form has been received in the Center for Student Leadership and Activities at least one week in advance of the proposed sale.

B. In addition, sales and solicitation on campus may be granted if:

1. The sales or solicitation is of direct educational benefit to students or of significant benefit to the University of St. Thomas community.

2. The sales or solicitation is sponsored by an administrative or academic department of the university.

3. The sale or solicitation is by an off-campus nonprofit organization such as the Girl Scouts. Such solicitation will be limited to no more than two days per year. Sales will be conducted from assigned tables in Campus Square or the residence halls. Arrangements should be made through the Facilities Coordinator's office, Room 103, Murray-Herrick Campus Center, (651) 962-6670.

4. The university retains the right to restrict time, place and manner of solicitations in order to protect the educational environment of the institution.

The business of any approved sale or solicitation must be conducted in the confinement of the area (or space) approved by the director for Student Leadership and Activities or director of Residence life. The university may, if it chooses, impose an additional "rental charge" to cover overhead costs to the institution.

Policy Title: Sexual Violence Policy

Effective date: 9/1/1999

Pertains to: All students, faculty and staff

Policy Index: www.stthomas.edu/policies

Sexual Violence Policy

I. Policy Statement

Under Minnesota law, sexual violence is a criminal act. At St. Thomas, sexual violence is defined as any act of violence or force committed without the complainant's consent, for the purpose of satisfying the actor's sexual or aggressive impulses, including, but not limited to, contact of a person or a person's clothing in the genital, groin, inner thigh, buttocks or breast areas, or the use of threat of force or coercion which requires the victim to commit or submit to any kind of attempted sexual act. Examples of sexual

violence are rape, date rape, acquaintance rape or sexual assault or attempted sexual assault on the part of any one person on another.

SEXUAL VIOLENCE WILL NOT BE TOLERATED AT THE UNIVERSITY OF ST. THOMAS.

While sexual violence may be perpetrated by a stranger, it more frequently will be perpetrated by an acquaintance, someone known by the victim. Regardless of whether or not the victim knows the perpetrator, it is essential that as soon as possible after an assault or a believed assault, the victim talk to someone who may be of help. That someone may be a friend, a counselor, a professional staff person at the university, a university security officer or a police officer. It is the university's primary concern that the victim receive help from a qualified individual as soon as possible after the incident.

II. Procedure

A. Immediate Action

The university recognizes that with incidents of sexual violence it can take weeks, months or even years before the victim realizes that an assault did indeed take place.

Nevertheless, the university urges victims of sexual violence:

- To contact the police as soon as possible;
- To seek support from appropriate medical resources;
- To utilize on-campus and/or off-campus counseling resources;
- To use university procedures to report the incident.

If the victim does not wish to pursue an official course of action, or is unsure what action to take, the victim may contact the University of St. Thomas Personal Counseling Department (651-962-6780). The personal counseling staff psychologists are legally bound to maintain confidentiality and will not report or officially pursue an incident without written permission from the victim.

B. Reporting Sexual Violence

i. The university urges victims of sexual violence to contact the police as soon as possible, so that the authorities can take whatever action is necessary to preserve evidence, pursue the assailant or take other appropriate steps. On request, the university will assist the victim in contacting the police. The university will assist law enforcement officials in a timely fashion in obtaining, securing and maintaining evidence in connection with a sexual violence incident. The police may be contacted by dialing 911 on the nearest telephone.

ii. It is important to realize that contacting the police and informing them of an incident is different from filing a charge. Reporting an incident of sexual violence does not mean that the victim must file charges. If the victim wishes to file a charge with local law enforcement officials the university will provide assistance when requested.

In addition, the victim should contact the University of St. Thomas Safety and Security Department at (651) 962-5100 to report an incident of sexual violence. The Safety and Security Department will contact the most appropriate university official.

C. Support Resources

There are a number of resources available on the university's campus or in the local area to assist a victim in recovering from and dealing with an incident of sexual violence. These resources offer support and legal assistance, and can assist the victim in making decisions concerning appropriate medical, legal and criminal steps which may be available.

