

# The Undergraduate Student Policy Book

A general guide to the policies, procedures and rules  
at the University of St. Thomas.

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## **ACTC Conduct Statement**

Augsburg College, Hamline University, Macalester College, The College of St. Catherine, and the University of St. Thomas, (members of the Associated Colleges of the Twin Cities) are committed to sustaining cordial and mutually supportive relationships between and among the five campuses. To that end, the following guidelines for dealing with conduct violations have been established:

1. ACTC students visiting and/or taking classes at any of the five institutions are expected to observe the policies of that campus.
2. When students from one of the five institutions are on one of the member campuses, the judicial regulations of that institution apply to them. If they are involved in a disciplinary situation, the host Dean of Students (or designee) will be notified and, in turn, will convey the details to the home Dean of Students. In some cases, it may be determined that both deans adjudicate the infraction collaboratively; in most cases, the home dean will adjudicate the infraction on the home campus. In the event of an emergency or necessary police action, the host dean (or designee) will respond immediately and later notify the home Dean.
3. Each of the five colleges/universities, through its own judicial process, has the authority to suspend or expel any student who is registered for courses on their campus with the visiting student being accorded all the rights, including the right of appeal, that apply to a student of the host school.
4. The duration of any penalties shall be at the discretion of the institution originally handling the incident. If the loss of academic grade is involved, or loss of privilege to continue taking a course at a host institution, the academic dean's office may become involved in the process. The student may use existing channels of appeal.

In all cases, it is assumed that this agreement does not supersede any rules or regulations of any of the five institutions and, furthermore, that the strong, existing spirit of cooperation among the five institutions will prevail in seeking resolutions with educational merit.

## **Committees**

### ***Student Life Committee***

The Student Life Committee, like the Grievance and Discipline Committees, is a committee of the university. As such, it includes students, faculty and administrators. Its functions and authority are defined below.

- A. The committee shall actively seek to improve the quality of student life at the university in nonacademic areas in these ways:
  1. The committee may formulate modifications in the Statement of Student Rights and Responsibilities and recommend them for approval by the student, faculty and administrative bodies. Proposals for such modifications also may be initiated by the appropriate student, faculty and administrative bodies.
  2. In the area of student life, the committee may recommend rules and policies on student conduct, athletics, and on- and off-campus functions sponsored by a university organization.
  3. The committee may recommend and promote programs it considers helpful in enhancing student life and contributing to an improved spirit of understanding and cooperation

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among members of the university community.

4. The committee may discuss matters involving on- or off-campus residency and make recommendations to the appropriate authority.
  5. The committee shall not make rules pertaining to student residencies.
  6. None of the above limits the authority of the Dean of Students to establish policies and rules in the area of student affairs.
- B. The actions of the committee in A.2 and A.3 above will go into effect upon approval by the Dean of Students.
- C. Proposal under A.1 above will go into effect if approved by the three bodies specified. The All College Council, faculty and administration will each set up its respective body and methods for approval. When one of the bodies suggests modifications of a proposal, the Student Life Committee will act as a conference committee to arrive at an acceptable resolution.
- D. The Student Life Committee shall consist of five students, four faculty and three administrators, plus the Dean of Students as a nonvoting member.
1. The committee shall elect its own chair annually.
  2. Four student members of the committee will be appointed for a two-year term in a manner so designated by the All College Council. The fifth member shall be the president of the ACC who shall serve a term of one year.
  3. The four faculty members of the committee shall be chosen for a term of four years in a manner designated by the Faculty Organization Plan.
  4. The three administrators on the committee shall be appointed for a term of two years by the president of the university.
  5. All terms shall begin on April 1.
  6. In the case of vacancies, each of the above groups shall determine its own method of making appointments for the unexpired terms. Also, the faculty and administration may decide, if either wishes to do so, to have two members chosen for one-year terms in the initial formation of the committee.

### *Committee on Undergraduate Studies*

The Committee on Undergraduate Studies is charged with interpreting the general academic requirements of the undergraduate college and has the authority to grant exceptions and waivers when warranted. It is composed of five faculty members, two students and the Director of Undergraduate Academic Affairs.

Students should submit a formal letter along with the completed petition form to Michael C. Jordan, Director of Undergraduate Academic Affairs, campus mail AQU 110. Petition forms and further information about the Committee can be found at: <http://www.stthomas.edu/committees/studies/>.

The petition form should be signed by the student's faculty adviser. If the request involves a decision or action of an instructor, a statement from that instructor should accompany the student's request.

Requests concerning major or minor field requirements should be addressed to the appropriate department chair.

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### *Grievance Committee*

There is a committee of the university called the Grievance Committee which is available to ensure students' rights. The committee is composed of three undergraduate faculty members, three graduate faculty members, three students, three administrators and graduate faculty representatives. 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 nonvoting, 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.

### *Committee on Discipline*

The Committee on Discipline shall be the board of appeal for all decisions regarding academic misconduct which are reached at an administrative level by the dean of the College (or designee) and for all decisions regarding violations of the Rules of Conduct which are reached at an administrative level by the Dean of Students (or designee). Each special hearing panel 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) or the Dean of Students (or designee).

The committee shall consist of five faculty members, two administrators and four students. The Dean of Students (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 Organization Plan, except that the terms of office shall commence on June 1. The four student members of the committee shall be chosen for terms of one year, commencing on 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 special 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 as 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 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 administrators.

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.

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## **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 *University Catalog* or violation of policies cited in this *Policy Book* may result in disciplinary sanctions as outlined within this Policy Book.

## **Statement Regarding the Addressing of Controversial Issues**

In its undergraduate programs the university is committed to the development of the student through a liberal arts education within the living Catholic tradition and through a high degree of personal attention in a spiritually and intellectually stimulating campus environment. ... In all of its academic programs and other educational enterprises the university is committed to meeting the diverse, changing needs of the community. ... The university fosters in the student an energetic, thoughtful approach to the challenges of contemporary life.

*- from the University of St. Thomas Mission Statement*

The university's educational program ... strives to give a student a foundation for clear thinking and expression.

*- from the University of St. Thomas Convictions*

... it is evident that besides the teaching, research and services common to all universities, a Catholic university, by institutional commitment, brings to its task the inspiration and light of the Christian message. In a Catholic university, therefore, Catholic ideals, attitudes and principles penetrate and inform university activities in accordance with the proper nature and autonomy of these activities. In a word, being a university and Catholic, it must be both a community of scholars representing various branches of human knowledge and an academic institution in which Catholicism is vitally present and operative.

*- from Ex Corde Ecclesiae, Pope John Paul II's Apostolic Constitution on Catholic Universities (Paragraph 14)*

By its very nature, a university develops culture through its research, helps to transmit the local culture to each succeeding generation through its teaching and assists cultural activities through its educational services. It is open to all human experience and is ready to dialogue with and learn from any culture. A Catholic university shares in this, offering the rich experience of the church's own culture. In addition, a Catholic university, aware that human culture is open to revelation and transcendence, is also a primary and privileged place for a fruitful dialogue between the Gospel and culture.

*- from Ex Corde Ecclesiae, Pope John Paul II's Apostolic Constitution on Catholic Universities (Paragraph 43)*

In its Mission Statement and supporting documents, the University of St. Thomas commits itself to its Catholic character and to valuing the diversity of viewpoints reflective of a larger society. Diversity is complex, and is best achieved through intentional planning, listening, reflecting and interacting.

St. Thomas values its role as a diocesan, Catholic university. The university also recognizes and accepts its responsibility to respond to the dynamic tension that exists between the challenges of contemporary living and educating within the living Catholic tradition.

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The university exists as an environment which not only allows, but encourages, members of its community to ask questions and openly explore challenging ideas in their personal search for truth. Open forums through which controversial issues may be addressed in a responsible and educative manner will be available. More important, the university will ensure that these dialogues occur in an arena free of fear of reproach or reprisal.

While the university cherishes free expression, it recognizes the difference between freedom of ideas and freedom of behavior. In discussion and debate, members and guests of the university community are expected to treat one another with respect and dignity.

Some of the implications of this statement are:

1. The University of St. Thomas is committed to open dialogue about controversial issues.
2. The university will provide in-class and co-curricular opportunities for discussion and debate about controversial issues.
3. The university believes that public dialogue around challenging issues does not diminish its fundamental commitment as a Catholic university.
4. The university has the responsibility to educate members of this community about the beliefs and moral values that make us Catholic.
5. The university will refuse official recognition to any group or organization which promotes a position contrary to the teaching of the Catholic Church.
6. The university welcomes to the campus students, faculty and staff from diverse cultural, religious and ethnic backgrounds. It values the perspectives they can provide on issues of common interest.
7. The university will strive to ensure that each member of this community receives respect.
8. The university employs individuals who are committed to the ideals stated in this document.

### **Disciplinary Rights and Procedures - Academic**

#### ***Academic Integrity Policy***

Honesty and trust among students and between students and faculty are essential for a strong, functioning academic community. Consequently, students are expected to do their own work on all academic assignments, tests, projects and research/term papers. Academic dishonesty, whether cheating, plagiarism or some other form of dishonest conduct related to academic coursework and listed in the Student Policy Book under "Discipline: Rules of Conduct" will automatically result in failure for the work involved. But academic dishonesty could also result in failure for the course and, in the event of a second incident of academic dishonesty, suspension from the university. Here are the common ways to violate the academic integrity code:

- *Cheating* - Intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise. The term academic exercise includes all forms of work submitted for credit.
- *Fabrication* - Intentional and unauthorized falsification or invention of any information or citation in an academic exercise.

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- *Facilitating Academic Dishonesty* - Intentionally or knowingly helping or attempting to help another to violate a provision of the institutional code of academic integrity.
- *Plagiarism* - The deliberate adoption or reproduction of ideas or words or statements of another person as one's own without acknowledgment. You commit plagiarism whenever you use a source in any way without indicating that you have used it. If you quote anything at all, even a phrase, you must put quotation marks around it, or set it off from your text; if you summarize or paraphrase an author's words, you must clearly indicate where the summary or paraphrase begins and ends; if you use an author's idea, you must say that you are doing so. In every instance, you also must formally acknowledge the written source from which you took the material. (This includes material taken from the World Wide Web and other Internet sources.)

*Reprinted from "Writing: A College Handbook" by James A.W. Heffernan and John E. Lincoln. By Permission W.W. Norton & Co. Inc., Copyright 1982 by W.W. Norton & Co. Inc.*

Students are encouraged to report incidents of academic dishonesty to course instructors. When academic dishonesty occurs, the following procedures will be followed:

- A. The instructor will impose a minimum sanction of failure for the work involved. The instructor also will notify the student and the appropriate academic dean in writing of the nature of the offense and that the minimum sanction has been imposed. The instructor may recommend to the dean that further penalties be should imposed.

If further penalties are imposed, the dean will notify the student immediately and the student will have five working days to respond to the intention to impose additional penalties. The student has the right to respond to the charge of academic dishonesty and may request in writing that the dean review the chare of academic dishonesty as fully as possible.

If the dean determines that no further sanctions will be applied, the instructor's sanction will stand and the instructor's letter to the dean and student will be placed in the student's file. If no further charges of academic dishonesty involving the student occur during the student's tenure at St. Thomas, the materials will be removed from the file upon graduation.

- B. If the student has been involved in a previous incident of academic dishonesty, the dean will convene a hearing, following guidelines listed under "Hearings and Procedures" in the Student Policy Book. During the hearing, all violations of academic integrity will be reviewed. The student and the faculty member charging the most recent incident will be present at the hearing.
- C. In either situation, A or B, if the dean determines that further sanctions are warranted, the student will be informed in writing. Among the sanctions considered by the dean will be the following: failure for the course in which the incident occurred; suspension from the university for the following semester; expulsion from the university; community service; a written assignment in which the student explores the principles of honesty and trust; other appropriate action or sanctions listed under "Sanctions" in the Student Policy Book. The materials relating to the incident, including the instructor's original letter to the student and dean and the dean's decision following the hearing, will become part of the student's file.
- D. A student may appeal the dean's decision to the Committee on Discipline. To appeal, the student must send written notice to the chair of the Committee on Discipline within seven days of the date of the dean's letter notifying the student of the penalty. If the chair of the Committee on Discipline receives no written request within the time specified, the penalty shall be imposed and the action shall be considered final. If a written request of appeal is received within the time specified, the hearing procedures of the Committee on Discipline will be followed.

The Committee on Discipline shall have the authority to investigate the facts of the particular case that has been appealed and the committee may:

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1. Affirm the original decision and sanction.
2. Affirm the original decision and reduce or increase the original sanction.
3. Reverse the original decision.
4. Disallow the original decision and order a new hearing by the dean (or designee).

### **University of St. Thomas Student Code of Conduct: Disciplinary Procedures – Non-Academic**

“[S]chool regulations are not to be measured by the standards which prevail for criminal law and criminal procedure.”

—Harry A. Blackmun, associate justice of the U.S. Supreme Court

### **PREAMBLE**

The goal and the mission 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. It is not the civil or criminal justice system. The University judicial system is part of a private institution of higher education, and it is designed to treat students with care, concern, honor, fairness and dignity. The disciplinary process, at its heart, is an educational process meant to assure that every student will be given notice 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.

The disciplinary process is a function of an educational institution that must, by its very nature, be flexible and efficient in order to achieve timely resolution of all allegations of student misconduct in accordance with the larger mission of the University. The structures, policies and procedures set forth below are intended to achieve these goals. The dean of students reserves the right to establish and make adjustment to any rule or guideline in any given case.

This Student Code of Conduct applies to all students at the University. Graduate students may be subject to a separate student code of conduct specific to their program(s). Where such graduate school codes of conduct exist, the program will govern the conduct and behavior of their students. Should a graduate program not have a specific code of conduct, should there be omissions or gaps in the code of conduct for a specific graduate school program, or should such codes of conduct be otherwise inapplicable, this Student Code of Conduct shall govern.

### **ARTICLE I: DEFINITIONS**

1. The term “University” means the University of St. Thomas.
2. The term “code of conduct” or “Student Code of Conduct” in its general meaning refers to the policies and procedures contained in this document, titled “Disciplinary Procedure – Non Academic.” The term “code of conduct” in its specific meaning refers to proscribed student conduct as outlined in Article III of this document. In its specific meaning, the term “code of conduct” and “rules of conduct” may be used interchangeably.
3. The term “student” is broadly defined and meant to include all persons taking courses at the University, either full time or part time, pursuing undergraduate, graduate or professional studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who have been notified of their acceptance for admission are considered “students,” as are persons who are living in University residence halls, although not enrolled in this institution. This term also encompasses non-degree seeking students.
4. The dean of students is the officer designated by the University to be responsible for the oversight and administration of the Student Code of Conduct and the University judicial system. The dean of students is also vested with executive authority by the University, subject only to that of the vice president for Student Affairs to intervene in and take any action involving matters of student misconduct. The dean of students may designate part or all of the administration of the Student Code of Conduct to an associate or assistant dean of students. The dean of students reserves the right to establish and make adjustment to any rule, guideline, procedure or decision in any case involving student conduct.

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5. The vice president for Student Affairs is the highest ranking University official designated by and vested with the executive authority of the University to intervene in and take any action involving matters of student misconduct.
6. The term “executive authority” shall be the powers designated to the dean of students and the vice president for Student Affairs to make decisions in matters of student conduct on behalf of the University outside of the specific confines of the University judicial process and this Student Code of Conduct.
7. The term “chief judicial officer” shall apply to the assistant dean of students. The chief judicial officer is the University official charged with oversight of the daily administration of the judicial process.
8. The director of residence life (director) is the ranking member of the Office of Residence Life. The director may be considered the lead judicial officer for residence life who is responsible for the direct oversight and supervision of judicial officers within that office. The director may delegate the role of lead judicial officer for residence life to the associate director.
9. The associate director of residence life, unless otherwise designated by the director of residence life, will be considered the designee of the director to act in the capacity of lead judicial officer for the Office of Residence Life.
10. The term “judicial officer” means a University official authorized on a case-by-case basis by the dean of students to adjudicate incidents of student misconduct, make determinations of responsibility and to impose sanctions upon any student found to have violated the Student Code of Conduct.
11. The term “faculty member” means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
12. The term “university official” includes any person employed by the University, performing assigned administrative or professional responsibilities.
13. The term “member of the University community” includes any person who is a student, faculty member, University official or any other person employed by the University. A person’s status in a particular situation shall be determined by the dean of students in consultation with other appropriate officers of the University.
14. The terms “club” or “organization” mean any number of persons who have complied with the formal University requirements for recognition of their club or organization.
15. The term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks). This Student Code of Conduct applies at all locations of the University, including the University campus in Rome, Italy. The term “University premises” and “University campus” may be used interchangeably.
16. Jurisdiction: This Code of Conduct applies to all students and student conduct regardless of location.
17. The term “University Hearing Board” refers to a formal hearing body authorized by the dean of students to determine whether a student has violated the Student Code of Conduct and to recommend sanctions that may be imposed upon a determination that a code of conduct violation has been committed.
18. The “Committee on Discipline” is the forum for appeals in the University judicial process. Membership in this committee is by appointment through the faculty organization plan. This hearing body, also referred to as a “special hearing panel” in the Student Policy Book, is convened at the direction of the dean of students.
19. The terms “shall” or “must” are to be used in the imperative sense.
20. The terms “may” or “should” are to be used in the permissive sense.
21. The term “policy” means the written regulations of the University as found in, but not limited to, the University Undergraduate Student Policy Book, the University Graduate Student Handbooks, this Student Code of Conduct, the Residence Life Handbook, the University Web pages, the University computer use policies, and the University graduate and undergraduate catalogs.
22. The term “complaint” within the University judicial process refers to a specific written report of alleged student misconduct. This report, when filed with the appropriate University judicial officer, becomes the formal complaint that will commence the University judicial process. Within the context of the University judicial system, the University is the party that presents the formal written

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complaint of student misconduct and as such is considered as the “complainant.” For reasons of practicality and common usage, individuals who report incidents of student misconduct to the appropriate University officials may be referred to as a complainant, an aggrieved party, a victim or the witness. The term “report” of student misconduct may be used interchangeably with the term “complaint” of student misconduct.

23. The term “accused student” means any student accused of violating this Student Code of Conduct.
24. The term “hearing” shall apply to formal hearings conducted on the record by University hearing bodies, such as University hearing boards and the Committee on Discipline.
25. The terms “dispositional conference” or “dispositional meeting” shall apply to an official administrative adjudication of an incident of student misconduct by a judicial officer. Such dispositional conferences or meetings are generally not conducted on the record.
26. The term “on the record,” means an audio recording.
27. The term “third party” shall refer to a person who is not a member of the University community.
28. The term “student misconduct” may be used to refer to any student behavior(s) that violate this Student Code of Conduct, state, federal or local laws and/or any other published University policies.
29. The term “preponderance of the evidence” is the standard of proof for holding a student responsible for alleged violations of the Student Code of Conduct. 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 has committed the violation(s) alleged in the complaint.
30. A “vicarious violation” is a code of conduct violation that applies to students who knowingly condone or assent to a violation of the Student Code of Conduct by another member of the University community or third party.
31. The term “Judicial Adviser” refers to the pool of advisers who are members of the University community who are trained by the dean of students and are available to help guide students through the disciplinary process.
32. The term “special appeals/hearing board” refers to any University hearing board convened at the direction of the vice president for Student Affairs to adjudicate incidents of alleged student misconduct that fall outside the scope of the normal judicial process.

### ARTICLE II: STUDENT CODE OF CONDUCT – AUTHORITY

#### A. Judicial Officers, Chief Judicial Officer for the University and Lead Judicial Officer for Residence Life

##### 1. *Judicial Officers – Roles and Duties*

The large majority of incidents of student misconduct are dealt with by judicial officers through dispositional conferences. Judicial officers are empowered to make decisions and resolve incidents of student code violations, including making determinations of responsibility and issuing sanctions.

The term “judicial officer” specifically applies to:

- Hall/area directors in the Office of Residence Life.
- The director and the associate director of residence life.
- The associate and assistant dean of students, including the chief judicial officer.
- The program manager in the Dean of students Office.
- The term “judicial officer” may apply to hearing board chairpersons and other University staff designated by the dean of students on a case-by-case basis.

All judicial officers are vested by the University with the power and authority to adjudicate incidents of student misconduct by:

- Reviewing written reports of student misconduct.
- Meeting with accused students at dispositional conferences to make findings of fact and determinations of responsibility for violation(s) of University rules or policies.
- Issuing sanctions where accused students are found responsible by a preponderance of the evidence for a violation of University rules or policies.
- Assuring that students who receive sanctions as a result of the judicial process complete such sanctions.

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- Requesting the Dean of Students Office to place a hold on a student's registration and/or transcripts for failure to fully comply with the University judicial process, including failure to comply with a notice or directive of a judicial officer or failure to complete sanctions issued as a result of the judicial process.
- Requesting the Dean of students Office to cancel a student's registration for failure to fully comply with the University judicial process, including failure to comply with a notice or directive of a judicial officer or failure to complete sanctions issued as a result of the judicial process.
- Referring incidents of student misconduct that cannot be resolved at a dispositional meeting to the chief judicial officer for further process, including a recommendation that a matter be referred to a hearing board.
- Sitting as member of University hearing boards representing the Office of Residence Life.