The following is a list of some of these resources:

1. Medical Resources

University of St. Thomas Health Center
West end, Brady Hall
(651) 962-6750

Regions Medical Center
640 Jackson St. at University Avenue, St. Paul
Emergency Room: (651) 221-2121;
Crisis Program: (651) 221-8922

Hennepin County Medical Center
701 Park Ave., Minneapolis
General Information: (612) 347-2121
24-hour Emergency: (612) 347-3131

2. Counseling Resources

University of St. Thomas Personal Counseling Department
Room 356, Murray-Herrick Campus Center
(651) 962-6780

Sexual Offense Services (S.O.S.)
1619 Dayton Ave., St. Paul
(651) 2643-3006 (crisis Line)

Sexual Violence Center of Hennepin County
2100 Pillsbury Ave. S.
Minneapolis, MN
(612) 871-5111

3. General Resources

Minnesota Crime Victims Services
245 E. 6th St., Suite 705
St. Paul, MN 55102
(651) 282-6256 or 1(888) 622-8799

D. Crime Victims Bill of Rights

Victims of sexual violence have certain rights under the Crime Victims Bill of Rights, including the right to assistance from the Crime Victims Reparations Board (651)-282-6256 or 1-800-247-0390 and the Minnesota Office of Crime Victims Ombudsman at (651)282-6258 or 1 (800) 247-0390. A description of these rights is contained in a brochure published by the Minnesota Office of Crime Victims Ombudsman and available on campus in the Dean of Student Life Office and the Human Resources Department.

E. Internal Procedures for Sexual Violence Incidents

The victim is encouraged to consider the following internal procedures that are available. A process coordinator can assist the victim in considering and selecting the steps to take in follow-up to an incident of sexual violence.

1. **Informal Assistance** - The victim of an act of sexual violence may talk with one of the designated process coordinators. This discussion will allow for a review of the various options available to the victim including informal discussion with the accused in the presence of a third party, a formal process of mediation, or a formal internal investigation with formal disciplinary action. The process coordinator is available to facilitate an informal discussion with the accused.

2. **Formal Mediation** - If the victim chooses, a process coordinator can arrange for an outside mediator to undertake formal mediation between the victim and the accused to attempt to find an agreed upon settlement. The agreement reached will be put in writing and forwarded to the executive vice president.

3. **Formal Investigation** - If the victim chooses, he/she can ask one of the university's investigative officers to conduct a formal investigation into the complaint. Formal investigative and disciplinary action requires a process that is as fair to all parties as possible. This will require notice to the alleged offender and a reasonable opportunity for that person to respond to the major elements of the complaint or evidence against him or her. The investigative officer makes a recommendation regarding any disciplinary action to the appropriate vice president of the university. The vice president will issue a written decision which will be mailed to the victim and the accused. A formal investigation and decision on a complaint can lead to formal disciplinary action up to and including separation from the university.

4. **General Guidelines** - Throughout these formal and informal processes and proceedings:

a. The process coordinator is always available to assist the victim in considering the options available. The process coordinator can provide information on the process to the accused as well.

b. The victim and the accused can have a support person and/or attorney accompany them throughout the process. The support person and/or the attorney may not participate in the proceedings.

c. Any hearing held will be closed to all members of the public unless all parties agree otherwise.

d. The victim and the accused will be kept informed about the status of the process and will be informed of the result of the discipline process.

e. Evidence concerning unrelated sexual history of the victim and/or accused will be excluded from the investigation and hearing.

f. The process will be handled with courtesy and respect and in a timely manner.

g. If the victim admits to personal actions that would violate the university code of student conduct, it will not result in a charge against him or her.

5. **Appeal Process** - Either party, the victim or the accused, may appeal the decision rendered by the appropriate vice president within five work days of the receipt of the vice president's written decision. An appeal must be initiated by submitting a written statement to the executive vice president, explaining the basis for the appeal. After an appeal is filed, a three-member hearing panel will be selected by the executive vice president from a pool of students, faculty members and staff employees. The panel will hear the case and accept and obtain evidence, testimony and argument as appropriate concerning the alleged sexual violence.

The composition of the particular pool and the particular hearing panel will be within the complete discretion of the executive vice president. Either the victim or the accused may challenge a member of the hearing panel for conflict of interest or bias. This challenge must be presented to the executive vice president within 24 hours of announcement of the hearing panel membership.

The hearing panel will follow the general procedures developed for these hearings. A copy of these procedures is available from any process coordinator or the executive vice president.

The hearing panel shall make a written recommendation to the executive vice president which will: 1) affirm the original decision and sanction, 2) affirm the original decision and reduce or increase the original sanction, or 3) reverse the original decision. The executive vice president shall make the final decision, including the sanction to be applied.

6. Authority of the Administrator - The investigator with whom a charge is initially filed, or the vice president or the executive vice president may take appropriate steps to shield the victim from unwanted contact with the accused. These individuals have the authority to prohibit any person accused of committing sexual violence from physically entering or being on university property. This authority extends throughout the above described process and may be imposed if it is determined that the accused constitutes a threat to the university community or any individual thereof.

F. Civil or Criminal Proceedings External to the University

At all times the university shall have the right to reasonably delay a disciplinary proceeding because of civil or criminal proceedings outside the university, or to defer to the results of such external proceedings.

III. Educational Programs

The University of St. Thomas will provide educational programs and opportunities to all members of the community (students, faculty and staff) on a regular basis on the subject of sexual violence, its causes, its effects and the university's policies and procedures in dealing with sexual violence. All members of the St. Thomas community are expected to attend these programs.

IV. Miscellaneous

The university will utilize these procedures in following up accusations of sexual violence:

A. In order to keep the St. Thomas community informed about sexual violence and the safety and security of the campus, the university is committed to the reporting of incidents of sexual violence to the Department of Public Safety and Parking Services when the university becomes aware of such incidents. The university will only disclose the fact that a report was made and the nature of the incident. This reporting is done for statistical purposes and is necessary to fulfill the university's obligations under federal law.

B. The university will only conduct an official internal investigation of an allegation of sexual violence:

- If requested by the victim through contact with an investigative officer or
- If the process coordinator or the executive vice president judges that there is a possibility that one or more members of the community may be harmed by a failure to follow up on the incident.

We wish to balance the wishes and rights of the victim with the well-being of the community.

C. The university will make every effort to ensure confidentiality for both the accuser and the accused in carrying out this policy.

Policy Title: Sexual Harassment Policy
Effective date: 9/1/1999
Pertains to: All students, faculty and staff
Policy Index: www.stthomas.edu/policies

Sexual Harassment Policy

The University of St. Thomas believes strongly in the human dignity of each individual. Therefore, the university strongly condemns and opposes any behavior on the part of any of the members of its community that constitutes sexual harassment.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or education; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication has the purpose or effect of substantially interfering with an individual's employment or education or creating an intimidating, hostile, or offensive employment or educational environment.

It is especially the case that the use of a position of authority to seek to accomplish any of the above constitutes sexual harassment. Such unacceptable conduct might include but is not limited to:

1. Repeated offensive sexual flirtations, unwelcome advances, propositions or invitations;
2. Unwelcome repeated comments, displays or suggestions of a sexual nature which are individual or gender oriented;
3. Objectionable physical contact, including touching.

Members of the St. Thomas community should be aware that, when any person in a management position at the University has reason to know of a potential case of sexual harassment, that individual is required, by law, to take prompt action. Minimally, this means that the manager should encourage and offer assistance to the potential victim to contact one of the process coordinators indicated later in this policy.

Resolution of Situations - When a sexual harassment situation occurs, there are several options available to the victim. Prompt action should be taken. Resolving a complaint should mean at a minimum that the victim is no longer being harassed and that there is no reprisal from the alleged harasser. This can happen in a number of ways, with or without disciplinary action against the harasser, and with or without a record of the complaint - depending on the option chosen. The options available include:

1. Personal actions - When a sexual harassment situation occurs, if comfortable in doing so, the victim should clearly and straightforwardly object to the offender, either in person or in writing, pointing out the nature of the offense and indicating that the offender should not repeat the objectionable behavior.

If the victim does not wish to pursue an official course of action, or is unsure what action to take, the victim may contact the University of St. Thomas Personal Counseling Department at (651) 962-6780. The personal counseling staff psychologists are legally bound to maintain confidentiality and will not report or officially pursue an incident without written permission from the victim.

2. Informal Third Party Intervention - The victim, if not comfortable in discussing the matter with the offender, should still follow up on the behavior. The victim is encouraged to talk with one of the specially named process coordinators. This discussion will allow for a review of the various

options available to the victim, including informal discussion with the accused in the presence of a third party. The process coordinator is available to facilitate this informal discussion. In this case, there is not likely to be formal disciplinary action against the harasser.