The chief judicial officer and the associate director for the Office of Residence Life, who is the lead judicial officer for that office, will act in concert to assign incidents of student misconduct to the appropriate judicial officer.

In general, the associate director for residence life will assign incidents of student misconduct that take place in a residence facility or are committed by residential students to the appropriate judicial officer in residence life.

In general the chief judicial officer will assign incidents of student misconduct that take place outside of a University residence facility and/or incidents of student misconduct that are committed by nonresidential students to the appropriate judicial officer within the Dean of students Office.

### *2. Chief Judicial Officer – Roles and Duties*

The chief judicial officer is the assistant dean of students and is the designee of the dean of students working directly under the dean of students. The chief judicial officer is charged with the oversight of the University judicial process on a day-to-day basis. The chief judicial officer has broad latitude and discretion in working with students involved in the disciplinary process but does not have executive authority to act outside the judicial process without the consent and approval of the dean of students or the vice president for Student Affairs.

The chief judicial officer shall develop policies for the administration of the University judicial process and procedural rules for the conduct of University hearing board hearings that are consistent with provisions of this Student Code of Conduct. In addition to the usual power to adjudicate incidents of student misconduct and issue sanctions granted to all judicial officers, the chief judicial officer shall have the authority to:

- Determine in consultation with the associate director of residence life, which incidents of student misconduct will be referred to the appropriate judicial officer(s) for dispositional meetings.
- Determine, upon referral of reports from the Department of Public Safety and/or Residence Life, which cases may or should be referred to a University hearing board. The chief judicial officer may make such determination in consultation with the associate director for residence life, other judicial officers and the dean of students.
- Determine the composition of University hearing boards.
- Serve as an adviser to University hearing boards and work in conjunction with the chairperson of such boards. The chief judicial officer may be present for all hearing board hearings and their deliberations.
- Serve as adviser, counselor, administrator and observer to the Committee on Discipline. The chief judicial officer may be present for all hearings of the Committee on Discipline and their deliberations.
- Schedule, send notices and prepare documentation for University hearing boards.
- Place holds on the registration and transcripts of students who have failed to comply with the University judicial process, including failure to comply with a notice or directive of a judicial officer or failure to complete sanctions issued as a result of the judicial process.
- Direct the registrar to cancel the registration of students who have failed to comply with the University judicial process, including failure to comply with a notice or directive of a judicial officer or failure to complete sanctions issued as a result of the judicial process.

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- Refer reports of serious misconduct to the dean of students for evaluation and possible immediate action requiring executive authority, including interim suspension pending the judicial process.
- Create and implement appropriate training for judicial officers in the Office of Residence Life in conjunction with the associate director for residence life.
- Create and implement appropriate training for other University personnel involved in the judicial process, such as members of University Hearing Boards.
- Provide students with assistance, advice and counseling regarding the judicial process, including helping students prepare for University hearing boards.
- Maintain a pool of trained judicial advisers who are available to help students prepare for University hearing boards.

The chief judicial officer, with the approval of the dean of students, may delegate portions of the above duties to other judicial officers or members of the Dean of Students Office staff, including the program manager. The dean of students may delegate any duties of the chief judicial officer to another judicial officer or member of the Dean of Students Office staff when the chief judicial officer is unavailable.

### 3. *Associate Director for Residence Life - Lead Judicial Officer for Residence Life – Roles and Duties*

The associate director for residence life is the designee of the director of the Office of Residence Life and, as such, is considered the lead judicial officer for that office.

The associate director is the direct supervisor for all judicial officers in the Office of Residence Life and is charged with the general oversight of the University judicial process within the Office of Residence Life.

In addition to the roles and duties of the associate director as a judicial officer and as described above, the associate director will work in concert with the chief judicial officer to ensure that:

- Reports of student misconduct are assigned to and processed by the appropriate judicial officer(s) as described above.
- Appropriate training is provided for residence life staff involved in the University judicial process.
- Advice and assistance is available to students regarding the judicial process.
- Residence life judicial officers are available to sit as members of University hearing boards.
- An appropriate residence life staff member may act as the associate director's designee in the associate director's absence.

### B. University Hearing Boards

University hearing boards are recommending bodies that are generally reserved for more serious incidents of student misconduct that give rise to potentially severe sanctions. Hearing boards are formal adjudications of complaints of student misconduct that are held on the record. They are convened at the direction of the chief judicial officer, in consultation with the dean of students, to adjudicate incidents of student misconduct by making a determination of facts, assigning responsibility for alleged violations and making recommendations on sanctions.

#### 1. *University Hearing Boards – Role and Duties*

A University hearing board, acting as a designee of the dean of students, shall have the authority to hear cases of alleged student misconduct and make recommendations for the determination of responsibility and appropriate sanctions subject to the review and approval of the dean of students. Hearing boards will generally consist of five members made up of faculty, staff and students, including a chairperson. In general, a hearing board will consist of one board chairperson, one hall/area director or other professional member of the residence life staff, two faculty/staff members and one student member.

With the exception of residence life staff, all members of University hearing boards are volunteers who are trained by the chief judicial officer. In recognition of this fact and in order to accommodate the need for flexibility imposed by the practical realities of the academic calendar along with the need to train and retain the volunteer pool of hearing board members, there may be more or fewer than five hearing board members on a given hearing board panel. This is particularly applicable to hearings that take place over the summer, January Term or when school is not in session; therefore, the chief judicial officer has a great deal of discretion and flexibility with regard to the make-up of any University hearing board. In no

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case shall a hearing board consist of less than three hearing board members, including a chairperson. In no cases shall a hearing board take place without a board chairperson.

University hearing boards are empowered to make recommendations to the dean of students regarding determinations of responsibility for all nonacademic incidents of student misconduct and subsequent sanctions. The recommendations made by hearing boards, once reviewed and approved by the dean of students, are considered final decisions. Sanctions recommended by a hearing board and approved by the dean of students will be enforced by the chief judicial officer or the dean of students' designee if not otherwise specified. Students who disagree with a decision made by a hearing board may appeal to the Committee on Discipline. All appeals to the Committee on Discipline are subject to review and approval by the dean of students.

The dean of students or the vice president for Student Affairs, by virtue of the executive power vested in their titles, may accept the hearing board's recommendations in full or may amend, modify and change decisions by a University hearing board.

### 2. *Chairpersons*

There will be a pool of trained hearing board chairpersons. Hearing board chairs are faculty or staff members of the University who are selected and trained by the Dean of Students Office. Board chairs are assigned to a particular hearing date over the course of the academic year as part of the hearing board calendar that is maintained by the chief judicial officer or the program manager.

Hearing board chairpersons work in close conjunction with the chief judicial officer prior to and following the hearing. The chairperson will be responsible for the organization and the conducting of the hearing, the maintenance of an "on the record" audio recording of the hearing and the writing and issuance of the decision to the accused student in the form of a hearing board letter. The chairperson will participate in the deliberation of the hearing board and will work to bring consensus. If a vote is necessary, the chairperson will only vote in the case of a tie.

### 3. *Appointments/Selection of University Hearing Board Members*

Terms of 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 hearing boards to be used throughout the year.

A number of student hearing board members will be chosen by a selection process through the Undergraduate Student Government Elections and Credentials Committee. Students must have a minimum of a 2.50 GPA and must not be on academic or disciplinary probation. Executive board members of the Undergraduate Student Government, voting members of the Undergraduate Student Government General Council and student residence hall staff will not be eligible for selection to serve on University hearing boards. Operations managers may serve on hearing boards with the approval of the dean of students and the director of residence life.

In order to maintain a large and diverse pool of student hearing board members the chief judicial officer, with the approval of the dean of students, may recruit students outside of the Undergraduate Student Government to serve on hearing boards, subject to the same requirements that they be in good academic and disciplinary standing with the University.

University staff members who serve on hearing boards will be recruited and approved by the dean of students and/or approved by the vice president of their division. Faculty members who serve on hearing boards may be recruited by the dean of students and/or appointed by the faculty governance process.

### C. The Committee on Discipline – Appeals

The University Committee on Discipline is the body designated to hear appeals in the University judicial process. This appeal body also is referred to as a "Special Hearing Panel" in the *Undergraduate Student Policy Book*. Appeals to the Committee on Discipline are not automatic. All appeals to the Committee on Discipline will be reviewed by the dean of students to assure that there are legitimate grounds for an appeal.

The Committee on Discipline, like University hearing boards, is a recommending body. The vice president for Student Affairs and the dean of students, by virtue of the executive power vested in those titles, may accept the Committee on Discipline's recommendations in full or may amend, modify and change recommendations made by the Committee on Discipline.

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### D. Executive Authority

No student code of conduct could ever hope to encompass and account for the virtually infinite potential fact situations involving student behavior. In recognition of this reality, the University has designated the dean of students and the vice president for Student Affairs as the University officials vested with executive authority to make any decision and take any action with regard to matters of student misconduct, including the right to establish and make adjustment to any rule or guideline in a given case.

The exercise of executive authority is at the discretion of the dean of students and/or the vice president for Student Affairs. And just as no student code of conduct can account for all fact situations, it is equally impossible to enumerate all potential fact situations that will involve the exercise of executive authority. Therefore the below listing is illustrative and not exhaustive of those situations in which executive authority may be exercised.

1. Executive authority may be exercised in situations where the status of the parties involved and their relationship to the University are unclear [e.g., evidence of student misconduct that comes to light after a student has been admitted to the University or after a student has graduated or withdrawn from the University].
2. Executive authority may be exercised in incidents of student misconduct that do not squarely fit within the University judicial process or cannot be adequately resolved through the judicial process.
3. Executive authority may be exercised in situations where incidents of student misconduct involve overlapping processes within the University.
4. Executive authority may be exercised in situations where students are unresponsive to the University judicial process, including the failure of a student to appear for a hearing or dispositional conference.
5. Executive authority may be exercised in situations where student behavior poses a clear and specific danger to him or herself and/or other members of the University community. In such cases, students may be placed on interim suspension as a student and/or residential student pending resolution through the University judicial process or other policies deemed appropriate and reasonable under the circumstances.
6. Executive authority may be exercised in situations where a student has been charged with a felony. In such situations, a student who has been charged with a felony will generally be subject to immediate placement on interim suspension as a student and/or a residential student, pending the outcome of the criminal process and/or the University judicial process.

## **ARTICLE III: JURISDICTION and PROSCRIBED CONDUCT**

### A. Jurisdiction of the University Student Code of Conduct

The jurisdiction of this Student Code of Conduct applies to student behaviors both on and off campus. This Code of Conduct shall apply to conduct that occurs on University premises or at University-sponsored activities and to off-campus conduct that adversely affects the University community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment and even if his/her conduct is not discovered until after a degree is awarded. The jurisdiction of the Student Code of Conduct shall be applicable to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

### B. University Code of Conduct – Proscribed Conduct

Students found to have committed or to have attempted to commit the following act(s) of misconduct are subject to the disciplinary sanctions outlined in Article VI:

1. Acts of dishonesty, including, but not limited to, the following:
  - a. Furnishing false information to any University official, faculty member or office. This includes possession of false identification.
  - b. Forgery, alteration or misuse of any University document, record or instrument of identification.

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- c. Acts of omission, including the failure to provide required or requested information to the University.
  - d. Acts involving academic dishonesty, such as cheating or plagiarism, shall be dealt with through the office of the dean for the appropriate college. (*Acts involving academic dishonesty are generally outside the scope of this Student Code of Conduct but may be referred by the appropriate dean or dean's designee to the dean of students for review through the judicial process. This also may apply where acts of academic dishonesty implicate other proscribed conduct found in this Student Code of Conduct.*)
  - e. Acts of dishonesty not specifically listed here, including acts constituting fraud and/or violations of state or federal law.
2. Conduct on or off campus that is detrimental to the University or which discredits the University. Such conduct off campus includes, but is not limited to, disruptions in the community, such as the hosting of or participation in parties that are disruptive to the community and are in violation of federal, state or local laws. The hosting of parties off campus includes both house parties and parties in a residential apartment building. These disruptions may be attributable to the hosts of the party whether the disruptions occur within the residence or outside of the residence. Such conduct on campus includes, but is not limited to, behavior disruptive to a University residential community as detailed in the Resident Student Handbook.
  3. Disruption or obstruction of teaching, research, administration, disciplinary proceedings and other University activities, including its public service functions on or off campus, or of other authorized non-University activities when the conduct occurs on University premises.
  4. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the mental or physical health or safety of any person, including one's self. This rule of conduct also specifically includes language or behaviors that are disrespectful of any member of the University community.
  5. Sexual misconduct, sexual violence and harassment are violations of this Student Code of Conduct; however, due to the difficult and serious nature of sexual misconduct, incidents of alleged sexual misconduct, as defined under the Sexual Violence Policy and Resolution Process and the Sexual Harassment Policy, shall be referred to the appropriate University official under these policies for resolution. (*For more information see the link to this policy listed in Article X.*)
  6. Attempted or actual theft of University property or services, or the property or services of others, on or off campus, including theft or unauthorized use of intellectual property, such as copyrighted material.
  7. Intentional damage to or destruction of University property or the property of others on or off campus. This rule of conduct includes, but is not limited to, acts of vandalism and tampering with fire safety equipment. This rule of conduct also includes, but is not limited to, damage or destruction of University property or the property of others as a result of gross negligence. (*Tampering with fire safety equipment also may be considered a violation of rule of conduct #5 above – actions that threaten or endanger the health or safety of others.*)
  8. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. A link to the University policy on hazing can be found in Article X of this document.
  9. Failure to comply with the directions of a University official and law enforcement officers. The term "University official" includes, but is not limited to, members of the Department of Public Safety, the Department Residence Life and the Dean of Students Office who are acting in performance of their duties. Failure to comply includes failure to identify oneself and to produce identification to these persons when requested to do so.
  10. Unauthorized possession, duplication or use of any keys or identification cards to access any University premises. This code section also prohibits any unauthorized entry to or use of University premises.
  11. Violation of any other University policy, rule or regulation published in hard copy or available electronically on the University Web site. A partial listing of the relevant University policies can be found on the dean of students Web site and at: <http://www.stthomas.edu/policies/>. A

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more complete listing of relevant University policies also can be found and in Article X of this document.

12. Violation of any federal, state or local law or city ordinance.
13. Use or possession of marijuana or paraphernalia or other controlled substances except as expressly permitted by law.
14. The manufacturing, sale or distribution of marijuana or other controlled substances, except as expressly permitted by law.
15. Use, possession, sale or distribution of alcohol in violation of University rules; state, federal or local laws; and ordinances, including, but not limited to:
  - a. Underage use or possession of alcoholic beverages or beverage containers.
  - b. Use or possession of alcohol in public areas not expressly permitted by University rules or policies.
  - c. The manufacturing, sale or distribution of alcoholic beverages except as expressly permitted by state law and University rules or policies.
  - d. Public intoxication and/or excessive consumption of alcohol.
  - e. Disorderly and/or irresponsible conduct as a result of intoxication.
  - f. Sale, distribution or furnishing of alcohol to persons under 21 years of age.
16. Possession of firearms, ammunition, explosives, fireworks, dangerous chemicals or other weapons on University premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
17. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the community or the normal operations of the University, infringes on the rights of other members of the University community, or leads or incites others to disrupt scheduled and/or normal activities within any campus building or area.
18. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or-supervised functions.
19. Conduct on or off campus that is disorderly, lewd or indecent; breach of the peace; or aiding, abetting or procuring another person to breach the peace on University premises or at functions sponsored by or participated in by the University or members of the University community.
20. Unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge or without his/her effective consent. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room or restroom.
21. Theft or other abuse of computer facilities and resources, including, but not limited to:
  - a. Unauthorized entry into a file, to use, read or change the contents or for any other purpose.
  - b. Unauthorized transfer of a file.
  - c. Use of another individual's identification and/or password.
  - d. Use of computing facilities and resources to interfere with the work of another student, faculty member or University official.
  - e. Use of computing facilities and resources to send obscene or abusive messages.
  - f. Use of computing facilities and resources to interfere with normal operation of the University computing system.
  - g. Use of computing facilities and resources in violation of copyright laws.
  - h. Any violation listed in University policies regarding the responsible use of computing resources.

Policies relating to the responsible use of computing facilities can be found on the following Web site: <http://www.stthomas.edu/irt/support/policies/responsible.html>.

22. Abuse of the University judicial process, including, but not limited to:
  - a. Failure to comply with a notice from a University hearing board or University official to appear for a dispositional meeting or hearing board as part of the judicial process.
  - b. Falsification, distortion or misrepresentation of information before a University hearing board.
  - c. Disruption or interference with the orderly conduct of a University hearing body, including University hearing boards and appeal board proceedings.

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- d. Instituting or alleging a violation of this Student Code of Conduct in bad faith or under false pretenses.
  - e. Attempting to interfere with an individual's proper participation in or use of the student judicial system.
  - f. Attempting to influence the impartiality of a member of a University hearing board prior to and/or during the course of a hearing proceeding.
  - g. Harassment (verbal or physical) and/or intimidation of a member of a University hearing board prior to, during, and/or after a hearing.
  - h. Failure to comply with or complete sanction(s) imposed under the Student Code of Conduct.
  - i. Influencing or attempting to influence another person to commit an abuse of the Student Code of Conduct.
23. Students are required to engage in responsible social conduct that reflects credit upon the University community and to model good citizenship and community in accordance with Policies on Community Expectations and the Policy on Offensive Behavior listed in Article X of this Student Code of Conduct.
24. Apathy or acquiescence in the presence of persons committing violations of this Student Code of Conduct are not considered as neutral acts. To condone, consent or acquiesce to persons committing a student code violation is itself considered a violation of the Code of Conduct. Such violations are defined as a "vicarious violation."
25. Students are prohibited from using University property or resources for the purposes of a private business or activity.
26. Students are responsible for the actions of their guests and are responsible for all activity that takes place in their residence, whether on or off campus.

### C. Violation of Law and University Discipline

Due to the potentially limitless factual variations presented, the exercise of executive authority is often necessary in situations where student misconduct resulting in a violation of this Code of Conduct also is the subject of criminal prosecution. In such cases the University will be guided by the following policies:

1. University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the dean of students. Determinations made or sanctions imposed under this Student Code of Conduct are not subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced or resolved in favor of or against the criminal law defendant.

2. When a student is charged by federal, state or local authorities with a violation of law, the University is under no duty to request or agree to special consideration for that individual because of his or her status as a student. If the alleged criminal offense also is processed under this Student Code, the University may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and under the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

## ARTICLE IV: STUDENT CODE OF CONDUCT – PROCEDURES

### Overview

The following is a general sequential overview of how a violation of the *Rules of Conduct* will normally be processed through the University judicial system:

- a. A written complaint of student misconduct is made through the appropriate departments of Public Safety or Residence Life and submitted to a judicial officer.

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- b. Upon review of the written report, a notice is sent to the student(s) listed in the report of alleged misconduct along with a directive to meet with the judicial officer sending the notice.
- c. The student(s) then meets with the judicial officer in a dispositional meeting to review and resolve the code violations documented in the report.
- d. If the student takes responsibility for the code violations alleged, a sanction letter is issued, and students are expected to comply with those sanctions. Upon completion of the sanctions, the matter is considered closed. Failure to complete sanctions may result in a hold being placed on a student's registration and/or cancellation of a student's registration.
- e. If the student and judicial officer cannot agree on responsibility for the misconduct alleged in the written report and/or sanctions, the matter may be referred to the chief judicial officer and/or a University hearing board for resolution. Students or judicial officers may request that any issues that are not resolved through a dispositional conference be referred to a University hearing board.
- f. Where an incident of student misconduct is of a more serious or unusual nature, or there is the potential for a suspension or expulsion from the residence halls and/or the University, the incident may be referred directly to the chief judicial officer for referral and adjudication by a University hearing board. In such cases, steps a-c will remain the same, and the student(s) will meet with the chief judicial officer or other appropriate judicial officer who will then aid the student in preparing for the matter to be heard by the hearing board for a determination of responsibility and/or sanctions.
- g. Students who receive sanctions through a University hearing board are expected to complete their sanctions in accordance with step d above.
- h. Any decision made by a University hearing board regarding responsibility or sanctions may be appealed to the Committee on Discipline with the approval of the dean of students.

### **Note on Deadlines Within the Judicial Process:**

It is in the best interests of the judicial process, the students and the administrators operating within the judicial process that all time limits and deadlines stated in this Student Code of Conduct be followed to the greatest practical extent; however, in consideration of the sometimes competing interests of fairness, the nature of the academic calendar and the realities of the student judicial process, the time limits stated in this Student Code of Conduct have a substantial measure of flexibility. Such flexibility may be exercised at the discretion of judicial officers, the chief judicial officer and the dean of students, provided that it does not result in an undue burden on the students or the judicial process.

### **Judicial Process:**

The following is a specific overview of how a violation of the Rules of Conduct normally will be processed through the University judicial system:

#### A. Judicial Process – Written Complaint (Report) of Student Misconduct

1. The University judicial process begins with the documentation of an incident of student misconduct in a written report. For the definitional purposes of this code, upon receipt of a written report of student misconduct by a judicial officer, the report then becomes the formal written complaint that is the basis for the commencement of the University judicial process.

The vast majority of reports of student misconduct resulting in formal written complaints are generated by either the Department of Public Safety or the Office of Residence Life. Incidents of student misconduct that take place in a University residence facility may be documented and reported for referral as a written complaint by the Department of Public Safety, the Office of Residence Life or both. All other incidents of student misconduct occurring outside of University residence facilities will be documented in a report by the Department of Public Safety for referral as a written complaint.