3. Formal Mediation - If desired, a process coordinator can arrange for an outside mediator to undertake formal mediation of the complaint between the victim and the alleged harasser. In this case, the mediator and the parties involved will agree in writing regarding a resolution of the situation.
4. Formal Investigation - If a process coordinator believes that a formal investigation is necessary or if the victim desires, a formal investigation of the complaint will be undertaken by one of the investigative officers noted below. Formal investigative and disciplinary action requires a process that is as fair to all parties as possible. This will require notice to the alleged offender and a reasonable opportunity for that person to respond to the major elements of the complaint or evidence against him or her. The investigative officer makes a recommendation regarding any disciplinary action to the appropriate vice president of the university. The vice president will issue a written decision which will be mailed to the victim and the accused. A formal investigation and decision on a complaint can lead to formal disciplinary action up to and including separation from the university.
5. General Guidelines - Throughout these formal and informal processes and proceedings:
 - a. A process coordinator is always available to assist the victim in considering and selecting the options available. The process coordinator can provide information on the process to the accused as well.
 - b. The victim and the accused can have a support person and/or attorney accompany them throughout the process. The support person and/or the attorney may not participate in the proceedings.
 - c. Any hearing or meeting held will be closed to all members of the public unless all parties agree otherwise.
 - d. The victim and the accused will be kept informed about the status of the process and will be informed of the result of the discipline process.
 - e. The process will be handled with courtesy and respect and in a timely manner.

Appeal Process - Either party, the victim or the accused may appeal the decision rendered by the appropriate vice president in the formal investigative process described above. An appeal must be initiated within five work days of receipt of the written decision by submitting a written statement to the executive vice president, explaining the basis for the appeal.

After an appeal is filed, a three-member hearing panel will be selected by the executive vice president from a pool of students, faculty members and staff employees. The panel will hear the case and accept and obtain evidence, testimony and argument as appropriate concerning the alleged sexual harassment.

The composition of the particular pool and the particular hearing panel will be within the complete discretion of the executive vice president. Either the victim or the accused may challenge a member of the hearing panel for conflict of interest or bias. This challenge must be presented to the executive vice president within 24 hours of announcement of the hearing panel membership.

The hearing panel will follow the general procedures developed for these hearings. A copy of these procedures is available from any process coordinator or the executive vice president.

The hearing panel shall make a written recommendation to the executive vice president which will: 1). affirm the original decision and sanction, 2). affirm the original decision and reduce or increase the original sanction, 3). reverse the original decision. The executive vice president shall make the final decision, including the sanction to be applied.

Process coordinators and investigative officers

The process coordinators are:

- Sr. Sharon Howell (651) 962-6461 101 MHC
- Elizabeth Dussol (651) 962-6303 110 AQU

The investigative officers are:

- Mary Anderley (651) 962-6512 217 AQU
- Mary Kay Kernan (651) 962-6772 350 MHC
- Merritt Nequette (651) 962-6006 120 AQU
- Barbara Shank (651) 962-5801 406 LOR

A chart outlining this process is available in the following offices: Personal Counseling Center, Health Services, Academic Counseling, Dean of the College, Residential Life and Dean of Student Life.

Policy Title: Student Employment Guidelines

Effective date:9/1/1999

Pertains to: All students

Policy Index: www.stthomas.edu/policies

Student Employment Guidelines

Campus Positions: If you would like to identify specific student employment opportunities on campus, please call the Career Services Hotline at (651) 962-6777 or review current openings outside the Student Financial Services Office in Christ Child Hall.

Complaints or Concerns: For any concerns related to your campus job, including complaints of sexual harassment or sexual violence, supervision, discipline or termination, please contact the Human Resources Department at 651-962-6517. A human resources representative will assist you in resolution and in following the appropriate university policies and procedures.

Grievance Process: Students who wish to file a formal grievance can contact the Human Resources Department at 651-962-6517. Grievances related to campus employment (excluding complaints of sexual harassment or sexual violence) must be reported to the Human Resources Office within 30 days of learning of the situation to be addressed through the grievance process.

Disciplinary Process: If a student violates one of the Rules of Conduct listed in this policy book in the course of his/her employment at the university, the disciplinary process will be followed. Disciplinary action will be taken if a student knowingly falsifies or alters hours reported for pay.