Incidents of student misconduct not documented by the above listed departments initially may be referred to the Dean of students Office, which will then refer the matter to the Department of Public Safety for documentation in a report that may then be referred to the judicial process as a formal written complaint. Incidents of student misconduct that are not reported, documented or referred to the Department of Public Safety, the Office of Residence Life or the Dean of Students Office may not result in a formal written complaint that is referred to the University judicial process.

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The written report(s) that form the basis for the formal complaint of student misconduct upon which the charges of a violation of the Student Code of Conduct 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 regarding student misconduct.
2. Any member of the University community may make a report of violations of the Student Code of Conduct. Any such report of student misconduct should be submitted as soon as possible to one of the appropriate departments listed above. Reports of student misconduct that are not made in a timely manner to one of the appropriate departments may not be referred to the University judicial process.
3. The University, through the dean of students, has broad discretion and latitude in pursuing charges of student misconduct that are reported by third parties, i.e., persons who are not members of the University community.
- a. In general, the University will pursue formal disciplinary action regarding incidents of student misconduct that are reported by federal, state and local enforcement units, such as the police, that are forwarded to the University along with accompanying documentation, such as police reports and court documents. Such reports and accompanying documentation will be included in a written report created by the Department of Public Safety and forwarded to the judicial process as a formal written complaint.
  - b. In general, the University will not pursue formal disciplinary action based on bare allegations of student misconduct that are made by a third party without compelling and credible evidence of student misconduct. The University may respond where such compelling and credible documentary evidence is provided. Such evidence that may warrant referral of an incident to the judicial process includes, but is not limited to:
    - i. Information received from another institution of higher education through their law enforcement office.
    - ii. Information received from another institution of higher education as a result of a student who has transferred to the University. This includes information listed on a “dean’s form” as part of a prospective transfer student’s application packet.
    - iii. Information received by the University as part of a criminal background check.
    - iv. Information that is reported to the University by third parties authorized to pursue copyright violations.
    - v. Documented evidence by individual third parties of violations of the code of conduct, such as photographs, audio recordings, video recordings and evidence of violation of laws or local ordinances, including information documented in the public record such as court records and news articles.
4. Subject to the discretion of the dean of students, and with the exception of allegations of criminal misconduct, the University will not pursue disciplinary action against a student where a report of student misconduct is submitted to the University more than one year after an incident has taken place.

### B. Judicial Process – Notice of Violation and Charges of Student Code Violations

Upon receipt of the written report on which the complaint of student misconduct is based, the judicial officer will then send a formal written notice of violation of the Student Code of Conduct to the student(s) via email. This notice will inform the student that he/she has been documented in a report as having violated one or more rules contained in the Student Code of Conduct. The notice also will direct the student to meet with the judicial officer to review the violations documented in the complaint within three business days of the date of the notice.

In cases where circumstances dictate and/or the student(s) cannot be reached through the normal channels as described above, the notice of a violation of the Code of Conduct will be sent via a more formal letter that will be delivered to the student(s) by other means such as personal delivery, campus mail or U.S. mail.

It is not uncommon for students to be aware of pending student code violations and to proactively contact and/or meet with a judicial officer prior to a notice being sent. In such cases a formal written notice is not required. In recognition of this practical reality, a student who has proactively contacted or met with

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a judicial officer to review or discuss a written complaint of misconduct prior to the issuance of a formal notice is deemed to have received notice.

### C. Judicial Process: Dispositional Conferences – Procedures – Responsibility and Sanctions

#### 1. *Dispositional Conferences – Overview*

Dispositional conferences represent the process by which the large majority of incidents of student misconduct are resolved within the University judicial process. Dispositional conferences provide the function of an administrative hearing in a more relaxed setting where the student(s) listed in the complaint is offered the opportunity to review and respond to a complaint of alleged student code violations. These conferences are generally not recorded because they are meant to be a procedurally less formal and non-adversarial means of achieving a resolution to alleged violations of the Student Code of Conduct.

The informal nature of a dispositional conference is intended to facilitate an open dialogue between students and judicial officers. They are designed to emphasize the educational nature of the University judicial process, and it is not uncommon for new information not contained in the written complaint to be presented during these conferences. The goal of these conferences is to achieve a quick and fair resolution to the issues of responsibility and subsequent sanctions, if appropriate, for complaints of student misconduct.

While dispositional conferences are procedurally informal in nature, decisions rendered by judicial officers pursuant to such conferences are considered official actions by University personnel within the judicial process. As such, these decisions carry the full weight and authority of the University. These decisions are documented and placed in the student's file.

#### 2. *Dispositional Conferences – Procedures*

Dispositional conferences, being informal and administrative in nature, resemble an interview between the student and the judicial officer. During the course of the dispositional meeting the judicial officer will allow the student(s) to read the written complaint and respond to any facts or allegations of student misconduct.

Where reports of student misconduct involve more than one student, multiple students may be present during the course of the dispositional conference. More than one judicial officer also may be present at dispositional conferences.

During the course of the meeting the student will be presented with two forms: The Notice of Rights form and the Indication of Plea form. The Notice of Rights form briefly outlines student rights within the disciplinary process and directs them to the online Student Policy Book at:

[http://www.stthomas.edu/policies/student\\_policy\\_book/Non\\_academic\\_rights\\_and\\_procedures.asp](http://www.stthomas.edu/policies/student_policy_book/Non_academic_rights_and_procedures.asp)

Students are asked to sign the Notice of Rights form at the meeting. By signing this form, the student(s) acknowledge that they understand their basic rights within the University judicial process that they have received notice of the violation alleged and they have been informed about where to access further information.

During the course of the meeting, the judicial officer will present the student(s) with the Indication of Plea form. The judicial officer will list the violation(s) of the Student Code of Conduct on the Indication of Plea form that the student(s) is being charged with based on the written complaint. This form may be completed and signed at the dispositional conference or may be signed and returned within three business days. The student can choose to either take responsibility for or deny responsibility for the code violation(s) alleged in the complaint and listed on the Indication of Plea form. The Indication of Plea form, when completed and signed by the student will be considered the student's formal response to the allegations of misconduct contained in the complaint.

If, during the course of the conference, it becomes clear that further investigation and information is needed with regard to the complaint, the judicial officer may elect to hold this form until such time as that information is provided or obtained.

#### 3. *Dispositional Conferences – Responsibility and Sanctions*

- a. For dispositional conferences where students admit responsibility for code of conduct violation(s) alleged, and there is no disagreement regarding sanctions, the judicial officer will issue a sanction letter within five business days indicating that the student has taken responsibility and outlining the appropriate sanctions.

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- b. In cases where the student does not admit to the code violations alleged, the judicial officer will make a determination as to whether there is enough evidence to find the student responsible for the alleged code violation(s) by a preponderance of the evidence.
  - i. If the judicial officer determines that there is not a preponderance of evidence indicating that the student is responsible for the code violation(s) alleged in the complaint, the student will be found not responsible and information to that effect will be placed in the student's file.
  - ii. If the judicial officer determines that there is a preponderance of the evidence indicating that the student is responsible for the code violation(s) alleged, the judicial officer will issue a sanction letter to the student within five business days indicating this finding of responsibility. This letter also will list appropriate sanctions.
- c. In cases where charges are not admitted at the dispositional conference and the student wishes to challenge a finding of responsibility by the judicial officer, the student and/or the judicial officer may request that the matter be referred to a University hearing board for a formal hearing on the record. Requests for referrals to a hearing board should be made in writing within five business days of the dispositional meeting or the issuance of a sanction letter from the judicial officer. These requests should be referred to the chief judicial officer for placement in the student's file.
- d. If the student admits to the violation(s) alleged, but disagrees with the sanctions issued by the judicial officer, subsequent process, including referral to a hearing board, if necessary, may be pursued for the limited purpose of determining appropriate sanctions. Requests for referrals to a hearing board should be made in writing within five business days of the dispositional meeting or the issuance of a sanction letter from the judicial officer. These requests should be referred to the chief judicial officer for placement in the student's file.

If an accused student, with notice, does not appear for a dispositional conference, the conference will take place as scheduled and the incident may be adjudicated without the benefit of input from the student.

### **ARTICLE V: UNIVERSITY HEARING BOARDS**

#### **Overview**

University hearing boards are recommending bodies that are inquisitorial in nature. Hearings before a University hearing board are meant to be non-adversarial and to promote the overall educational mission of the University and the moral development of its students. The goal of a University board hearing is to provide a forum where all relevant information regarding incidents of alleged student misconduct may be provided as fully as possible in order to allow the board to make a determination of responsibility and sanctions, if warranted. As such, the technical rules of evidence and procedure found in the courts of law do not apply.

The chief judicial officer will review all incidents of student misconduct to determine which incidents are to be referred to a hearing board. This determination may be made in consultation with the dean of students and other judicial officers. Once referred, the hearing board is empowered to hear the case and make recommendations to the dean of students for final disposition with regard to the issues of responsibility for alleged code violations and sanctions, if warranted.

University hearing boards are reserved for incidents of student misconduct that cannot be resolved at a dispositional conference and/or situations involving serious allegations of student misconduct and equally serious potential sanctions. Examples of situations that often require the authority and formality of a University hearing board hearing are listed below.

1. Cases involving violence.
2. Cases involving the sale or distribution of illegal drugs or controlled substances.
3. Cases involving personal injury or acts of extreme negligence.
4. Fact situations that also may be subject to concurrent adjudication by criminal authorities.
5. Situations involving students who have had prior or multiple prior adjudicated violations.
6. Cases where a judicial officer, in consultation with the Dean of students Office, has requested a hearing board.

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7. Cases involving a high likelihood of suspension or expulsion from the residence halls or the University.

The above list is not meant to be exhaustive, but illustrative of situations where a University hearing board will be convened to adjudicate incidents of student misconduct.

Students whose allegations of misconduct have been referred to a hearing board will meet with the chief judicial officer prior to the hearing to set a date and time for the hearing that is not less than three and no more than 10 business days after the date of the meeting with the chief judicial officer. The Dean of Students Office will then issue a Notice of Hearing to the student(s) indicating the time and place of the hearing along with a list of witnesses, if any. If there is no undue hardship to the student, maximum and minimum time limits for the scheduling of a University board hearing may be extended or reduced at the discretion of the chief judicial officer.

In addition to setting a date for the hearing, the meeting between the chief judicial officer and the student(s) is an opportunity for the student(s) to review the written complaint(s), review and complete the Notice of Rights and Indication of Plea forms, if not already completed, and review the judicial and hearing board processes.

### A. University Hearing Boards: Role of Board Chairperson – Decisions – Results

University hearing board chairpersons work in close conjunction with the chief judicial officer before and after a board hearing. The chief judicial officer may be present for the hearing and deliberations but will not take an active role. During the hearing all questions, including questions regarding hearing board procedures, should be directed toward the chairperson. The chairperson has broad discretion regarding changes, alterations and modifications to hearing procedures in a given case. Decisions regarding responsibility for incidents of student misconduct and sanctions will be rendered by a majority vote of all voting members of the hearing board. The hearing board chair will only vote in the case of a tie.

If, based on a preponderance of evidence, the hearing board determines that a student is responsible for the violation(s) of the student code as alleged in the written complaint, the board will then consider a proper response. After a determination of responsibility, the hearing board may then review the student's prior disciplinary history, if any, and may take prior violations into consideration in determining and recommending appropriate sanctions.

A student's prior disciplinary history will be considered only after a determination of responsibility has been made regarding the alleged code violations currently before the board.

Where the issue of responsibility has yet to be determined, only the board chair will have access to a student's prior disciplinary history, if any. In cases where a student has admitted responsibility for one or more of the student code violations alleged prior to the hearing, all board members may be provided with information regarding a student's prior disciplinary history, if any.

If the hearing board determines that there is not enough evidence to find a student responsible for the alleged student code violation(s) by a preponderance of the evidence, the board will recommend that the student be found not responsible. Subject to the approval of the dean of students, in such cases where there is a finding of not responsible and barring any future information or appeal of the board's decision by the University as the complainant, there will be no further action taken on the matter and the finding of not responsible will be placed in the student's file.

Decisions made by a hearing board shall be committed to writing in a hearing board letter. The hearing board letter will be approved by the dean of students and signed by the board chair and the chief judicial officer. A signed hearing board letter, including information regarding appeals, will be presented to the accused student(s) within three to five business days of the hearing at a subsequent meeting with the hearing board chair and the chief judicial officer. This meeting will generally be held in the Dean of Students Office.

As a general rule, meetings with students to receive their hearing board letters will be done on an individual basis. Nothing in this process shall prohibit the chief judicial officer and the board chair from meeting with more than one student to present their hearing board letters where such letters result from the same incident or factual circumstances; however, a specific and detailed review of a hearing board letter to a particular student will be done on an individual basis. Nothing in this process shall prevent the chief judicial officer from meeting with students without the board chairperson present where circumstances and time constraints prevent the board chairperson from being present. In all cases, the final approved hearing board letter will be signed by the chief judicial officer and the hearing board chair.

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The results of disciplinary hearings will not be reported to the general public and press. Only the accused students, University personnel/offices on a need-to-know basis and other parties required by law will be notified of the board's decisions.

### B. Hearing Procedures

The goal of these University hearing board procedures is to provide a forum where all information regarding incidents of alleged student misconduct can be presented as fully as possible and to allow an accused student a reasonable opportunity to prepare and to present his/her response to allegations of student misconduct. These procedures shall be followed to the greatest extent practicable with the understanding that they are intended to be fair and flexible in the achievement of this goal.

1. University hearing board hearings (board hearings) normally shall be conducted in private.
2. Accused student(s) (and their advisers, if any) shall be allowed to attend the entire portion of the board hearing where information regarding their involvement in the incident under review is being presented to the hearing board. The accused student(s) shall not be present for deliberations. Admission of any other person to the board hearing shall be at the discretion of the hearing board chair.
3. In board hearings involving more than one accused student that stems from the same factual circumstances and/or complaint, the hearing board chair, in his or her discretion, may permit the hearing board to review each student's conduct either separately or jointly.
4. An accused student has the right to be assisted by a judicial adviser. An accused student may choose an adviser from a list of judicial advisers available in the Dean of Students Office. The advisor must be a member of the University community. The accused student is responsible for presenting his or her own information. Judicial advisers are not allowed to speak or actively participate in a University board hearing. A student should select as an adviser a person whose schedule allows attendance at the scheduled date and time for the board hearing because delays will not normally be allowed due to the scheduling conflicts of an adviser. In cases where the complaint involves a victim or aggrieved party, that party also has the right to be assisted by an adviser, subject to the same conditions as an adviser for an accused student.
5. An accused student may arrange for witnesses to present pertinent information to the hearing board. The University will aid accused student(s) in arranging for the attendance of possible witnesses who are members of the University community, if reasonably possible, and who are identified by an accused student at least two business days prior to the board hearing. Witnesses will provide information to and answer questions from members of the hearing board. There is no direct questioning of witnesses by any other person. Questions to be posed to witnesses may be suggested by accused students to the board chairperson. Witnesses or other persons present at the board hearing also may, at the discretion of the board chair, suggest questions to be posed by the hearing board chair. This method is used to preserve the educational tone of the hearing and to avoid the creation of an adversarial environment. Questions of whether potential information from witnesses is to be allowed shall be resolved at the discretion of the hearing board chair.
6. All pertinent records, exhibits and written statements may be accepted as information for consideration by a University hearing board at the discretion of the chairperson. This includes impact statements by persons adversely affected by an accused student's alleged misconduct. An accused student shall have the right to give his/her own testimony and present witnesses to the incident along with 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 and written statements regarding character are allowed at the discretion of the hearing board chair.
7. The University, as the complainant, may call witnesses to the incident and present pertinent documentation, exhibits and written statements subject to the same conditions as stated in sections #5 and #6 above. The University also may be advised by counsel (where appropriate) subject to the same limitations as found in section #13 below.
8. All procedural questions are subject to the final decision of the University hearing board chairperson. The chair has broad discretion and authority with regard to changes, alterations and modifications of hearing procedures in a given case. The chair may make such changes, alterations or modifications in the interests of allowing a hearing board to receive as much

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information as possible during the hearing when making a determination regarding a complaint of student misconduct.

9. After the portion of the hearing where all information regarding an incident or complaint of alleged student misconduct has been presented to the hearing board, the board shall conclude the hearing and begin its deliberations to determine by majority vote, whether an accused student is responsible for the violation(s) of the Student Code of Conduct with which they have been charged. The hearing board chair will only vote in the case of a tie.
10. The University hearing board's determination of responsibility shall be made on the basis of a preponderance of the evidence, i.e., whether it is more likely than not that an accused student has violated the Student Code of Conduct.
11. The deliberations of a University hearing board and all other University hearing bodies convened for the purpose of reviewing and responding to allegations of student misconduct, including the Committee on Discipline and Special Appeal Boards, 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 chief judicial officer is an adviser to all hearing bodies and, as such, may be present for deliberations.
12. Formal rules of process, procedure and/or technical rules of evidence, such as are applied in criminal or civil court, are not used by and are not applicable to the University judicial process or any University hearing body.
13. Interested third parties such as attorneys and parents of students may be allowed to attend the hearing in a supportive capacity to the student, provided that they understand that they are not permitted to actively participate in the hearing and provided that their presence does not violate relevant data privacy laws. Interested third parties who do not abide by these rules of procedure may be asked to leave the hearing, and the student for whom they are attending the hearing may be held responsible for their conduct. Attorneys and/or parents/guardians may be permitted to attend a University hearing board at the discretion of the hearing board chairperson. Hearings involving multiple students may preclude or limit the attendance of attorneys and parents/guardians due to issues of data privacy.
14. There shall be a single verbatim record, such as an audio recording, of all hearings before University hearing boards. Deliberations will not be recorded. The record shall be the property of the University. In situations where a verbatim record cannot be made due to technical or other issues, hand-written notes of the hearing board chairperson may suffice as a hearing record.
15. An accused student may, but need not, make verbal responses to the charges brought against him or her and to the testimony of witnesses during the hearing process. This does not indicate acceptance of responsibility for the alleged code violations on the part of an accused student.
16. The University hearing board may, where practicable, accommodate reasonable concerns for the personal safety, well-being and/or fears of confrontation of an accused student and/or other witnesses during the hearing by providing separate facilities, by using a visual screen and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, a video recording, an audio recording, written statement or other means where, in the judgment of the dean of students and the hearing board chairperson, it is determined to be appropriate.
17. University hearing boards and all other University hearing bodies convened for the purpose of reviewing and responding to allegations of student misconduct, including the Committee on Discipline, reserve the right to establish their own rules and guidelines for the review of any case.
18. All persons present at a hearing before a University hearing board are expected to abide by these rules of procedure and to conduct themselves in a civil and respectful manner. It is a violation of this Student Code of Conduct for any person to disrupt, obstruct or otherwise interfere with the hearing board process. Persons who are disruptive or otherwise interfere with the hearing board process may be excluded or otherwise removed from a hearing board proceeding at the discretion of the board chairperson.

If an accused student, with notice, does not appear before a University hearing board, the hearing will take place as scheduled. In such cases, the information in support of the alleged violations shall be

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presented and considered by the board in making a determination of responsibility and/or sanctions without the benefit of input from the student..

These hearing board procedures specifically apply to University hearing boards, but they also are intended to apply to all other University hearing bodies convened for the purpose of reviewing and responding to allegations of student misconduct, including the Committee on Discipline and any special appeal/hearing boards that may be convened by the vice president for Student Affairs.

### ARTICLE VI: SANCTIONS, INTERIM SUSPENSION & APPEALS

#### Overview

Without appropriate consequences for student misconduct, the student judicial process is not credible. Sanctions by their very nature have a punitive element; however, sanctions issued by the University as a result of the judicial process also are intended to serve the educational mission of the University and the moral development of its students. The sanctions listed in this Student Code of Conduct are intended to provide consistency along with a measured and reasoned response to incidents of student misconduct. Sanctions issued as a result of the judicial process are not noted on academic transcripts.

- a. Due to the limitless fact scenarios involved in student misconduct and because the University is an educational institution, it is neither practical nor feasible to provide extensive and rigid formal sanction guidelines. The University does have informal sanction guidelines that are provided to judicial officers, hearing boards and other personnel involved in the judicial process. The informal guidelines are used to provide an extra measure of consistency and flexibility in the application of the sanctions listed in this article. The informal sanction guidelines are a result of collaboration and input from the Dean of Students Office, Office of Residence Life, Department of Campus Life and the Undergraduate Student Government and are approved by the dean of students. They are not published or available outside of those persons involved in the disciplinary process; however, any organization or member of the University community may request to review these guidelines and provide comments or suggestions.
- b. More than one of the sanctions listed in this article may be imposed for any single incident of student misconduct or violation of this Student Code of Conduct.
- c. The sanctions in this article may be imposed upon groups or organizations as well as individual students. In addition, student groups may incur:
  - Loss of selected rights and privileges for a specified period of time.
  - Deactivation – Loss of all privileges, including University recognition, for a specified period of time.The disciplinary rights and processes governing the activities of University-sponsored clubs and organizations are found at: <http://www.stthomas.edu/ustclubs/handbook/default.html>.
- d. Student disciplinary records resulting from the University judicial process are educational records. Student disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's disciplinary record. Students who have received sanctions of suspension or expulsion from the University or suspension or expulsion from a residence hall, will be cause for dean of students to hold a student's file indefinitely. *(Please refer to Article VII of this Student Code of Conduct for more complete information on student records).*
- e. Students who are suspended or expelled from the University or suspended, expelled or otherwise removed from a residence facility as a result of the University judicial process are not entitled to any refund of tuition or other costs. Students who are suspended or expelled from the University also may incur other financial penalties in the form of lost financial aid and scholarships. Students subject to suspension or expulsion should refer to the University Withdrawal Policy found at: <http://www.stthomas.edu/financialservices/undergraduate/policies/wp/default.html>.
- f. The imposition of sanctions pending the appeals process is subject to the discretion and executive authority of the dean of students. Students will not incur additional costs in connection with their attendance at the University as a result of pursuing an appeal.

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### A. Sanctions

All sanctions become part of a student's disciplinary file and may be considered in the review and adjudication of any future incidents of student misconduct where a student has been found responsible for the code violations alleged.

The following sanctions represent the scope of disciplinary penalties that may be imposed upon any student found to have violated the Student Code of Conduct:

1. **Warning:** An official notice in writing to the student that the student has violated one or more University rules or policies. Such warning will be placed in the student's disciplinary file.
2. **Formal Reprimand:** This action is similar to a written warning but is of a more serious nature. A formal reprimand is a written notice to the student indicating that any future violations of University rules or policies will likely result in a minimum sanction of conduct probation.
3. **Conduct Probation:** This action constitutes an adjustment to a student's status for a specified time period during which a student must conduct him or herself in an exemplary manner. Students placed on conduct probation are not considered in good standing with the University. Any students found responsible for violations of this Student Code of Conduct while on conduct probation will normally lose their status as residential students and may be suspended or expelled from the University. The status of conduct probation will prohibit students from applying to or participating in University study-abroad programs. The status of conduct probation also may affect a student's ability to apply for some student leadership positions on campus.
4. **Loss of Privileges:** Denial of specified privileges for a designated period of time, including, but not limited to, restricting a student's access to certain parts of the campus, access to University computing and technology services, use of University property, participation in University clubs and organizations as well as University-sponsored activities and events.
5. **Fines:** Fines are common sanctions for violation of University rules and policies, particularly for violations involving alcohol, illegal drugs or other controlled substances. Fines are standard consequences for the 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.
6. **Community Service:** Community service is a common sanction for violation of University rules and policies, particularly for violations involving alcohol, illegal drugs and other controlled substances. Community service is a standard consequence for the 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.
7. **Restitution:** Students may be required to provide restitution and/or compensation for loss, damage or injury as a result of behavioral misconduct. This may take the form of appropriate service and/or monetary and/or material replacement.
9. **Educational (Discretionary) Sanctions:** Where appropriate to the conduct violation, educational sanctions may include, but are not limited to, attendance at community court, alcohol education course(s), requirements to undergo counseling and/or assessments for chemical use, attendance at workshops or seminars, including reenter education, formal apologies, mandated mediation, completing educational programming, adherence to behavioral contracts or the fulfillment of other sanctions dictated by the circumstances of the offense.
10. **Parental Notification:** The University may contact the parent(s) of any student under the age of 21 who has been found responsible for student code violations involving drugs and/or alcohol that also are a violation of the laws of the State of Minnesota. The University will contact the parent(s) of any student under the age of 21 who has been placed on conduct probation as a result of being found responsible for violations of the code of conduct involving the use of drugs and/or alcohol where such violations also are a violation of the laws of the State of Minnesota.
11. **Registration Holds and/or Cancellation of Registration:** Students who have failed to comply with the directions of a University official and/or who have failed to comply with the disciplinary process, including failure to complete sanctions issued as a result of a violation of the Student Code of Conduct may have a hold placed on their registrations and transcripts and/or may have their registrations cancelled through the Dean of Students Office.
12. **Loss of Status as a Residential Student – Removal:** Living in a University-owned residence facility is a privilege, not a right. There are three levels of sanctions that may be issued

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regarding a student's status as a residential student. Students who are subject to removal from University housing will be expected to vacate their residences and complete all relevant checkout procedures within 48 hours of the issuance of this sanction.

a. Cancellation of Housing Contract: This sanction is an action to cancel a student's housing contract and directs the student to remove him or herself from the University residence hall community according to the terms set out by the judicial officer or hearing board adjudicating the matter. Students who are removed from University housing may be prohibited from entering any University residence facility, even as a guest, during the period of their removal. This sanction will not require the dean of students to hold the student's disciplinary file indefinitely. Conditions for readmission as a residential student may be specified by the hearing board or judicial officer in consultation with the Office of Residence Life.

b. Suspension from University Residence Facilities: A student who is suspended from University housing is removed from housing for a defined period of time and is not allowed to enter a University residence facility for any reason during the period of their suspension. A student who has been suspended from University housing will be cause for the dean of students to retain his or her disciplinary file indefinitely. Conditions for readmission as a residential student after serving a suspension as a residential student may be specified by the hearing board or judicial officer in consultation with the Office of Residence Life.

c. Expulsion from University Residence Facilities: A student who is expelled from University housing is permanently removed and prohibited from living in a University residence facility. Expulsion as a residential student is a permanent sanction and will be cause for the dean of students to retain his or her disciplinary file indefinitely. Students expelled from University residence facilities will not be allowed to enter a University residence facility for any reason for the remainder of their educational careers at the University.

Lesser sanctions involving a student's residential status, such as a requirement to change rooms or residence halls, loss of privileges, such as visitation and the hosting of guests and restrictions on access to residential facilities, also may be imposed.

13. Suspension from the University: A suspension from the University is the separation of the student from the University for a defined period of time, after which the student may be eligible to return. Conditions for readmission may be specified. In no case shall the period of suspension be less than the balance of the semester during which the hearing takes place. Suspension may be immediate or delayed to a future academic term. Suspension from the University will be cause for the dean of students to hold a student's disciplinary file indefinitely.
14. Expulsion from the University: Expulsion is the permanent separation of the student from the University. This action is the permanent removal of a student from the University community. Expulsion is the most severe penalty the University can issue. Expulsion from the University will be cause for the dean of students to hold a student's disciplinary file indefinitely.
15. Revocation of Admission: Admission to the University may be revoked for fraud, misrepresentation or other violation of University standards in obtaining admission to the University, or for other serious violations committed during the application process, subsequent to the application process or prior to actual enrollment and attendance at the University.
16. Withholding of Degree: The University may withhold the awarding of a degree otherwise earned until the completion of the judicial process set forth in this Student Conduct Code, including the completion of all sanctions or conditions, if any, imposed as a result of the University judicial process.

### B. Interim Suspension

Interim suspension is a decision authorized under the executive authority granted to the dean of students and may be appealed only to the vice president for Student Affairs. It is an immediate change in a student's status that denies a student access to the residence halls and/or the University, pending further process through the University judicial system. The dean of students or the dean's designee may impose an

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interim suspension as a student at the University and/or an interim suspension as a residential student subject to further processes of the University, including the judicial process.

An interim suspension does not replace the regular judicial process, which shall proceed on the normal schedule, up to and through a University board hearing, if required.

Interim suspensions will be applicable in any of the following circumstances:

1. Where a student has been charged with a felony.
2. To protect and ensure the health, safety and well-being of members of the University community.
3. To ensure the protection or preservation of University property.
4. To ensure the student's own physical or emotional health, safety and well-being.
5. Where the accused student poses an ongoing threat of disruption of or interference with the normal operations of the University.
6. Where a student has failed to comply with the directions of a University official, including failure to meet with a University official after being directed to do so or failure to complete sanctions issued as a result of the University judicial process.

The above list is illustrative and not exhaustive of examples where an interim suspension may apply. It would be impossible to list all possible fact scenarios where an interim suspension may apply; therefore, the use of interim suspension is done on a case-by-case basis.

During the term of an interim suspension as a student from the University, a student shall be denied access to the campus and all University-owned property for any purpose (including classes), and all other University activities or privileges for which the student might otherwise be eligible, as the dean of students may determine to be appropriate. The dean of students may also request that the Department of Public Safety issue a trespass directive to a student placed on interim suspension from the University that prohibits the student from entering onto University property with the exception of being allowed on campus to participate in the University judicial process.

The decision to place a student on interim suspension as a residential student will be made by the dean of students in collaboration and consultation with the director of Residence Life. A student who is placed on interim suspension as a residential student is banned from entering any University-owned residence facility pending the outcome of the University judicial process. A student placed on interim suspension as a residential student may have limited access to other campus facilities as the dean of students may determine to be reasonable and appropriate.

### C. Appeals – Committee on Discipline (COD) and Special Appeal /Hearing Boards – Overview and Procedures

#### **1. Overview** – Committee on Discipline

The Committee on Discipline is the body designated by the University to hear appeals from the University judicial process. This appeal body also is referred to as a “special hearing panel” in the Student Policy Book, but for the purposes of this Student Code of Conduct it shall be referred to as the Committee on Discipline. The chairperson of the Committee on Discipline occupies the same role and functions as the chairperson of a University hearing board. The Committee on Discipline is subject to the same hearing procedures and latitude for procedural discretion by its chairperson as the chairperson of University hearing boards.

The Committee on Discipline, like all functions of the University judicial process, is subject to the executive authority of the dean of students and the vice president for Student Affairs. And like University hearing boards, the Committee on Discipline is a recommending body with regard to students subject to the University judicial process. Appeals to the Committee on Discipline are discretionary and must be approved by the dean of students.

The scope of an appeal to the Committee on Discipline is generally limited to incidents of student misconduct that involve the suspension or expulsion of a student from University housing and/or suspension or expulsion of a student from the University. The scope of appeal may be expanded at the discretion of the dean of students. The Committee on Discipline consists of a pool of faculty, staff and students whose membership is determined by the Faculty Organization Plan. The chairperson and vice chairperson are chosen annually. The specific structure, membership and function of the Committee on

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Discipline can be found in the Student Policy Book at:

[http://www.stthomas.edu/policies/student\\_policy\\_book/default.asp](http://www.stthomas.edu/policies/student_policy_book/default.asp).

The Committee on Discipline is designated to hear appeals from the University disciplinary process regarding incidents of student misconduct that have been adjudicated by a University hearing board and whose recommendations have been approved by the dean of students.

The Committee on Discipline is a hearing body that is integrally related to the Dean of Students Office and the disciplinary process. The chief judicial officer works in close concert with the chairperson of the Committee on Discipline and acts as the liaison between the Dean of Students Office and the committee. The chief judicial officer, as the dean's designee, brings judicial expertise and context to the Committee on Discipline by fulfilling the roles of adviser, counselor and clerk. The chief judicial officer may be present for all hearings before the Committee on Discipline and also may be present for deliberations.

The role of the Committee on Discipline is to review the original decision of a hearing board and not to rehear the case. The Committee on Discipline may review as much information as it deems necessary to reach a conclusion, including review of the verbatim record of the original hearing and requesting that the chairperson of the original hearing board appear before the Committee on Discipline; however, the Committee on Discipline is not to substitute its judgment for that of the original hearing board. Except in cases where new information is presented to the Committee on Discipline that was not available to the original hearing board, the Committee on Discipline should respect the credibility and judgments made by the University hearing board. The Committee on Discipline should limit its review of the original University hearing board's determination only to see whether there was information before the hearing board that reasonably supported its conclusions.

### **2. Overview – Special Appeals/Hearing Board**

Special Appeals/Hearing Boards are authorized and convened under the executive authority and at the direction of the vice president for Student Affairs. These special panels may serve in the capacity of a hearing board or an appeal board.

Such special boards are generally reserved for situations involving student misconduct that are not or cannot be adequately reviewed by a University hearing board and/or the Committee on Discipline. These situations include, but are not limited to, incidents of student misconduct that do not squarely fit within the University judicial process, decisions made regarding incidents of student misconduct that are subject to overlapping University processes and/or jurisdictions, appeals that take place when the Committee on Discipline cannot be convened, such as the summer months and J-Term, or where the vice president for Student Affairs determines that a special appeals/hearing board is appropriate to a given set of circumstances.

Special appeals/hearing boards consist of three to five members who are selected by the vice president for Student Affairs on a case-by-case basis. Selection of members for any special appeals/hearing board will be made by the vice president for Student Affairs in consultation with the dean of students. Special appeals/hearing board members will be selected for their prior experience in dealing with matters of student misconduct in the University judicial process.

Special appeals/hearing boards shall operate under the same guidelines and procedures as all other University hearing bodies. When a special appeals/hearing board sits as an appeal body, it shall give the same deference and respect for the credibility of prior decisions rendered by a judicial officer, University official or other prior hearing body as is given by the Committee on Discipline to decisions made by a University hearing board.

### **3. Appeals – Procedures**

a. Appeals regarding a determination of responsibility for a Student Code of Conduct violation or a sanction imposed by a University hearing board may be appealed by an accused student to the Committee on Discipline within five business days of the decision. As the complainant, the University also may make such an appeal to the Committee on Discipline through the dean of students. Appeals shall be in writing and shall be delivered to the chief judicial officer. Where the University is making the appeal, the appeal will be made in writing by the chief judicial officer and delivered to the dean of students. All appeals to the Committee on Discipline must be approved by the dean of students.

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- b. Except as required to bring the appeal forward, and #4 below involving the presentation of new evidence, an appeal shall be limited to a review of the verbatim record of the University hearing board and supporting documents provided to the original hearing board for one or more of the following purposes:
1. To determine whether the original University hearing board hearing was conducted fairly in light of the charges and information presented and in conformity with prescribed procedures that allowed the accused student a reasonable opportunity to prepare and to present his/her response to allegations of student misconduct. Deviations from designated hearing board procedures will not be a basis for reversing or modifying the original decision unless significant prejudice results.
  2. To determine whether the decision reached regarding the issue of responsibility for an accused student was based on a preponderance of the evidence, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that it was more likely than not that the student is responsible for the alleged a violation(s) of the Student Code of Conduct.
  3. To determine whether the sanction(s) imposed were appropriate for the violation(s) of the Student Code of Conduct for which the accused student was found responsible. In cases where the appeal is limited to the sanctions imposed by the original hearing board, the Committee on Discipline will determine whether the sanctions imposed are so unfair as to bear no reasonable relation to the conduct alleged, based on the incident at hand and the student's prior discipline record, if any.
  4. To consider new facts or information, not available to the original hearing board, that would be sufficient to alter a decision, or other relevant facts or information not brought out in the original hearing because such facts or information were not known or available to the person appealing at the time of the original University hearing board.

The Committee on Discipline may request that the chairperson from the original hearing board appear to provide relevant information from the original hearing.

c. At the conclusion of an appeal, the Committee on Discipline will make a recommendation for one of the following courses of actions to the dean of students and the vice president for Student Affairs. The recommendations of the Committee on Discipline may:

1. Affirm the original decision and sanction(s);
2. Affirm the original decision and reduce or increase the original sanction(s)
3. Reverse the original decision and order a new hearing;
4. Reverse the original decision and drop all charges and sanctions.

The decision and recommendations of the Committee on Discipline will be made in writing, signed by the chairperson of the Committee on Discipline and delivered to the dean of students and vice president for Student Affairs for delivery to the student within five business days. If an appeal is not upheld, upon final upon review and approval by the vice president for Student Affairs, the decision will be considered final and binding upon all parties involved.

The vice president for Student Affairs, by virtue of the executive power vested in his/her title, may accept the Committee on Discipline's recommendations in full or may amend, modify and change decisions by the Committee on Discipline.

### **ARTICLE VII: DISCIPLINARY RECORDS, PRIVACY and PARENTAL CONTACT**

#### **A. Disciplinary Records**

1. **Disciplinary Records – Defined:** Disciplinary records are educational records that are held on file in the Dean of Students Office regarding incidents of student misconduct that have been referred to the University judicial process. Disciplinary records shall not be made part of the student's permanent academic record. Disciplinary records are kept in both electronic and hard-copy format.
2. **Retention of Records – Hard Copy:** Disciplinary records in hard-copy format are removed and destroyed upon graduation or, if not graduated, three years from the date that the student last attended classes at the University. The decision to retain or destroy a student file outside of this policy lies within the discretion of the dean of students. Student disciplinary records that involve the imposition of sanctions, such as residence hall

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suspension or expulsion, or suspension or expulsion from the University, will be held on file indefinitely by the Dean of students Office.

3. Retention of Records – Electronic: The dean of students will retain student electronic disciplinary records for the time periods required and to the extent necessary to comply with the relevant data reporting laws.
4. Disciplinary records in hard-copy format of students who withdraw from the University prior to the institution or completion of the judicial process may be held indefinitely, subject to the discretion of the dean of students.
5. In situations involving both an accused student (or group or organization) and a student claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the educational records of both the accused student and the student claiming to be the victim, because the educational career and chances of success in the academic community of each may be impacted.
6. Students whose hard-copy disciplinary files are subject to being held on file indefinitely may petition the dean of students for removal and destruction of their hard-copy file three years after graduation or, if not graduated, three years from the date they last attended classes at the University. It is within the sole discretion of the dean of students whether to grant such a petition.

### B. Privacy

All disciplinary records kept in the normal course of the University judicial process are the property of the University and are subject to the data privacy restrictions found in University policies and federal and state law. Subject to the relevant data privacy laws and their exceptions, third parties will not have access to a student's disciplinary record without written permission provided by the student. The University's policy statement concerning the implementation of the Family Education Rights and Privacy Act of 1974 (FERPA), 20 USC 1232g, describes the circumstances under which the contents of such records may be disclosed without the consent of the student. A link to the University FERPA policy can be found in Article X of this document.

### C. Parental Notification

The dean of students or the dean's designee may notify parents or legal guardians of disciplinary matters under the conditions listed below. Notification will generally be made to parents or legal guardians listed in University records as parents or guardians as follows:

1. Where it is determined that a student's behavior or misconduct places his/her immediate health, safety or well-being at immediate risk.
2. When a student is placed on the status of conduct probation for violations of the University Student Code of Conduct with respect to the use or possession of alcohol and/or drugs and the student is under 21 years of age.
3. University staff may contact parents or guardians of students found to be in violation of the University Student Code of Conduct involving drugs or alcohol when the student is less than 21 years of age.

In cases where parental notification would put students or other parties at risk due to family situations, the University reserves the right not to notify parents or legal guardians.

## ARTICLE VIII: EXPLANATORY NOTES

### ACTC Conduct Statement:

The members of the Associated Colleges of the Twin Cities maintain a cordial and collegial relationship that extends to the behavior and conduct of member students who either visit or who are taking classes at another member institution. In recognition of this fact, students are referred to and placed on notice that they are subject to the ACTC Conduct Statement found at:

[http://www.stthomas.edu/policies/student\\_policy\\_book/ACTC\\_Conduct.asp](http://www.stthomas.edu/policies/student_policy_book/ACTC_Conduct.asp)

### Study Abroad Programs:

In all international and off-campus courses and programs, students are subject to the University of St. Thomas Code of Conduct. In recognition of this fact, students are referred to and placed on notice that they are subject to the Study Abroad Conduct Statement found at:

[http://www.stthomas.edu/policies/student\\_policy\\_book/Study\\_abroad\\_rights\\_and\\_procedures.asp](http://www.stthomas.edu/policies/student_policy_book/Study_abroad_rights_and_procedures.asp)

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### **Withdrawal Pending the Judicial Process:**

Any student who withdraws from the University pending or prior to completion of the University judicial process may be prohibited from re-enrolling as a student at the University at the discretion of the dean of students. Students who withdraw from the University pending or prior to completion of the University judicial process may still be subject to that process. Students who withdraw pending the University judicial process may be allowed to re-enroll as a student at the University for the purpose of resolving any outstanding incidents of student misconduct. Such students will be subject to the normal judicial process and sanctions up to and including expulsion as a student.

### **Terms of Usage:**

The terms and definitions on this Student Code of Conduct allow for flexibility in usage. The following terms may be used interchangeably or as alternatives to the terms specifically listed in the definitions sections of this code:

- “judicial process” and “disciplinary process”
- “judicial officer” and “hearing officer”
- “Student Code of Conduct” and “student code” or “code of conduct” or “student rules of conduct”
- “Committee on Discipline” and “discipline committee” or “appeal board”
- “dispositional meeting,” “disciplinary conference” and “administrative hearing”
- “special appeals/hearing board” may be referred to as a “special board,” “special appeal board” or “special hearing board”
- “University hearing board hearing” may be referred to as a “board hearing.” “University hearing boards” may be referred to as “hearing boards.” “University hearing board chairperson” may be referred to as “board chairperson,” the “chairperson” or simply, the “chair.”
- “University organization” and “University club”
- “Complaint” of student misconduct and “report” of student misconduct

### **ARTICLE IX: SOURCES, INTERPRETATION AND REVISION**

- A. Any question of interpretation or application of this Student Code of Conduct shall be referred to the dean of students or his/her designee for final determination.
- B. This Student Code of Conduct shall be reviewed every five years under the direction of the chief judicial officer.
- C. This Student Code of Conduct: Disciplinary Rights Non-Academic is based on and drafted in accordance with the following source:

Navigating Past the “Spirit of Insubordination”: A TWENTY-FIRST CENTURY MODEL STUDENT CONDUCT CODE WITH A MODEL HEARING SCRIPT, Vol. 31, The Journal of College and University Law No. 1, Edward N. Stoner & John Wesley Lowery, (2004). This document may also be referred to as the “model code.”