Financial Aid: If you have questions concerning the work study financial aid you may be receiving, please contact the Office of Student Financial Services at (651) 962-6550. This includes questions concerning award amounts or changes in personal circumstances that may affect an award.

Policy Title: Policy Statement for Students with Disabilities

Effective date:9/1/1999

Pertains to: All students

Policy Index: www.stthomas.edu/policies

Policy Statement for Students With Disabilities

The University of St. Thomas offers services to qualified students with disabilities and provides reasonable and appropriate accommodations necessary for physical, academic and social accessibility.

Support services are provided to enrolled students and based on assessed needs. These services may include counseling, identification and referral services, accommodation and academic assistance, interagency coordination and advocacy services.

For more information, students with learning disabilities may contact the Enhancement Program, (651) 962-6315. Students with physical disabilities may contact the Office of Specialized Services, (651) 962-6055.

Policy Title: Telecommunications Policies

Effective date:9/1/1999

Pertains to:All students, faculty and staff

Policy Index: www.stthomas.edu/policies

Telecommunications Policies

Harassing Phone Calls

If you receive harassing phone calls, please report them to the Department of Public Safety and Parking Services, (651) 962-5100. Perpetrating harassing phone calls is a federal offense punishable by law. The University of St. Thomas also may impose disciplinary sanctions.

Long-Distance Authorization Code/Voice-Mail Passcode

Each student will accept full responsibility for assigned Telecom codes and maintaining the confidentiality of the codes. All charges billed to the code(s) are the student's responsibility to pay. Please notify Telecom immediately if codes are lost or if unauthorized calls are billed to you. There will be a \$30 replacement fee for each new authorization code issued. Voice mailboxes will be charged to the student at \$5 per month and will appear on the monthly billing statement. Data access equipment will be charged to the student at \$5 per month and also will appear on the monthly billing statement.

The university prohibits charging long-distance calls to another person's authorization code, telephone credit card or a third-party number. Similarly, you may not use another person's voice-mail passcode. Penalties for unauthorized use of codes include:

- The deactivation of codes held by the person found abusing the codes of another. The deactivation will remain in effect for the remainder of the school year.
- Those responsible for such abuse will be held liable for the full costs incurred, plus a \$100 fine.
- Disciplinary action as deemed necessary by the Director of Residence Life and/or the Dean of Student Life.

Policy Title: UST AIDS Guidelines

Effective date:9/1/1999

Pertains to: All students, faculty and staff

Policy Index: www.stthomas.edu/policies

UST AIDS Guidelines

The University of St. Thomas has adopted the following statement on AIDS:

The University of St. Thomas is deeply concerned about the AIDS (Acquired Immune Deficiency Syndrome) epidemic. The university also is deeply concerned about all members of its community - faculty, students, staff and administrators - both individually and collectively. The university, through

officials, namely the campus medical doctor and the Dean of Student Life, will attempt to keep the community informed on the most up-to-date information on AIDS available.

The university will not discriminate against AIDS victims in violation of applicable federal, state, or local law. The university stands ready to assist any member of its community who contracts AIDS. Specific offices, such as the following, have been designated to be of service as appropriate.

- Human Resources Room 217, Aquinas Hall
- Academic Vice Pres. Room 104, Aquinas Hall
- Health Service West end, first floor, Brady Hall
- Academic Advising Room 110, Aquinas Hall
- Campus Ministry Room 105, Murray-Herrick Campus Center
- Dean of Student Life Room 101, Murray-Herrick Campus Center

Available outside resources also will be recommended.

Policy Title: Use of Tobacco Policy

Effective date:9/1/1999

Pertains to:All students, faculty and staff

Policy Index: www.stthomas.edu/policies

Use of Tobacco Policy

Medical evidence clearly shows that smoking is harmful to the health of both smokers and nonsmokers. The findings of the U.S. surgeon general emphasize the harmful effects of second- hand smoke and also have documented the harmful effects of chewing tobacco.

Therefore, in an effort to provide a healthy, comfortable and productive environment for students, faculty, staff and visitors, the University of St. Thomas focuses on a smoke-free environment. Effective Sept. 1, 1993, smoking and chewing of tobacco are prohibited in all buildings on the university's St. Paul and Minneapolis campuses and in all university-owned vehicles. The only exceptions to this are a limited number of smoking lounges located on the St. Paul campus.