### **ARTICLE X: LINKS TO RELEVANT POLICIES**

1. Academic Integrity:  
[http://www.stthomas.edu/policies/student\\_policy\\_book/Academic\\_Integrity\\_Policy.asp](http://www.stthomas.edu/policies/student_policy_book/Academic_Integrity_Policy.asp)
2. ACTC Conduct Statement:  
[http://www.stthomas.edu/policies/student\\_policy\\_book/ACTC\\_Conduct.asp](http://www.stthomas.edu/policies/student_policy_book/ACTC_Conduct.asp)
3. Committee on Discipline: [http://www.stthomas.edu/policies/student\\_policy\\_book/default.asp](http://www.stthomas.edu/policies/student_policy_book/default.asp)
4. Department of Public Safety: [www.stthomas.edu/psps](http://www.stthomas.edu/psps)
5. Disciplinary Right Non-Academic (Student Code of Conduct):  
[http://www.stthomas.edu/policies/student\\_policy\\_book/Non\\_academic\\_rights\\_and\\_procedures.asp](http://www.stthomas.edu/policies/student_policy_book/Non_academic_rights_and_procedures.asp)
6. Family Education Rights and Privacy Act of 1974:  
<http://www.stthomas.edu/registrar/student/ferpa/default.html>
7. Good Samaritan Statement: [http://www.stthomas.edu/policies/student\\_policy\\_book/policies\\_guidelines/Good\\_Samaritan\\_Statement.asp](http://www.stthomas.edu/policies/student_policy_book/policies_guidelines/Good_Samaritan_Statement.asp)

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8. Hazing Policy: [http://www.stthomas.edu/policies/student\\_policy\\_book/policies\\_guidelines/Hazing.asp](http://www.stthomas.edu/policies/student_policy_book/policies_guidelines/Hazing.asp)
9. Other University Policies listed on the dean of students Web site:  
[http://www.stthomas.edu/policies/student\\_policy\\_book/policies\\_guidelines/Policies\\_guidelines.asp](http://www.stthomas.edu/policies/student_policy_book/policies_guidelines/Policies_guidelines.asp)
10. Policies on Community Expectations:  
[http://www.stthomas.edu/policies/student\\_policy\\_book/Community\\_expectations.asp](http://www.stthomas.edu/policies/student_policy_book/Community_expectations.asp)
11. Policies on Offensive Behaviors:  
[http://www.stthomas.edu/policies/student\\_policy\\_book/Offensive\\_behavior.asp](http://www.stthomas.edu/policies/student_policy_book/Offensive_behavior.asp)
12. Resident Student Agreement: <http://www.stthomas.edu/residencelife>
13. Resident Student Handbook: <http://www.stthomas.edu/residencelife/documents/StudHBDDec2006.pdf>
14. Responsible Use Policy (Technology/Computers):  
<http://www.stthomas.edu/irt/support/policies/responsible.html>.
15. Sexual Harassment Policy:  
[http://www.stthomas.edu/policies/student\\_policy\\_book/policies\\_guidelines/Sexual\\_harassment.asp](http://www.stthomas.edu/policies/student_policy_book/policies_guidelines/Sexual_harassment.asp)
16. Sexual Violence Policy:  
[http://www.stthomas.edu/policies/student\\_policy\\_book/document/Sexual%20Violence%20Policy.pdf](http://www.stthomas.edu/policies/student_policy_book/document/Sexual%20Violence%20Policy.pdf)
17. Student Handbook: [http://www.stthomas.edu/policies/student\\_policy\\_book/default.asp](http://www.stthomas.edu/policies/student_policy_book/default.asp)
18. Study Abroad Programs:  
[http://www.stthomas.edu/policies/student\\_policy\\_book/Study\\_abroad\\_rights\\_and\\_procedures.asp](http://www.stthomas.edu/policies/student_policy_book/Study_abroad_rights_and_procedures.asp)
19. University Clubs and Organizations: <http://www.stthomas.edu/ustclubs/handbook/default.html>.
20. University Policies: <http://www.stthomas.edu/policies>
21. Withdrawal Policy: <http://www.stthomas.edu/financialservices/undergraduate/policies/wp/default.html>

### Conclusion

“It would be impossible for any committee of administration, faculty and students to compose rules and regulations so specific as to cover every possible offense, which the fertile imagination of present day students might conceive or perpetuate.” *Herman v. University of South Carolina*, 341 F. Supp. 226, 332 (DSC 1971). (Cited from the *Model Code*, id. 2004)

### **Disciplinary Rights and Procedures for International and Off-Campus Programs-Academic and Non Academic**

In all international and off-campus courses and programs, students are subject to the University of St. Thomas [Rules of Conduct](#) as stated in this Student Policy Book.

In these cases the faculty or staff person who is in charge of supervising the course or program will have the full authority of the Dean of Students (for non-academic violations) and the appropriate academic dean (for academic violations) to adjudicate disciplinary violations of the [Rules of Conduct](#).

When feasible, the faculty or staff person in charge should make every effort to informally resolve problems that arise. However, if a formal process is required, the following procedures for adjudicating violations of the Rules of Conduct will be followed. (The internal disciplinary processes and procedures described in the Student Policy Book do not apply to the international or off-campus program).

1. The staff or faculty member who administers the program onsite will notify students of alleged violations in writing.
2. A meeting will be held between the student accused and the faculty or staff member after the student receives the violation letter to determine if the student violated the Rules of Conduct.
3. After the meeting, the faculty or staff member will determine whether or not the Rules of Conduct have been violated and, in consultation with the International Education staff and the Dean of Students or the appropriate academic dean, determine sanctions, if applicable.
4. The student will receive a decision letter stating whether it has been determined that the student violated the Rules of Conduct and the appropriate sanction, if any. A copy of the decision letter will be forwarded to the appropriate academic dean for inclusion in the student's disciplinary file.

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5. There is no appeal of discipline occurring in connection with an international or off-campus program. Faculty or staff in charge of the administration of the program have full authority for imposing sanctions, including sending the student home prior to the completion of the class or program.
6. In extreme cases, the faculty or staff member who oversees the class or program may, in consultation with International Education staff and the Dean of Students or appropriate academic dean, immediately suspend a student from the program and send the student home at the student's expense. The decision of the faculty or staff member is final.

Due to the unique nature of international or off-campus programs, disciplinary decisions made by faculty or staff during these programs are not subject to review by the Dean of Students. However, nothing precludes the dean from taking further disciplinary action if circumstances warrant

Policies and Guidelines

### **Alcohol and Drugs**

#### *I. Statement on Use of Alcohol and Other Drugs by Students at the University of St. Thomas*

##### **Introduction**

It is illegal in Minnesota for persons under the age of 21 to possess or consume alcohol. The University of St. Thomas takes very seriously its legal and moral responsibilities to members of its communities. While most students make responsible choices regarding use of alcohol, the University retains the right to discipline individuals for inappropriate behaviors that occur on and off the college campus. But ultimately, the responsibility lies within each individual to be responsible and broadly respectful with regard to the use of alcohol.

##### **Rights, Responsibilities, & Respect**

Policies related to the consumption and service of alcohol at the University of St. Thomas are guided by an overarching philosophy built upon the **rights** of individuals, the **responsibilities** of individuals who consume and serve alcohol, and **respect** for one's own well-being, **respect** for our laws, and above all, **respect** for the rights of others. Also within this framework is the recognition of the reality of chemical dependence and alcoholism. St. Thomas remains committed to the well-being of all individuals in the community.

##### **Rights**

Individuals have the right to participate in an environment in which they feel safe from harassment, dangerous behavior, or destruction of personal property. Individuals also have the right to respect for their spiritual and personal beliefs, many of which may relate, in some way, to alcohol use. Above all, individuals have the absolute right to abstain from consumption of alcohol, and feel free from pressures to the contrary.

##### **Responsibilities**

Individuals must be responsible for their behavior. This responsibility is not dismissed when one's judgment is impaired by the presence of alcohol and or drugs in the body. There is another responsibility that holds as much importance to members of the St. Thomas community—a responsibility for one another. We are our brothers' and sisters' keepers in every sense of the word. We must extend a caring spirit—in both thought and action—to those with whom we live, work, and learn. Keeping others safe from harm, safe from abuse, and free to achieve the greatest possible sense of well-being is a responsibility held by all members of the community.

##### **Respect**

Respect for the laws of the United States, the State of Minnesota, and the policies of the University of St. Thomas are fundamental. Individuals must also respect the choices made by others, especially those who choose to abstain from using alcohol. Finally, and perhaps most significantly, is a respect for self. The opportunity presented to students, staff, and faculty to learn, live, and celebrate in community is a gift. Life

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itself is precious and should be regarded with reverence and respect. Honoring one's existence through respect for self, charity toward others, and thanks for the gift of life is proper and important. To knowingly and intentionally diminish any aspect of one's life through irresponsible or disrespectful use of alcohol is wholly outside the mission of the University of St. Thomas, the teachings of the Church, and any standards of community decency.

### ***II. Policies Regarding Alcohol and Other Drugs***

#### **Individual Use Policy**

Use of drugs or alcohol by students, staff or faculty must abide by the laws pertaining to the possession and use of alcohol and other drugs as defined by the local municipality, and state of Minnesota.

1. Students of legal drinking age may possess and participate in responsible consumption in university residence halls, in accordance with Campus Life policies.
2. Students living in off-campus housing may participate in responsible consumption in accordance with city and state laws and ordinances. Abuse of these privileges may result in formal disciplinary proceedings by the University.

#### **Policy for Those Not Voluntarily Seeking Help**

If the university has a reason to believe that a particular student 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 and Testing Department. After an alcohol/drug assessment, the counselor may recommend participation in an appropriate treatment program. Continued behavior that is inconsistent with the above stated policies will be formally addressed by the University's disciplinary process. Information on sanctions for inappropriate student behavior is at:

[http://www.stthomas.edu/policies/student\\_policy\\_book/Non\\_academic\\_rights\\_and\\_procedures.asp](http://www.stthomas.edu/policies/student_policy_book/Non_academic_rights_and_procedures.asp).

#### **Policy on Illegal Drugs**

The University of St. Thomas does not tolerate the use, possession, or trafficking of illegal drugs. Students who violate University policies pertaining to illegal drugs are subject to the processes and procedures of the University judicial system.

The University reserves the right to report illegal drug use. In certain cases, especially with regards to trafficking or intent to distribute illegal drugs, a student may be referred to criminal or civil authorities for prosecution. It must be understood that consequences will result from illegal activity with regard to illegal drugs.

#### **Alcoholic Beverage Service Policy at Campus Sponsored Events**

- A. Only recognized organizations or departments on campus and some off-campus groups will be given approval for alcoholic beverage service. Groups sponsoring events are responsible for the safety and behavior of people attending these events. Should any violent, disruptive or destructive behavior occur in any university or event facility as a result of a University sponsored function, the sponsoring group, either individually or collectively, will be subject to disciplinary action by the Dean of Students. The sponsoring group may be financially responsible for damages incurred and pay for repair or replacement costs. The sponsoring group may be held responsible for injuries to their guests as a result of consumption of alcoholic beverages. Also, the group could be prohibited from sponsoring the event or other events in the future.
- B. The Request to Serve/Use Alcoholic Beverages form, including a distribution plan, must accompany the request. This plan must address details regarding security, control of sales, a description of non-alcoholic beverages and food to be served, and the amount of alcohol to be served.
- C. The Request to Serve Alcoholic Beverages Form must be turned in at least fourteen (14) days prior to the date of the activity.

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- D. Tailgating or similar type functions outdoors are prohibited on campus.
- E. There can be no more than three on-campus, all school functions per year at which alcohol may be served.
- F. Events involving students are limited to enrolled St. Thomas students and possibly up to one invited guest per student. All St. Thomas students must have a valid university ID and driver's license or official state ID card in their possession when in attendance. 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 Students (or designee).
- G. Only wine and beer may be served at university sponsored events. Exceptions for liquor other than beer or wine must be approved by the Executive Vice President (or designee). The maximum quantity of alcoholic beverages approved is subject to approval of the authorizing university official.
- H. A city license to sell alcohol is required if alcohol is served and any type of charge is levied pursuant to the sale or distribution of alcohol (e.g., admission charges). Additional liability insurance may also be required.
- I. In accordance with state law, an individual must have reached his/her 21st birthday to be legally served, possess, distribute or consume alcohol.
- J. The primary purpose of any function must 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.
- K. A bartender(s) is required when alcoholic beverages are sold or distributed by the glass and may be required at the discretion of the authorizing university official at other events.
- L. Alcoholic beverages cannot be served after 12:00 midnight. All alcoholic beverage service must conclude 30 minutes prior to the conclusion of the event.
- M. Adequate security personnel will be required, dependent on the size and purpose of the activity, as determined by Public Safety and Parking Services. Event security guidelines are available from the Department of Public Safety and Parking Services.
- N. A designated responsible person (as noted on the "Request to Serve/Use Alcoholic Beverages" Form) must be 21 year of age or older and must be present throughout the entire function. The individual(s) responsible for the activity and a faculty or staff member must attend the entire approved activity. Both must sign Request to Serve/Use Alcoholic Beverages form as responsible for the event.
- O. Sponsors of events with over 100 participants are required to submit a layout diagram of the event site. It must include the location of the alcoholic and non-alcoholic beverage service, food, restrooms, entrances and exits, approved alcohol consumption areas and security detail.

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 a sponsoring group, restitution of fines levied, and action taken against individuals held responsible.

### **Alcohol Advertising Policy**

- A. No liquor or beer logos, advertisements or advertisements from businesses where the sale of alcohol is a primary purpose of the business may appear in publications, which are funded by the university or sponsored by a university department or organization.
- B. No posters or flyers may advertise to University of St. Thomas students the availability of alcohol at on- or off-campus events.

### ***III. Assistance Provided by the University***

#### **Assistance 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. Students seeking help for problems relating to drug and alcohol use may

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avail themselves of services offered by the University, including the Personal Counseling and Testing Department, Student Health Services, and Wellness Center.

### **Assistance for Others Affected by Alcohol or Drug Abuse**

The university recognizes that alcohol 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 & Testing Department, Student Health Services, and Wellness Center. Professional staff in these offices can help the concerned individual plan a strategy to address the specific problem.

### **Behavioral Leave of Absence and Readmission Policy and Procedures (Non-Discipline)**

#### **I. POLICY**

- A. This policy applies in situations in which a student's behavior indicates a direct threat to the health and/or safety of self or others. The university reserves the right to remove a student by requesting or requiring a student to take a leave of absence [may also be referred to as leave] from the university for reasons pertaining to the student's behavior. In addition, disciplinary action may be taken under other university policies and procedures.

This policy is to be invoked in extraordinary circumstances at the discretion of the appropriate Dean where the normal disciplinary system may not apply or is not appropriate. This policy does not replace existing academic performance or discipline-based withdrawal or dismissal policies maintained by academic units or the Dean of Students Office.

The university authorizes the Dean of Students (DOS) in conjunction with the appropriate Dean to remove a student by requesting or requiring that the individual take a leave of absence from the university. The DOS and Dean may choose to delegate all or parts of this responsibility to an appropriate designee. Further, the DOS and Dean may appoint a designee to oversee the individual student cases. The case file will be maintained in the Dean of Students Office.

- B. Students who take a leave of absence from the university under this policy may be considered for readmission following a determination by the DOS in conjunction with the Dean that the behavior requiring withdrawal is, for the most part, eliminated demonstrating that the student is ready to return to school. The determination of readmission is made in conjunction with the Leave of Absence Team (the Team) which will be appointed by the DOS and Dean in accordance with the requirements of each individual case. In making the determination on readmission, the Team will consider information from campus professionals and relevant materials submitted by the petitioning student which demonstrates that the conditions that caused the withdrawal no longer exist or are being managed.
- C. The complex nature of each student situation may call for the Team to take on different configurations, depending on the situation. The Team membership may include representatives from the office of the Academic Dean of a College/School, Office of the Dean of Students, Academic Counseling, Enhancement Program Disability Services, Residence Life, Health Services, Personal Counseling, Public Safety, and the Business Office – Student Accounts. Other members can be added at the discretion of the DOS in conjunction with the Dean.

#### **II. PROCEDURES AND TYPES OF LEAVE OF ABSENCE**

##### **A. Interim Leave of Absence**

1. If a student's behavior poses an immediate and direct threat to themselves or others, the DOS in conjunction with the Dean may put the student on a leave of absence or restrict the student's

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access to the university campus, university housing, services, and activities, as appropriate, for an interim period before a final determination of the matter.

2. In such cases, reasonable attempt will be made by the DOS and/or Dean to meet with the student and discuss options before deciding on a leave of absence. If the student is to be put on leave, the decision will be communicated in writing to the student, the Dean of the student's academic unit, and other units as appropriate within the university.

3. The interim leave and/or restricted access will remain in effect until a final decision has been made pursuant to the procedures below or other applicable university procedures, unless, prior to a final decision, the DOS, in conjunction with the Dean, determines that the reasons for imposing the leave no longer exist.

### **B. Involuntary Leave of Absence**

Leave of absence under this policy may be considered when the university has substantial evidence that a student's behavior indicates a direct threat to the health and/or safety of self or others.

An individual within the university community wishing to explore the appropriateness of a leave of absence or wanting to initiate a leave should contact either the Office of the Dean of a College/School/Department, the Associate Dean for Academic Counseling, or the Dean of Students. When circumstances merit, the DOS in conjunction with the Dean will:

1. arrange for an appropriate review process including receiving, investigating, and examining appropriate records and documentation; and/or
2. provide an opportunity for the student to meet with the DOS or Dean to discuss options regarding a leave of absence; and/or
3. seek the recommendation of the Leave of Absence Team and/or
4. contact the student's family, or designated emergency contact, if appropriate; and/or
5. document the findings of the review process and any relevant recommendations; and/or
6. provide written notice to the student of the leave; and/or
7. describe requirements for re-admission; and/or
8. provide written notice of opportunity for conditions of re-admission.

The student may be restricted from campus and/or university services and activities during a leave of absence.

### **C. Voluntary Leave of Absence**

If the student wishes to pursue a leave of absence, the DOS or Dean will:

1. counsel the student to discuss options regarding a leave; which, under this policy is at the discretion of the DOS in conjunction with the Dean; and/or
2. consult with the student's academic unit and other units as appropriate; and/or
3. discuss the circumstances with the student's family or designated emergency contact person, as appropriate; and/or
4. refer the student to appropriate resources for evaluation or treatment; and/or

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5. provide the student with written documentation confirming the student's decision to take voluntary leave of absence in accordance with university policy for withdrawal if applicable; and/or
6. provide documentation to return – requirements for re-admission, if any.

### D. Return to Classes and/or Readmission

A student removed from the university under this policy and wishing to return to classes or be considered for readmission may petition the Dean of the Academic department in question, or Academic Counseling, or the Dean of Students according to written conditions for readmission. The student will provide documentation of behavioral change, and must provide satisfactory documentation that the student is qualified and ready to resume academic work and has complied with any other conditions of return or re-admission. It is within the university's sole discretion to place additional conditions on a student returned from a leave of absence.

1. The Dean in conjunction with the DOS will:
  - a. consult with the Team; and/or
  - b. contact the student's family or designated contact, if appropriate; and/or
  - c. receive, investigate, and examine relevant documentation fulfilling petition requirements; and/or
  - d. provide an opportunity for the student to meet with the Dean or DOS to discuss resumption of classes or readmission.
2. The Dean **and/or** DOS will:
  - a. initiate the resumption or readmission process; and/or
  - b. when appropriate, provide the student with written conditions for continued attendance, which may include a behavioral contract, and inform any relevant administrators in the implementation of the student's readmission; or
  - c. deny the student's request for return or readmission and specify when and if the student request for return or readmission will be considered; and/or
  - d. notify the student's academic unit and other units as appropriate of the decision regarding readmission.
3. Decisions regarding a student's return to classes or re-admission are made at the discretion of the DOS or appropriate Dean.

### E. Effect on Academic Status

In the event of a leave of absence pursuant to this policy, the university policies for withdrawal from courses and for receiving tuition refunds will normally apply.

### F. Effect on Housing Status

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In consultation with the Director of Residence Life, if the student has been living in the residence halls, university policy for contract cancellation and fee refund will normally apply.

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### G. Appeal

The student has the right to appeal in writing to the **Vice President for Student Affairs** regarding any of the completed actions and/or decisions made throughout this policy. A written appeal must be delivered to the DOS or appropriate Dean within three class/business-days of receiving written confirmation of the outcome of any deliberation conducted for the welfare of the student and/or the university. The Vice President for Student Affairs has full and final authority in decisions relating to this policy. (Adapted with permission from policy developed by The University of Michigan, 2003.)

### Bulletin Boards - Murray-Herrick Campus Center

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

**Materials to be posted in Murray-Herrick or the residence halls must be brought to Campus Life, 111 MHC or Koch Commons 106, for stamped approval.**

The Department of Campus Life is responsible for posting the materials in Murray-Herrick Center, Koch, and the residence halls.

1. Any material (posters, fliers, etc.) that are to be posted on UST bulletin boards in Murray-Herrick Campus Center must be approved, stamped and posted by the Department of Campus Life, Room 111, Murray-Herrick Campus Center.
2. We will stamp up to 20 St. Thomas-related event fliers (8 1/2" x 11"). Maximum size is 18" X 24".
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.
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. 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.
7. 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.
8. All postings for off-campus housing are handled through the Commuter Center located in the lower level of Murray Herrick, Room 17.

### Responsible Use Policy

#### University of St. Thomas Policy on Responsible Use of University Computing Resources...

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

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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 their usernames and passwords, UST IDs and PINs, from unauthorized use.
6. Access only information that is one's own, or that is publicly available, or to which one has been given authorized access.
7. Cooperate with system administrators if advised of potential security problems associated with their accounts or systems.

### **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: circumventing the computer registration processes and procedures for address assignment; 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 (651) 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, disabling or habitually circumventing virus protection, disrupting services or damaging files or making unauthorized modifications to University data. For example, using Outlook to bring email into a UST Exchange mailbox directly from a different mail system that has not implemented responsible virus and spam controls and thereby introducing a steady stream of infected messages to the UST system from within.
5. Performing any act that will, intentionally or otherwise, interfere with the normal management or operation of computers, terminals, peripherals or networks, including altering IRT's level of access to a university system.
6. Using University systems or content (including subscribed library electronic databases) for personal gain, for commercial purposes or for partisan political purposes; for example, selling access to a University user id or to University systems or networks; performing work for profit with university resources in a manner not authorized by the University; or using electronic mail to circulate advertising for products.
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

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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, and the swapping of copyrighted music, movies, or other media content, constitute theft and will expose the both the person sharing and the person copying to lawsuits and possibly to criminal charges.

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. Sharing your username and password, or UST ID and PIN, 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.
11. Attaching any device other than a personal computer to the campus network without the express permission of the Telecommunications staff. This includes (but is not limited to) wireless access points such as the Apple AirPort, hubs, switches, routers, printers, and protocol analyzers.
12. Abusing email - The following activities specific to email use are prohibited:
  - Spoofing sender addressing, that is, forging the identity of a user or machine in an electronic communication.
  - Failing to comply with a request to stop e-mailing someone or to take them off a distribution list
  - Sending all-campus email messages
  - Creating or forwarding chain letters
  - Initiating or facilitating in any way mass electronic mailing (e.g., "spamming," "flooding" or "bombing") except for purposes of conducting University business, and then only with the advice and consent of Information Technology regarding when and how to send the mail.
13. Applicability of Other 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.

Taken together, these rules do not preclude sending non-work-related email to large lists of other users. However, group mailings should be targeted to people who might reasonably be construed to have an interest in the material, and senders must honor all requests to be excluded from similar future mailings.

### **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.

### **Data Privacy**

Files and email stored on or transmitted across university systems are not guaranteed to be private. While as a general policy, University employees will not read your email or private files the University of St. Thomas reserves the right (as permitted by state and federal law) of designated IRT staff to log and examine any and all network traffic on the university data network, and to retrieve and examine any and all

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files stored on UST systems, both central servers and desktops, whenever necessary, particularly but not exclusively 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 and to fulfill lawful requests for information.
- 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 campus offices as needed.
- If an individual's private files (electronic or email) are wanted as evidence on a non-computer-related university disciplinary matter (such as an academic dishonesty case 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.
- If a state or federal agency (BCA, FBI, etc.) requests the data as part of an authorized investigation.

### **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.

In the case of minor infractions, IRT will attempt to contact the offending party via email, telephone or in person to explain the problem and discuss its resolution. Blatant violations or repeated offenses will be referred to the appropriate University entity for discipline.

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 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. The University Site Security Policy contains more detailed information about the processes of investigations.

### **Further Information**

If you have any questions about whether an activity is permissible or not, you may [contact the IRT Tech Desk](#) or the [Dean of Student Life](#) at (651) 962-6050.

### **Consenting Relationships Policy**

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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.

### **Demonstration and Building-Takeover Policy**

In years past, violence and disruption occurred on a number of university campuses. While those days seem to be over, the Demonstration and Building-Takeover Policy is reproduced here so that, should a recurrence of those times take place, students at St. Thomas will be aware of the possible consequences of their actions. It is sincerely hoped that this policy will never need to be used. In the case of violent, disruptive or obstructive demonstrations or counter-demonstrations or office or building takeovers by students or non-students, the university, in the person of the president, a vice president, Dean of Students, associate Dean of Students, or director of residence life, shall order violators to leave and break up the demonstration. If they do not do so within a brief time, the university may choose either or both of the following:

1. To obtain a court injunction against them to suspend their activities. Thereafter, violators will be dealt with in a court of law.
2. To ask the participants for their identification cards.
  - a. Those who produce identification cards will be immediately suspended from the university pending a Committee on Discipline hearing.
  - b. Those who do not surrender their identification cards will be assumed to be non-students, and they, as all other non-students, will be charged with trespassing on private property and disturbing the peace.

After notification of suspension or trespass, participants have five minutes to start a movement to cease and desist. Failure to do so will result in expulsion for students involved, and they and other non-students will be dealt with by the law.

### ***Addendum***

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. While students have the right to freedom of expression, including the right to dissent or protest, this expression cannot interfere with the rights of others or disrupt the processes of the university. The following conduct will not be permitted:

- a. Disruption of classes, laboratories, offices, services, meetings or ceremonies;
- b. Obstruction of free movement of people or vehicles; peaceful picketing is permitted only as long as it takes place outside of buildings and does not interfere with the flow of traffic to and from buildings;

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- c. Conduct which threatens harm, incites violence or endangers the health and safety of any person;
- d. Threats of disruption, including bomb threats;
- e. Damaging, defacing or abusing university facilities, equipment or property; or
- f. Inciting others to engage in prohibited conduct.

Any such incidents that may occur and any such problems that may develop will be considered a disciplinary matter and will be dealt with accordingly. The following will be the university's procedure.

Student groups and organizations planning to hold a demonstration will file 24-hours in advance a Notice of Intent with the Dean of Students. The Notice of Intent will include such matters as a general plan for the demonstration, a spokesperson for the group, and the location of the demonstration. Failure to file a Notice of Intent will result in disciplinary action and will be dealt with accordingly.

### Display Case Policy

- Reservations and approval for displays in the Murray-Herrick Campus Center lower level display cases (across from Scooters) must be done in the Campus Life office.
- Reservations for the display case next to the Grill are also done in the Campus Life office.
  - a. The display case can be reserved for up to one week at a time by student clubs and organizations, faculty and staff.
  - b. Display case reservations will begin at 12:00 p.m. on Monday and conclude at 10:00 a.m. the following Monday.
  - c. Items not removed from the display case by 10:00 a.m. will be removed and disposed of by Campus Life personnel.
  - d. Reservations are accepted on an ongoing basis.
  - e. All displays are subject to approval by the Department of Campus Life.

### 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. These policies can be obtained by clicking on Policies & Guidelines in the menu bar.

All speakers, performers and entertainers sponsored at the University of St. Thomas must comply with all guidelines and regulations within the [Performance Contract](#) and [Performance Information Sheet](#). These forms can be obtain by clicking on Policies and Guidelines in the menu bar.

- 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

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Addressing of Controversial Issues, in the St. Thomas Student Policy Book], the Campus Life Staff will refer the request to the Student Life Committee. The Student Life Committee, advised by the Dean of Students, 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. A minimum of ten business days is required for this review.

- If the event is (a) open to the entire university community, (b) scheduled for a large campus venue or (c) held in an auditorium on campus, Campus Life will also consult with the University Lectures Committee regarding the room reservation request. Campus Life will provide the Lectures Committee with all speaker information submitted by the requestor. Requestors are encouraged to include the speaker's/entertainer's résumé, biography, Web site information, and references from colleges and universities where the proposed speaker/entertainer has performed. The Lectures Committee will review the merits of the request in light of the [UST Speakers Policy](#) and will make a recommendation to Campus Life. Campus Life will review the recommendation by the Lectures Committee and either (1) approve the request, (2) approve the request with recommended revisions or (3) deny the request. The Campus Life Staff will contact the designated contact person as to the progress of the requested event. A minimum of ten business days is required for this review.
- In the event an appeal is requested, the room reservation requestor may request an appeal of Campus Life's decision from the Vice President for Student Affairs. This must be done in writing and within five days from the receipt of the decision. The vice president will determine if an appeal is warranted and, if it is, will choose an appeal panel of three members to review the decision. The appeal panel will bring its recommendation to the vice president, whose decision will be final.
- 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.

### **EXCUSED ABSENCE**

Students have the responsibility to attend their classes. If a student wishes to be excused from the equivalent of one full week of class or less per semester due to illness, a family or parenting-related emergency, or a UST-sponsored event, it is the responsibility of that student to inform his or her instructor(s) of the absence as soon as possible. The student must also comply with verification requests/requirements that the instructor(s) may have. If the student complies with verification requirements, that student is expected to make up coursework missed (or an appropriate equivalent) without grade penalty for late submission.

In the case of numerous and excessive absences (total absences amounting to the equivalent of more than one full week of class per semester), students must inform their instructor(s) of the situation responsible for the absences as soon as possible and comply with verification requests/requirements that the instructor(s) may have. Students should also notify the Office of the **Associate Dean for Academic Advising at (651) 962-6300**. Instructors should use their own discretion to determine whether the absences warrant a grade

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penalty, an incomplete status, a recommendation of withdrawal from the course, or the completion of coursework missed (or an appropriate equivalent) without grade penalty for late submission.

### **Financial Aid Regarding Withdrawal Policy**

#### ***Return of Title IV (Federal) Aid***

If you withdraw from the University of St. Thomas during a semester, January or summer term, a calculation of "earned" versus "unearned" federal aid must be determined. This federal policy assumes you earn your aid based on how much time has elapsed in the term. If you receive federal financial aid, that aid may be reduced as a result of your withdrawal.

There are three steps that St. Thomas must complete to comply with the federal policy:

1. Determine the withdrawal date.
2. Determine the amount of earned federal aid.
3. Return unearned federal funds to the appropriate program(s).

However, in order to ensure that you are eligible to receive financial aid, St. Thomas must first verify with your instructor(s) that you are attending or participating in academic activities related to your class(es) for the term.

You must withdraw **officially** in one of two ways:

- via Murphy Online;
- via the Registrar's Office, which is open from 7:30 a.m. to 4:30 p.m., Monday through Friday.

The withdrawal date is the date you begin the withdrawal process. If you fail to withdraw officially, the withdrawal date will become the midpoint of the term, unless the university can document a later date. In certain circumstances if an earlier date of last academic activity is determined, this date may be used in the calculation of "earned" federal aid.

If you withdraw before completing 60 percent of the term, you "earn" federal funds in direct proportion to the length of time you were enrolled. The percentage of earned aid is determined by dividing the total number of calendar days enrolled by the total number of calendar days in the term. If you complete 60 percent of the term, you earn all federal financial aid for the term.

The responsibility to repay unearned aid is shared by the institution (St. Thomas) and the student. The institution's share is the lesser of unearned aid or unearned institutional charges. The institution's share must be repaid to the federal aid programs in the following order, before the student's share is considered:

1. Federal Direct Unsubsidized Loan
2. Federal Direct Subsidized Loan
3. Federal Perkins Loan
4. Federal Direct Parent PLUS Loan
5. Federal Pell Grant
6. Academic Competitiveness Grant (ACG)
7. National Science and Math Access to Retain Talent (SMART) Grant
8. Supplemental Educational Opportunity Grant (SEOG)
9. Other Title IV Aid

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If you are required to repay a portion of your loan through the student's share calculation, you will not be expected to return those funds immediately, but rather when repayment begins according to the terms and conditions of the promissory note. If your share includes grant funds, federal rules allow the grant to be reduced by 50 percent, and the University of St. Thomas will repay these grant programs on your behalf. You will then be responsible for repaying this money back to St. Thomas. If this causes undue hardship, a satisfactory payment arrangement can be made with St. Thomas.

### ***Institutional and State Refund Policy***

The Return of Title IV Aid calculation, as cited above, only considers federal funds, not institutional, state or outside funding sources that may be included in your financial aid package. St. Thomas offers tuition refunds if you withdraw from the university according to the following schedule for fall and spring semesters:

- **100 percent** through the first 14 calendar days of the semester.
- **80 percent** on the 15th through 21st calendar days.
- **60 percent** on the 22nd through 28th calendar days.
- **40 percent** on the 29th through 35th calendar days.
- **20 percent** on the 36th through 42nd calendar days.
- **0 percent** after the 42nd calendar day.

If you withdraw during a period of time that allows for a tuition refund, a portion or all of your institutional, state and/or outside funding may need to be reduced or cancelled. If you receive a 100 percent tuition refund on all courses for a particular term, all institutional, state and outside funding must be returned to the appropriate aid program(s). If your tuition refund was not used to fully repay the Return of Title IV Aid, a proportional share of the remaining tuition refund must be returned to the appropriate aid program(s).

### **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. Contact the 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)

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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.

### **Good Samaritan Statement**

The University of St. Thomas is a Catholic university that fosters a caring culture supporting the well-being of its members. As such, when students become dangerously intoxicated through alcohol or other drugs, fellow community members have a duty to seek appropriate medical care for them. In an effort to address this concern, the University believes the following:

Acute intoxication is a serious matter and the cause of numerous injuries and deaths across the United States every year. If you see another student or member of the University community who has a medical emergency related to consumption of alcohol or other chemicals, *seek help immediately*. If the emergency is on campus, contact the Department of Public Safety emergency number at 2-5555 and the Resident Advisor on duty. If the emergency is off campus, dial 911.

If you feel hesitant to seek medical attention for another because doing so might reveal that one's own behavior has been in violation of the University *Student Code of Conduct* and/or the laws of the State of Minnesota, be assured that the responsibility you demonstrate by taking appropriate action for the safety and well-being of another person will be considered in determining which actions, if any, are taken on subsequent review of the matter by the Dean of Students office.

### **Policy on Greek Housing (Fraternity/Sorority Residences)**

The University of St. Thomas prohibits university recognized Greek organizations (fraternities and sororities) from owning property, including but not limited to, residences or meeting facilities.

### **Hazing Policy (Adopted by Student Life Committee)**

The University of St. Thomas unconditionally opposes hazing and prohibits any situation that produces mental or physical discomfort, embarrassment, harassment or ridicule. Every University of St. Thomas student is guaranteed freedom from the humiliation and danger of hazing.

As defined by the University of St. Thomas, hazing is any public or private act, on campus or off, whether physical, psychological, or illegal, which subjects another person, voluntarily or involuntarily, to anything that may abuse, mistreat, degrade, humiliate, or intimidate him or her, or which may be construed to compromise his or her inherent dignity as a person.

Although most hazing incidents involve an active member of an organization harassing a pledge or associate, hazing is not limited to that relationship. The University of St. Thomas prohibits all hazing including, but not limited to: an active member hazing another active member; a pledge hazing another pledge; a pledge hazing an active member; and an alumnus or alumna hazing an active member or pledge.

Activities considered to be hazing may include, but are not limited to the following:

- a. Calisthenics, exercise and running;

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- b. Nudity or degrading apparel;
- c. Corporal punishment, e.g., paddling, hitting, beating, pushing, shoving or tackling;
- d. Exposure to uncomfortable environments, e.g., excessive or repetitive noises, yelling or screaming; bright lights; extreme temperatures; confining quarters;
- e. Lack of continuous sleep or sufficient sleep;
- f. Required eating of repulsive food, e.g., raw onions, spoiled food;
- g. Required drinking of alcoholic beverages;
- h. Road trips, abandonment, "dropping" or kidnapping;
- i. Personal servitude or lengthy work sessions;
- j. Assigning "pranks" such as stealing, defacing objects, or harassing another person or organization;
- k. Not providing sufficient study time;
- l. Using derogatory or degrading names; yelling or screaming; using obscenities at pledges or associates;
- m. Manipulating or creating situations that involve hypocrisy, deception, or double standards, e.g., telling a person s/he has failed when, in fact, s/he has not; expecting the person to do anything requested by an active member;
- n. Activities that endanger mental or physical health or involve the forced consumption of liquor or drugs;
- o. Conduct that is a crime by the criminal code of the state of Minnesota or the United States of America;
- p. Academic dishonesty, such as cheating and plagiarism, knowingly furnishing false information; and forgery, alteration or unauthorized use of university documents, records, identification, or property.

Complaints of hazing may be brought against an individual, group or organization. All complaints/notices of offense must be made in writing and directed to the Dean of Students who will review the complaint/notice and determine whether or not the incident constitutes hazing.

- If the incident is not determined to constitute hazing, the Dean of Students (or designee) will determine if any violation of university "Rules of Conduct" occurred and if any charges are warranted.
- If the incident is determined to constitute hazing, then:
  1. If minor, the dean will reprimand the individual, group or organization and issue appropriate sanctions.
  2. If major or a second offense, the dean will file written charges against the individual, group or organization for violation of the hazing policy and have the complaint heard by the University Hearing Board following discipline procedure guidelines. The decision of the hearing will be referred to the Student Life Committee for suggestions

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for disciplinary sanctions and the final decision and sanctions, if necessary, will be given to the Dean of Students or designee.

### **Theft and Vandalism of Library Property**

#### *Statement of Policy:*

When a member of the community removes or destroys library materials, it is a violation of a social contract, and it deprives others of the benefit of this commonly owned resource. Library collections, in part, are developed to preserve ideas for the future. Librarians take seriously their responsibility to collect, preserve and circulate these important materials. The system is unique in society, and it works as long as the community respects and honors the basic principles of community owned and maintained resources.

#### **Procedure:**

Any St. Thomas library user who steals, destroys, or defaces books, periodicals, microforms, computers, or other library property, including the removal of pages from books or periodicals, will be reported to Public Safety and the appropriate Dean of Students.

Sanctions for theft and vandalism of library property may include restitution, payment of processing fees or monetary fines, and will be determined by the Director of Libraries.

Theft or vandalism of library property constitutes a violation of this policy and criminal and behavioral misconduct in accordance with [University Rules of Conduct](#) (Undergraduate), the [Code of Conduct for Graduate Students](#), and state law (Theft, Damage to Property).

#### **From the Codes:**

2. Conduct, on or off campus, that is detrimental to the good of the university of which discredits the university.
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.)
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
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.

### **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

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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.

### **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 Department of Campus Life is the university official responsible for granting such permission for university-wide sales and solicitation in both Murray-Herrick Campus Center or in the residence halls.

- A. The Department of Campus Life 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 Department of Campus Life.
  7. The product for sale or the solicitation is appropriate for a Catholic university.
  8. The written permission form (fundraising report) has been received in the Department of Campus Life at least two weeks in advance of the proposed sale/fundraiser.
  
- 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 Department of Campus Life in Murray-Herrick Campus Center. The university may, if it chooses, impose an additional "rental charge" to cover overhead costs to the institution.

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## Sexual Violence Policy

### Sexual Violence Policy and Resolution Processes

#### POLICY STATEMENT

The University of St. Thomas is committed to maintaining high standards of respect and civility that are both implicit and explicit in its convictions statement. This commitment extends to creating and maintaining a learning environment that is free of sexual violence and that promotes personal dignity and fair treatment of all members of the University community. Sexual violence is a serious breach of that commitment as well as a form of gross misconduct that compromises the integrity of human relationships and threatens the security and well being of all individuals. Not only is sexual violence unlawful but it also undermines the atmosphere of trust and respect that is essential to creating a healthy working and learning environment. In recognition of this, the University has adopted a policy that is designed to investigate and resolve such claims in a direct and thorough manner while respecting the rights of all parties involved.

#### SECTION I APPLICABILITY AND SANCTIONS

This policy applies to all students and employees. Students include all persons taking courses at the University, either full-or part-time, whether non-degree or degree seeking, pursuing undergraduate, graduate, or professional studies. This also includes persons who withdraw after allegedly violating the Student Code of Conduct who are not officially enrolled for a particular term but intends to return to the University. Also, if a complaint has been filed regarding a student who has been notified of his/her acceptance for admissions, the University in its sole discretion may apply this policy. This policy also will apply to persons who are living in University housing, whether or not they are currently enrolled in this institution. In determining whether the alleged conduct constitutes sexual violence, the University shall consider the record as a whole and the totality of circumstances, including the nature of the incident and the context in which the alleged incident(s) occurred. Individuals determined to have violated this policy shall be sanctioned and subject to a range of disciplinary measures up to and including termination and expulsion.

#### SECTION II DEFINITIONS

*Sexual violence:* 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. This includes a physical act that is sexual in nature, is intentional, and is committed either by:

- physical force, violence, threat or intimidation;
- ignoring the objections of another person;
- causing another's intoxication or impairment through the use of drugs or alcohol in order to take advantage of another person; or
- taking advantage of another person's incapacitation, state of intimidation, helplessness, or other inability to consent.

*Consent:* Consent is defined as words or actions indicating a freely given present agreement to perform a particular sexual act with the initiator. Consent can only be given or implied by someone who acts freely, voluntarily, and with knowledge of the nature of the act involved. Consent cannot be given by someone who:

- Is incapacitated by drugs or alcohol
- Is coerced into submission
- Is not conscious

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- Is physically incapacitated
- Is mentally incapacitated

Consent cannot be inferred from:

- Permission for one particular act (a less intimate sexual act does not imply permission for a more intimate sexual act)
- A prior sexual, romantic or marital relationship
- An existing sexual, romantic or marital relationship

*Complainant:* The person(s) filing a complaint with the University under the Sexual Violence Policy.

*Respondent:* The person(s) named as the perpetrator in a complaint who is alleged to have committed an act in violation of this policy.

*Process Coordinator (PC):* The person(s) designated by the University to meet with the complainant in order to review the complainant's complaint and to clarify the complainant's options within the University under this policy and outside the University within the state or local criminal authorities. The Process Coordinator has the responsibility to contact the Dean of Students, if the complainant is a student, or the Associate Vice President for Human Resources or the Affirmative Action Officer if the complainant is an employee.

*UST Investigative Officer (IO):* The person requested by the Dean of Students, Associate Vice President for Human Resources or the Affirmative Action Officer to begin a formal investigation into the facts of the incident outlined in the complaint. The IO will interview the complainant, the respondent and other key persons in the incident. He or she also reviews all existing documentation concerning a complaint. Upon completion of the investigation, the IO makes a written report with findings and submits this to the University official that initially requested the formal investigation. After reviewing the report, the University official forwards it to the appropriate (Executive) Vice President.

### **SECTION III IMMEDIATE ACTION**

The University urges victims of sexual violence to do the following:

1. To contact the police/Public Safety as soon as possible (see Section IV).
2. To seek support from appropriate medical resources (see Section X).
3. To utilize confidential on-campus and/or off-campus counseling resources (See Section IX).
4. To pursue the Internal Resolution Processes (see Section V).

If a victim does not wish at the time to pursue an official course of action, or is unsure which action to take, he or she may contact the Personal Counseling Center. Student/employee contacts with staff psychologists are confidential, as are contacts with Student Health Services.

### **SECTION IV REPORTING SEXUAL VIOLENCE TO POLICE/PUBLIC SAFETY**

The University urges victims of sexual violence to contact Public Safety and 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, UST Public Safety 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 off-campus telephone; Public Safety may be contacted by dialing 2-5555 from any campus telephone.

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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, UST Public Safety will provide assistance when requested. Also, the Public Safety Department will take the initial information and contact the most appropriate University official.

### **SECTION V UST RESOLUTION PROCESSES**

The University is aware that with incidents of sexual violence it may take weeks, months or even years before the complainant recognizes that an assault did indeed take place. A complaint of sexual violence in which an investigation is sought must be made in writing to a Process Coordinator, designated staff member of the Dean of Students Office or Human Resources, or the Affirmative Action Officer within one (1) calendar year of the time of the incident that gave rise to the complaint or if the identity of the respondent was previously unknown, then one year from the time complainant learns the identity of the respondent. Allegations brought after the one year time limitation may be pursued, subject to the sole discretion of the Dean of Students, Associate Vice President for Human Resources, or Affirmative Action Officer.

#### *Internal Resolution Processes*

Complaints of sexual violence may be made by students, faculty, or staff members to the Dean of Students Office, the Department of Human Resources, the Affirmative Action Officer, or directly to a Process Coordinator. The staff member in the Dean of Students Office, Human Resources, or the Affirmative Action Officer that initially received the complaint may serve as the Process Coordinator. If a complaint is made to anyone else, the complainant risks the possibility that it will not come to the attention of the proper University officials and may, therefore, not be acted upon. Again, confidential resources are members of the Personal Counseling Center and Student Health Services. No other employees can guarantee confidentiality. Once a complaint has been brought forth to the appropriate University staff, that staff person will inform the complainant of his/her options under this policy as follows:

- To pursue either formal or informal resolution under this policy; and/or
- To pursue criminal and/or civil remedies outside of the University (if not already pursued).

In the event that an individual holds dual status of student and employee and is a complainant or respondent involved in a complaint of sexual violence, the Dean of Students Office will work in collaboration with the Department of Human Resources. The two departments will advise and consult with each other to review any reported incident and to identify the appropriate next steps.

#### *Interim Action*

Once an official complaint is made, an interim action may be taken before the actual resolution process begins. The Dean of Students, Associate Vice President for Human Resources, or the Affirmative Action Officer may take appropriate steps to shield the complainant from unwanted contact with the respondent. These individuals have the authority to prohibit any person accused of committing sexual violence from physically entering or being on University property in addition to a change of residency, student status, or class schedule. This authority extends throughout the process and may be imposed if it is determined that the accused constitutes a threat to the University community or any individual thereof.

#### *Informal Process Informal assistance*

The complainant may talk with one of the designated Process Coordinators. This discussion will allow for a review of the various options available to the complainant including but not limited to informal discussion with the respondent in the presence of a third party. The informal process cannot result in a formal discipline sanction for the accused person. However, upon request, when deemed appropriate by the university protective action may be implemented.

At any time, the complainant has the right to end the informal process and begin the formal stage of the complaint process.

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Also, the University reserves the right to pursue a formal investigation if there is a possibility that one or more members of the community may be harmed by a failure to follow-up on the incident, or it is in the University's best interest to investigate the alleged incident.

### *Formal Process Investigation*

1. If the complainant wishes to pursue a formal complaint, the complainant and the Process Coordinator (PC) will meet. At this meeting, the complainant will clearly indicate that he/she wishes to pursue a formal process for resolution of the complaint. The Process Coordinator will then fully review this policy and all necessary information and documentation with the complainant. The PC will then review information with the appropriate University official (the Dean of Students if the complainant is a student or with the Associate Vice President for Human Resources or the Affirmative Action Officer if the complainant is an employee). The appropriate University official will assign an Investigative Officer (IO) to make full inquiry into the facts and circumstances of the complaint. The Investigative Officer may request additional documentation. Complainants shall submit to the Investigative Officer a signed written complaint which clearly describes the incident(s) of sexual violence including the name of the respondent. The Investigative Officer shall investigate the complaint promptly by interviewing the complainant and respondent, as well as other relevant parties.
2. The Dean of Students, the Associate Vice President for Human Resources, or the Affirmative Action Officer will contact the respondent in writing informing him/her of a formal investigation and any allegations made against that person, his or her rights, and any conditions that may affect current status as a student/employee.
3. The IO is responsible for contacting and interviewing the parties involved along with any witnesses if available. The IO will conduct a complete and thorough inquiry into the facts and circumstances surrounding the complaint and document his or her findings. A finding of guilt must be supported by a preponderance of evidence. A preponderance of evidence means that upon weighing the evidence, the IO believes it is more likely than not that the respondent is responsible for the violation(s) alleged. If the IO determines that the evidence does not merit sexual assault, the IO will determine whether a finding of sexual misconduct is warranted whether or not such allegation it is stated in the complaint. Upon completion of the formal investigation, the IO will submit his/her findings to the Vice President for Student Affairs if respondent is a student and the Associate Vice President of Human Resources if respondent is an employee.
4. The complainant and respondent may have one support person and/or attorney accompany them throughout the process. The support person/attorney will be allowed to consult with the individual but not participate in any of the proceedings.
5. The appropriate Vice President(s) will review the report and findings and make a determination from this information as to which action, if any, may be taken by the University.
  - *If the respondent is a student* The Vice President for Student Affairs may impose any sanction that he/she finds to be fair and proportionate to the violation and that is authorized for violations of the Code of Conduct, including disciplinary probation, suspension, and expulsion. In determining an appropriate sanction, the Vice President may consider any record of past violations of the Code of Conduct, as well as the nature and severity of the misconduct. The Vice President will consider as part of his/her decision whether the accused student poses a continuing risk to the complainant and/or University community. The University recognizes there may be occasions when a sexual act or sexual acts are committed without the intent to harm another but where, by failing to correctly assess the circumstances, a person believes unreasonably that effective consent was given without having met his/her responsibility to gain effective consent. This may be considered sexual misconduct. These findings will be taken into consideration in the determination of the range of sanctions. Any sanction imposed shall be explained in the written decision. This determination will be sent in writing within 10 working days of receipt of the findings

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to both the complainant and the respondent. The determination letter will contain only the following information: the name of the accused student; whether the accused has been found guilty or not guilty of the charges of sexual violence; and the sanction imposed, if any. As guaranteed by federal law, both the accused student and the complainant have a right to this information.

- *If the respondent is an employee* The University shall follow its Discipline and Corrective Action Policy. In the event the respondent has a dual role as both employee and student, the Associate Vice President for Human Resources or his/her designee and the Dean of Students shall consult with each other regarding possible sanctions and remedies. Determinations of responsibility for violations of this policy and sanctions, if any, will be considered a formal adjudication of the matter by the University and subject to the reporting, disclosure and re-disclosure requirements and prohibitions under the Campus Security Act (Clery Act) and the Family Educational Right to Privacy Act (FERPA).

### *Appeal*

The complainant or the respondent may request a formal appeal if either party is not satisfied with the results of the formal process as described above. A written request for an appeal must be submitted to the appropriate Executive Vice President within 15 working days following receipt of the decision rendered.

The appropriate Executive Vice President shall appoint a chair and a four-person hearing panel with one of the four members being either the University Affirmative Action Officer or the Associate Vice President for Human Resources provided he or she did not serve as the Investigative Officer of the sexual violence complaint being heard. The appropriate Executive Vice President appoints the hearing panel chair. The panel reviews all previous findings and the disciplinary action, if any, the Investigative Officer and appropriate Vice President recommended. Moreover, the panel shall also hear the case and accept and obtain evidence, testimony, and argument(s), as appropriate, concerning the allegations of sexual violence. Members of the hearing panel will include faculty, staff, and students who have been provided specialized training regarding sexual violence. Upon reasonable request by the complainant, the chair will consider ways to shield the complainant from the respondent.

After reviewing the fact-finding report and considering any new evidence, the hearing panel provides the appropriate Executive Vice President a written recommendation. That recommendation shall 1) affirm the original decision and sanction, if any; 2) affirm the original decision and reduce or increase the original sanction; or 3) reverse the original decision and, if necessary, recommend sanctions. Within 10 working days following receipt of the hearing panel's findings and recommendations, the appropriate Executive Vice President, informs the complainant and the respondent in writing of the final disposition of the complaint.

The hearing panel shall follow the University's General Grievance Hearing Procedures developed for this process. A copy of these procedures is available on the Human Resources Department or Dean of Students web site or may be obtained directly from the University Affirmative Action Officer, Dean of Students, or the Associate Vice President for Human Resources.

### **SECTION VI NO RETALIATION**

The University is committed to protecting the rights of both the complainant and respondent. No employee or student shall be reprimanded or retaliated against for initiating an inquiry, filing a complaint in good faith, or participating in an investigation related to a claim of sexual violence. Any conduct constituting retaliation or reprisal is a violation of this policy, which is subject to disciplinary actions up to and including dismissal and expulsion. The University may impose sanctions if it determines that an employee or student knowingly initiated in bad faith a claim of sexual violence, knowingly provided false information, or intentionally misled a University representative during an investigation of this or a related complaint.

**SECTION VII CONFIDENTIALITY**

The University will strive to protect, to the greatest extent possible, the confidentiality of persons reporting or accused of sexual violence. Because the University has an obligation to address sexual violence, the University cannot guarantee complete confidentiality where it would conflict with the University’s obligation to meaningfully investigate or, where warranted, take corrective action. Even when some disclosure of the University’s information or sources is necessary, it will be limited to the extent possible. All persons involved in the investigation are expected to protect the confidentiality of the process and not to disseminate information about the complaint or the investigation that would cause harm to others. Complainants and respondents, especially, have an obligation to respect the privacy and confidentiality of the other person and must not disseminate information about the complaint or the investigation with the intent of harming the other person.

**SECTION VIII POLICY DISSEMINATION AND TRAINING**

As part of the University's commitment to maintaining a working and learning environment free of sexual violence, it shall disseminate this policy broadly to the University community through publications, Web sites, new employee orientation, new student orientation, and other appropriate communication channels. The Department of Human Resources and Division of Student Affairs shall make educational materials available to all members of the University community in order to promote compliance with this policy and familiarity with reporting procedures.

**SECTION IX ACCOUNTABILITY**

1. The Executive Vice Presidents are responsible for assuring the uniform and consistent application of this policy and for rendering a decision on the findings and recommendations of the hearing panel.
2. The Associate Vice President for Human Resources, the University Affirmative Action Officer, and the Vice President for Student Affairs (and the Dean of Students) are responsible for the uniform and consistent application of this policy and for investigating complaints in a timely and confidential manner.
3. It is the responsibility of members of the Academic and Administrative Leadership and other managers and supervisors to take whatever appropriate action is necessary to prevent sexual violence and to address and report such prohibited conduct when and where it occurs. This responsibility involves assuring that employees and students are informed about the policy and their responsibility to contact the appropriate University officials when informed of or observe an incident of sexual violence.
4. Employees and students are responsible for maintaining a working and learning environment that is free of sexual violence.

**SECTION X RESOURCES**

24-Hour Emergency – (651) 962-5555  
 Department of Public Safety - (651) 962-5100 (non-emergency)

<b>On-Campus Places to Report Sexual Violence</b>	<b>On-Campus Confidential Resources</b>
<u>Department of Public Safety</u> <a href="http://www.stthomas.edu/psps">www.stthomas.edu/psps</a> (651) 962-5100	<u>Student Health Service</u> <a href="http://www.stthomas.edu/studenthealth">www.stthomas.edu/studenthealth</a> (651) 962-6750
<u>Dean of Students</u> Room 101, Murray-Herrick Campus Center <a href="http://www.stthomas.edu/deanofstudents">www.stthomas.edu/deanofstudents</a>	<u>Personal Counseling Center</u> <a href="http://www.stthomas.edu/personalcounseling">www.stthomas.edu/personalcounseling</a> (651) 962-6780

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<p>(651) 962-6050</p> <p><u>Department of Human Resources</u>                  Room 217, Aquinas Hall  <a href="http://www.stthomas.edu/hr">www.stthomas.edu/hr</a>                  (651) 962-6510</p> <p><u>Office of Affirmative Action</u>                  AQU 102                  (651) 962-6031</p>	
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Places to Report Sexual Violence Off-Campus	Confidential Resources Off-Campus
<p><u>Important Emergency Numbers</u>                  St. Paul or Minneapolis Police                  911</p> <p>United Hospital, Emergency Room                  St. Paul , Minnesota                  SANE (Sexual Assault Nurse Expert) Program  <a href="http://www.unitedhospital.com">www.unitedhospital.com</a>                  (651) 241-8755                  (directly to the emergency room)</p>	<p>RAINN (Rape, Assault, and Incest National Network)  <a href="http://www.rainn.org/bin/counseling-centers">www.rainn.org/bin/counseling-centers</a>                  (800) 656-HOPE                  24-hour hotline; free and confidential</p> <p>Sexual Offense Services                  St. Paul , Minnesota  <a href="http://www.co.ramsey.mn.us/ph/sos/index.asp">www.co.ramsey.mn.us/ph/sos/index.asp</a>                  (651) 643-3006                  24-hour hotline; free and confidential</p> <p>Sexual Violence Center                  Minneapolis, Minnesota  <a href="http://www.sexualviolencecenter.org">www.sexualviolencecenter.org</a>                  (612) 871-5111                  24-hour hotline; free and confidential</p>

### 2.1.2 SEXUAL HARASSMENT

#### POLICY STATEMENT

The University of St. Thomas is committed to maintaining the high standards of respect and civility that are both implicit and explicit in its conviction statement. This commitment extends to creating and maintaining a working and learning environment that is free of sexual harassment and that promotes personal dignity and equitable treatment of all members of the University community. Sexual harassment is a breach of that commitment, as well as a form of misconduct that may compromise the integrity of human relationships, can affect employee morale and performance, and can threaten the sense of security and well-being of all individuals. Sexual harassment can undermine the atmosphere of trust and respect that is essential to creating and maintaining a healthy working and learning environment. In recognition of this, the university has adopted a policy designed to investigate and resolve such claims in a direct and thorough manner while respecting the rights of all parties involved.

#### SECTION I: Applicability and Sanctions

This policy applies to all applicants for employment, employees, student employees, and students in both on and off-campus University-sponsored activities. In determining whether the alleged conduct constitutes sexual harassment, the University shall consider the record as a whole and the totality of circumstances,

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including the nature of the incident and the context in which the alleged incident(s) occurred. Sexually harassing conduct often involves a pattern of offensive behavior, although a single instance of physically threatening or otherwise sexually aggressive or abusive behavior can constitute sexual harassment. Individuals determined to have violated this policy shall be sanctioned, which could include termination or expulsion.

The University also prohibits acts of sexual violence. Employees and students who believe they have been victims of sexual violence are urged to consult the University's Sexual Violence Policy.

### **SECTION II: Definitions**

#### A. Academic and Administrative Leadership Group:

The two Executive Vice Presidents, Deans, Vice Presidents, and other direct reports of the two Executive Vice Presidents.

#### B. Complainant:

A person who is subject to alleged sexual harassment.

#### C. Respondent:

An individual whose alleged conduct is the subject of a complaint.

#### D. Sexual Harassment:

A form of illegal sex discrimination that violates Title VII of the Civil Rights Act of 1964. The definition of sexual harassment used by the University of St. Thomas is the same as that formulated and published by the federal Equal Employment Opportunity Commission (EEOC). That definition defines sexual harassment as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is an explicit or implicit condition of employment, or
- (2) Submission to or rejection of such conduct is used as the basis for an employment decision, or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

This form of harassment may involve the behavior of a person of either sex against a person of the opposite or same sex. The use of a position of authority as a way to accomplish any of the above may also constitute sexual harassment. The subjective belief of an employee or student that the behavior is offensive does not in itself constitute sexual harassment.

Examples of sexual harassment include but are not limited to

- Pervasive displays of pictures, calendars, cartoons, or other materials with sexually explicit or sexually graphic content in a workplace or academic environment
- An offer for some "benefit," a grade, or a bonus in exchange for sexual favors
- Suggestions or threats that refusal of sexual favors might result in "negative" consequences or hinder one's academic career or professional standing
- Constant unwelcome efforts to change a casual friendship or professional relationship into a romantic one
- Unwelcome, persistent, and offensive sexually-oriented jokes and comments
- Unwanted physical contact such as touching, patting or pinching

### **SECTION III: Consensual Relationships**

Consensual romantic or sexual relationships between faculty and students, administrators and students, or between supervisors and employees, are inappropriate. The power differential inherent in such relationships compromises one's ability to decide freely. Faculty, administrators, and supervisors are warned against the

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possible risks 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.

Therefore, there are special risks in any sexual or romantic workplace relationship between individuals in inherently unequal positions. Parties in these types of relationships assume those risks. Due to the potential for conflict of interest, exploitation, favoritism, and bias, consensual relationships are strongly discouraged—particularly since they may undermine the real or perceived integrity and trust generally associated with the employee-employer or student-faculty relationship. In addition, romantic relationships are likely to be perceived differently by each party—especially in retrospect. One party may recall the relationship as being less consensual than the individual whose position confers power or authority believes.

### **SECTION IV: No Retaliation**

The University is committed to protecting the rights of both the complainant and respondent. No employee or student shall be reprimanded or retaliated against for initiating an inquiry, filing a complaint in good faith, or participating in an investigation related to a claim of sexual harassment. Any conduct constituting retaliation or reprisal is a violation of this policy, which is subject to disciplinary action up to and including dismissal. The University may impose sanctions if it determines that an employee or student knowingly initiated in bad faith a claim of sexual harassment, knowingly provided false information, or intentionally misled a University representative during an investigation of this or a related complaint.

### **SECTION V: Resolution Process**

The intent of the resolution process is to assure that sexual harassment complaints are investigated and resolved promptly, that complainants have access to a common source of expert advice, and that reliable data may be gathered on incidents of sexual harassment.

#### **A. Resolving sexual harassment complaints**

Sexual harassment complaints are likely resolved if addressed early. The University urges any employee or student who believes he or she has been the recipient of sexual harassment to report the incident immediately. Resolving these types of matters requires, at a minimum, that the complainant is no longer being harassed and that there is no retaliation or reprisal from the respondent. Employees and students may seek redress using several options.

##### **1.1 Informal Process**

###### *Complainant's Actions*

Although not required, employees and students are encouraged to inform the respondent either through verbal or written communication that the behavior is unwelcome and must cease immediately. Alternatively, employees may contact their respective Human Resources (HR) Partner with questions, concerns, or to report an incident of sexual harassment. The HR Partner who receives such information shall advise the complainant about the University's resolution process for dealing with issues of sexual harassment and will help him or her pursue an effective course of action.

If the complainant is uncomfortable using this approach or this course of action is unsuccessful, and/or the unwelcome behavior continues, an employee may file a written complaint with the Associate Vice President for Human Resources or his or her designee or the University Affirmative Action Officer. Either individual will assess the situation and determine, in consultation with the complainant, the appropriate course of action. Students may file a complaint with the Dean of Students in the Division of Student

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Affairs. It is the responsibility of the individual contacted to report the complaint to the Associate Vice President for Human Resources, the University Affirmative Action Officer, or, in instances where the respondent is a student, the Dean of Students in the Division of Student Affairs.

### *Supervisor's Actions*

Supervisors, department chairs, and managers are legally required to take prompt action after becoming aware of an incident of sexual harassment whether through observation or as the recipient of a sexual harassment complaint. Minimally, this means offering the complainant assistance and promptly reporting the incident to the Associate Vice President for Human Resources, the University Affirmative Action Officer, or the Dean of Students. The university representative who receives the complaint will determine, in consultation with the complainant and based on the circumstances, the appropriate course of action.

### 1.2 Formal Process

If a complaint is not resolved through the informal process, the complainant shall file a formal complaint by submitting it in writing. Use of the informal process is not a prerequisite for initiating a formal complaint.

#### *A. Written Complaints*

Complainants shall submit to the investigating officer a signed written complaint, which clearly describes the incident(s) of sexual harassment including the name of the respondent. The investigating officer shall investigate the complaint promptly interviewing the complainant and respondent, as well as other relevant parties. The respondent is furnished a summary of the complaint by the investigating officer and provided an opportunity to respond. Two levels of management above the respondent shall be notified that an investigation is underway with one level of management being a member of the Academic and Administrative Leadership (AAL) Group.

##### *i. Formal Process: Investigation*

Complaints of sexual harassment will be investigated promptly. The Associate Vice President for Human Resources, or his or her designee, or the University Affirmative Action Officer serves as the investigating officer for complaints where the respondent is faculty or staff. The Dean of Students in the Division of Student Affairs or his or her designee shall serve as the investigating officer when the respondent is a student. In the event that a person holds dual status of student and employee, the Dean of Students will work in collaboration with the Department of Human Resources to take prompt and appropriate action.

If the respondent is an employee, after concluding the investigation, the investigating officer furnishes a copy of the investigative report to the appropriate AAL member outlining the findings and, if applicable, any recommended disciplinary or corrective action. Both the respondent and complainant receive a copy. The AAL member, in consultation with the Associate Vice President for Human Resources, shall decide the proper course of action based on the information contained within the investigative report and university policy. In the event the respondent is an AAL member, the appropriate Executive Vice President or, when applicable, the President shall receive the investigative report and make a determination.

If the respondent is a student, after concluding the investigation, the investigating officer furnishes a copy of the investigative report to the Vice President for Student Affairs outlining the findings and, if applicable and recommended disciplinary or corrective action. The Vice President for Student Affairs shall decide the proper course of action based on the information contained within the investigative report and university policy.

Disciplinary or corrective action, if applicable, will not take effect until the time period expires for requesting a formal hearing, which is discussed in Section 1.2(ii) below. In the case of an employee, disciplinary or corrective action may include but shall not be limited to a(n) oral or

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written warning, reassignment, demotion, or termination of employment. For students, sanction may include suspension or termination of their student status. However, the University may take interim action depending on the nature of the complaint and the circumstances involved.

### ii. *Formal Hearing*

The complainant or the respondent may request a formal hearing if either party believes the resolution process was biased or not followed. A written request for a hearing must be submitted to the Associate Vice President for Human Resources within 15 working days following receipt of the decision rendered in Provision 1.2(i) above.

The appropriate Executive Vice President shall appoint a four-person hearing panel to hear the complaint and appoints the hearing panel chairperson. The panel reviews all previous findings and the disciplinary action, if any, the investigating officer recommended. Moreover, the panel shall also hear the case and accept and obtain evidence, testimony, and argument(s), as appropriate, concerning allegations of sexual harassment.

After reviewing the fact-finding report and based on the preponderance of the evidence, the hearing panel provides the appropriate Executive Vice President a written recommendation. That recommendation shall

- 1) affirm the original decision and sanction, if any;
- 2) affirm the original decision and reduce or increase the original sanction; or
- 3) reverse the original decision and, if necessary, recommend sanction.

Within 20 working days following receipt of the hearing panel's findings and recommendations, the appropriate Executive Vice President, in consultation with the Associate Vice President for Human Resources, informs the complainant and the respondent in writing of the final disposition of the complaint. If a complaint of sexual harassment is substantiated, appropriate corrective action is implemented at that time.

The hearing panel shall follow the University's General Grievance Hearing Procedures developed for this process. A copy of these procedures is available on the Human Resources Department Web site or may be obtained directly from the University Affirmative Action Officer or the Associate Vice President for Human Resources.

## **SECTION VI: Confidentiality**

The University will strive to protect, to the greatest extent possible, the confidentiality of persons reporting or accused of harassment. Because the University has an obligation to address sexual harassment, the University cannot guarantee complete confidentiality where it would conflict with the University's obligation to meaningfully investigate or, where warranted, take corrective action. Even when some disclosure of the University's information or sources is necessary, it will be limited to the extent possible.

All persons involved in the investigation are expected to protect the confidentiality of the process and not to disseminate information about the complaint or the investigation that would cause harm to others. Complainants and respondents, especially, have an obligation to respect the privacy and confidentiality of the other person and must not disseminate information about the complaint or the investigation with the intent of harming the other person."

## **SECTION VII: Policy Dissemination and Training**

As part of the University's commitment to maintaining a working and learning environment free of sexual harassment, it shall disseminate this policy broadly to the University community through publications, websites, new employee orientation, new student orientation, and other appropriate communication channels. The Department of Human Resources and Division of Student Affairs shall make educational materials available to all members of the University community in order to promote compliance with this policy and familiarity with reporting procedures.

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Moreover, the University has designated certain employees to be responsible for reporting incidents of sexual harassment. Generally, these individuals include members of the Academic and Administrative Leadership, supervisors, managers, and other University employees holding a position of authority. The University also conducts training programs on a regular basis to inform employees and students about sexual harassment and the ways to protect against and respond to it.

### **SECTION VIII: Accountability**

1 The Executive Vice Presidents are responsible for assuring the uniform and consistent application of this policy and for rendering a decision on the findings and recommendations of the Hearing panel.

2 The Associate Vice President for Human Resources, University Affirmative Action Officer, Vice President for Student Affairs, and the Dean of Students are responsible for the uniform and consistent application of this policy and for investigating complaints in a timely and confidential manner.

3 It is the responsibility of members of the Academic and Administrative Leadership and other managers and supervisors to take whatever appropriate action is necessary to prevent sexual harassment and to address and report such prohibited conduct when and where it occurs. This responsibility involves assuring that employees and students are informed about the policy and their responsibility to contact the appropriate University officials when informed of or observe an incident of sexual harassment.

4 Employees and students are responsible for maintaining a working and learning environment that is free of sexual harassment.

### **Speakers Policy (Adopted by Student Life Committee)**

A policy for speakers on campus should be guided by several principles and an awareness of existing practice.

The first principle is that there are varying degrees of responsibility with the effect that the university is eminently responsible for speakers that it invites on campus to speak to students or other members of the community. But obviously when the university allows legitimate outside groups to use its facilities, the burden of responsibility is autonomous with the sponsoring group. It is a corollary that the university, in allowing such groups to use its facilities, is governed by fairness and equity toward various conflicting views and interests, being mindful of the needs for wider information on the part of students and the larger community.

The principle of freedom, holding high respect in academic life and in our spiritual heritage, is never divorced from responsibility on the part of sponsoring groups or sponsors.

Another factor governing speakers on campus is our concern that a wide variety of issues and viewpoints be given expression. We take pride in the scope and quality of programs on campus during the past years. The value of freedom in the classroom is reflected in the campus forum, measuring the need to develop a critical mind against the appreciation of authority and competency in a given field.

Criticism in a constructive vein of speakers, or the selection of speakers is welcomed, especially where the quality of expression, depth and relevance is at stake. Success in this area depends on the initiative, objectivity and earnestness of sponsoring groups, such as university clubs and department offices.

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### **Student Employment Guidelines**

*Campus Positions:* If you would like to identify specific student employment opportunities on campus, go to the Human Resources web site @ <http://www.hr.stthomas.edu> - Student Employment. Student positions are listed along with contact information for how to apply.

*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 651-962-6510. 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 651-962-6510. 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 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, pre-screening and referral services, accommodation and academic assistance, interagency coordination and advocacy services.

For more information, students with disabilities may contact the Enhancement Program, (651) 962-6315.

### **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 and data access equipment will be charged to the student at \$25 per semester and will appear on the monthly tuition 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.

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- 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 Students.

### **HIV/AIDS Guidelines, University of St. Thomas**

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

The University of St. Thomas is deeply concerned about the HIV/AIDS (Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome) pandemic. The university also is deeply concerned about all members of its community – students, faculty, staff and administrators - both individually and collectively. The university, through officials, namely the Director of the Student Health Services, campus medical doctor and the Dean of Students, will attempt to keep the community informed on the most up-to-date information on HIV/AIDS available.

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

- Office of Academic Affairs: Room 110, Aquinas Hall
- Academic Counseling: Room 119, O'Shaughnessy Educational Center
- Campus Ministry: Room 105, Murray-Herrick Campus Center
- Dean of Students: Room 101, Murray-Herrick Campus Center
- Human Resources: Room 217, Aquinas Hall
- Personal Counseling: Room 356, Murray-Herrick Campus Center
- Student Health Service: West end, first floor, Brady Hall

Available outside resources may also be recommended.

### **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.

### **Verification Policy**

#### Verification Policy

All students must complete the Verification Process during the first week of school, fall semester. In order to maintain bio-demographical data and produce an accurate student directory, the Registrar's Office requires all students to verify their addresses, phone numbers, etc. If you wish to withhold any or all of your directory information, you must fill out a Request to Prevent Disclosure of Directory Information form in the Registrar's Office before the end of the second week of the semester.

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During the remainder of the school year, students may change their directory information any time in the Registrar's Office, Room 106, Aquinas Hall.

### **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 Students. 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.

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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).

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### *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.

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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.
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### ***Grievance Process***

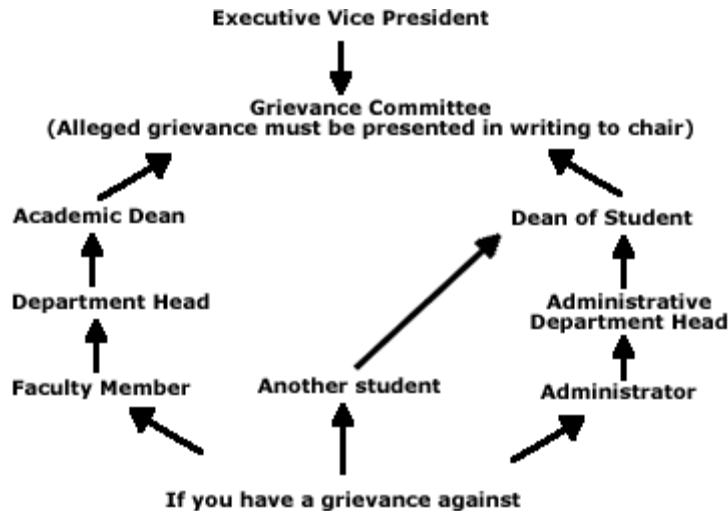
Students who believe they have been aggrieved according to the specifications in the "Statement of Student Rights and Responsibilities" should utilize the following process to resolve that grievance. In the governance of a college there is a "chain of command." Grievances should be first discussed with 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 Students 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.



## Policies and Guidelines for Student Organizations

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### *Statement on Student Organizations (Adopted by Student Life Committee)*

- I. The University of St. Thomas is a community. The student body, the faculty and the administration are, therefore, not fundamentally independent of each other or of the university as a whole. Each of them, it is true, participates in the total community in its own way - like the various members of a living body - and so, maintains an identity and a life proper to itself. But the very nature of community requires that the activities of its members ultimately find a meaning in the context of the whole.
- II. It is natural that student organizations of various kinds should spring up within the university community, for students spontaneously join together when motivated by a common desire. It is also natural that these organizations should seek recognition by the university as a whole, for in this way they become living members of the community.
- III. The recognition of student organizations - and, in fact, of all organizations within the university community - is ultimately an act of the entire community, even though, in accordance with the judicial structure of the university, the recognition may be exercised through a particular office or committee. Therefore, the recognition of any particular organization involves not only respect for that organization itself, but also for the total community. This means that the organization must not only satisfy the desires of its membership, but also must fulfill a need proper to the university as a whole.
- IV. There are various norms governing the recognition of student organizations which follow obviously and immediately from this principle. One is that the number of organizations must not be multiplied indefinitely, for this would ultimately weaken the sense of community. Again, only organizations which actively fulfill their purposes and are able to maintain certain minimum memberships have a right to be recognized; otherwise, instead of contributing to the rest of the

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community, they have to be carried along as dead weight. Moreover, the well-being of the community requires that a variety of organizations be recognized and that a balance be maintained among the various types.

- V. The norms we have just considered - and others similar to them - govern the recognition of all student organizations, whatever their purpose or structure, but it is necessary to raise a further question. Does every type of organization have a place within the university, or, are there certain types which, by reason of their very nature, are not apt to enrich the life of the community as a whole?
- VI. Certain types of organizations cannot be recognized by any community. Such are those which are formed for immoral purposes or which are in any way subversive of the aims of the community. These may be excluded without further consideration. There remains the question of organizations which are not bad in themselves and which are proposed by groups of students in good faith. Do all of these, as a general principle, enjoy the right to be recognized?
- VII. The question of the recognition of a certain type of student organization must be resolved according to the following norm: Only organizations that have as their primary purpose the promotion of activities which contribute to the life of the whole student body, and in which any student, given certain objective qualifications, might participate, have the right to be recognized.
- VIII. The right to organize belongs first of all to the student body as a whole, in accordance, for example, with the customary divisions between classes and between resident and commuter students. This right follows from the fact that the student body is an integral part of the total community.
- IX. There are, in addition, a number of more particular ways in which the student body may appropriately organize. Many organizations express a specific academic or professional interest and are, therefore, directly related to the defining purpose of the university. Other organizations function to relate the student body and the university to the larger community of which the university is a part - civil society and the church. These would include, for example, religious organizations and political clubs as well as groups formed for community service. Finally, there are organizations which promote recreational activities and athletics, or which by long tradition are acknowledged to contribute something valuable to the spirit of the university.
- X. Organizations whose fundamental nature and purpose are not defined in such a way that they clearly have a meaning for the total community do not enjoy the right of being recognized. Such organizations are divisive by their very structure, however well-intentioned their members. Since they are not primarily ordered to the common good of the university, they cannot contribute to its total life except incidentally and, as it were, externally. These include all clubs or fraternities which have, as a first purpose, simply the fellowship of their members
- XI. The principles proposed above do not imply that social functions are not an integral part of the life of campus organizations. In fact, they are - but such social functions cannot constitute the primary or defining purpose of these organizations.

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### ***General Statement on Undergraduate Student Clubs & Organizations***

Clubs and organizations are an integral part of student life at the University of St. Thomas. Co-curricular involvement supports students' holistic development and retention, in fact, more students describe their college experience as positive if they were involved in co-curricular activities. The All College Council promotes the formation of student organizations and encourages students to take advantage of the opportunity to gain experience in activities that enhance their education.

### ***Definition***

An organization must be comprised of at least ten University of St. Thomas students, have a stated purpose and constitution, and comply with university policies and procedures, including those outlined in the ACC constitution. UST clubs and organizations are classified in the following categories:

- **Academic or Departmental Affiliated:** Activities and membership center on a particular academic or collegiate course of study or curriculum. A university department may sponsor the organization.
- **Special Interest:** Activities and membership center on a particular special interest such as a culture, a social issue or concern, political ideas.
- **Club Sports:** Sports related clubs that emphasize some type of physical activity in which members compete with other schools.
- **Honor, Leadership, and Recognition:** Activities and membership involves development thought volunteer and or service.

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### ***New Club & Organization Recognition Process***

The University of St. Thomas reserves the right to officially recognize groups interested in starting a formal club or organization, and the Department of Campus Life (DCL) in partnership with the All College Council, is responsible for managing the process. Registration does not indicate or imply that the university endorses the views of the organization's membership or the views expressed at meetings. The individuals involved are solely responsible for any views held or expressed. The university also reserves the right to review the activities of student organizations and to monitor compliance with university policies.

Students interested in forming a new club must complete the following steps:

1. Secure a minimum of ten (10) members.
2. Secure a full-time UST faculty or staff person to serve as organization advisor. The Department of Campus Life can assist in securing an advisor if necessary.
3. Draft a constitution using the "Guidelines for Constitutional Drafting" available in the Clubs & Organization Handbook. The constitution must include a mission statement describing the club's purpose and how it will contribute to the mission of UST. UST is not planning to add any additional social fraternities and sororities.
4. Hold a meeting to elect officers and ratify the constitution. NOTE: Only registered organizations can reserve meeting rooms. The use of a room for this initial meeting may be approved by contacting DCL.
5. Upon recommendation for approval of the Student Organizations Committee, an organization's application will be forwarded to the All College Council for approval at the next scheduled meeting. A representative of the club should be present to answer questions.
6. The club president and advisor will receive written notification upon the completion of this process.
7. Once approved, the club must register with DCL on-line at [http://www.stthomas.edu/clubs/handbook/3\\_Registering\\_Student\\_Clubs.htm](http://www.stthomas.edu/clubs/handbook/3_Registering_Student_Clubs.htm).

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8. The registration process is complete once DCL receives confirmation from the faculty/staff member advisor.
  9. Clubs interested in being classified as a Club Sport should refer to the Club Sport Appendix found in the Clubs & Organization Handbook.
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### ***Annual Registration***

1. The annual registration process occurs in the spring. Clubs are required to register on-line with DCL.
  2. Failure to comply with the registration process results in the suspension of the organization and loss of the privilege to operate as a UST organization. The group remains suspended until the registration process is completed.
  3. All clubs are expected to maintain a membership of at least ten members and keep the on-line member roster updated. Student organizations must notify DCL in writing, whenever there are changes of officers or advisors during the academic year.
  4. If there is a one-year lapse in registration, an organization must re-apply for recognition according to the procedures for newly formed groups.
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### ***Benefits of Club Recognition***

Only recognized, clubs and organizations are granted the following privileges:

1. Assignment and use of a club mailbox.
2. Use of University publicity outlets (e.g. bulletin boards, atrium banners, University Bulletin).
3. Use of University facilities, including meeting rooms and Campus Square.
4. Use of Campus Life resources.
5. Ability to raise funds or make other permissible solicitation on University property (Contact Campus Life on the Events Request Process).
6. Inclusion in the yearbook as a recognized student organization.
7. Ability to sponsor or present a public performance on University property.
8. Opportunity to participate in the Fall and Spring Activities Fair.
9. Use of equipment and/or services of Information Resources & Technology.
10. Ability to create and link an official student organization web site to the University of St. Thomas home page.
11. Clubs in good standing are eligible for ACC funding if they maintain official registration with the DCL, remain open to all UST students and maintain an account with the Business Office. Registered organizations deemed exclusive by ACC guidelines are eligible only for Conference and Competition funding through the All College Council.

### ***Responsibilities***

All recognized clubs and organizations of the University of St. Thomas are expected to adhere to the following responsibilities:

1. Operate within the goals and mission of the University. Student clubs & organizations are expected to exercise good judgment in planning and promoting their activities. Failure to do so may result in disciplinary action for an individual member or loss of recognition for the group.
2. To be aware of and abide by all applicable local, state and national laws.
3. To be familiar with and abide by Article II of the ACC Constitution concerning Responsibilities of Recognized Organizations.
4. Maintain a full time UST faculty or staff advisor.
5. Student organizations must be open to all students without regard to race, color, creed, religion, ancestry, national origin, sex, sexual orientation, disability, age, and marital status. (See Club Sport appendix for additional information).
6. Maintain a membership of no less than ten UST members. Membership is open to ACTC schools, but a club or organization may not be comprised of more than 49% of ACTC students. Club Sport membership is exclusive to UST students.
7. Hold at least three regular meetings each semester.
8. Refrain from hazing.
9. Remain in good standing with the organizations governing body (i.e., national organization, University department).
10. Handle organizational funds wisely and ethically with sound accounting practices. Funding received from the All College Council may not be used for the purchase of alcohol, t-shirts, or for service donations.
11. Ensure continuity by training new leadership and keeping good records.
12. Complete one community service project per semester. A total of 1.5 hours per member is the minimum requirement per semester. Please refer to community service project guidelines in the Clubs & Organization Handbook. Newly clubs are exempt from completing service in the first semester of recognition.
13. Encourage at least one club representative (preferably the president or member of executive board) to attend the Fall or Spring training provided by the Department of Campus Life.

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### ***Policy Concerning First Semester Pledging for Student Organizations***

Pledging is prohibited for students who are in their first semester at the University of St. Thomas OR for students who have an established G.P.A. of less than 2.00. Exceptions to this policy are made to transfer students who have an established G.P.A. from another institution.

## **FERPA**

The Family Educational Rights and Privacy Act of 1974, as amended, prohibits postsecondary educational institutions from disclosing the education records of students to most third parties without the students' written consent.

**University of St. Thomas  
Notification of Rights as Required by the Family Education Rights  
and Privacy Act of 1974, as Amended (FERPA)  
Revision of 08/19/05 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 to be 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 name and address of the Office that administers FERPA is  
Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202-4605

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.

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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;

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, e-mail address, photographs, telephone number, class year, 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 addresses, and anticipated date of graduation.

4. To withhold directory information from the public, undergraduate students must file a form available in the office of the registrar and [online](#) 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, as long as a non-disclosure order is in effect the student 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.

5. University officials whose employment duties permit them access to information from parents' federal income tax returns may use those returns to determine whether students are dependent on a parent as defined by the Internal Revenue Service. In such cases, FERPA and university policy permit those officials to disclose information from those student's education records to their parents without student consent. The university is not required to notify students or maintain a record of these disclosures.

6. 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.

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This statement adheres to the standards of a FERPA annual notification as provided by the United States of America, Department of Education.