



**MARYMOUNT**  

---

**U N I V E R S I T Y**

**Marymount University Community Standards  
2023-2024**

Marymount University

2807 North Glebe Road | Arlington, Virginia 22207

© Copyright 2023 [www.marymount.edu](http://www.marymount.edu)

---

## TABLE OF CONTENTS

Letter from the Assistant Vice President.....	
President.....	1
Mission, Ethos Statement & Core Values.....	2
Marymount University Inclusion Statement.....	2
Marymount University Student Community Conduct Code.....	3
Section 1: Introduction.....	3
Section 2: Jurisdiction over Student Conduct.....	4
Section 3: Violations of the Law.....	5
Section 4: Special Provisions.....	5
Section 5: Expectations.....	7
Section 6: Student Conduct Authority.....	15
Section 7: Conduct Procedures.....	15
Section 8: Student Right to Know and Campus Security Act of 1990.....	29
Section 9: Alcohol and Drug Policy.....	29
Section 10: Abusive Affiliations Policies and State Hazing Laws.....	43
Classroom Conduct Code.....	45
Academic Integrity Code.....	47
Section 1: Introduction.....	47
Section 2: Jurisdiction over Academic Work.....	48
Section 3: General Provisions.....	48
Section 4: Expectations.....	49
Section 5: Procedures.....	53
Section 6: Records Policy.....	60
Section 7: Authority and Approval.....	61
Section 8: Sanctioning Guidelines.....	63
Student Freedom of Expression Policy.....	65
Title IX Sexual and Interpersonal Misconduct Notification.....	66
Notices to Students and Notice of Non-Discrimination.....	70
Student Organization Registration Policy.....	71
File Sharing and Copyright Policy.....	72
Technology Resource Use Policy.....	74
Family Educational Rights and Privacy Act (FERPA) Policy.....	77
Involuntary Withdrawal Policy.....	79
Medical Leave Policy.....	82
Student Search Policy.....	84
Car Search Policy.....	85
Marymount University Resource Card.....	86
Change Log.....	87

Marymount University students are responsible for knowing the information, policies, and procedures outlined in this document. The University reserves the right to make changes to the code and policies as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online for the most complete and current versions of all policies and procedures.

---



Dear Marymount University Students,

Welcome to the 2023 - 2024 academic year, new students and returners!

I encourage you all to engage with the Marymount community by attending activities; becoming involved with clubs, organizations, and teams; and interacting with faculty, staff and your peers. Your involvement with our community will have a significant impact on your Marymount experience and also benefit the entire campus. You belong here!

The Community Standards book is a reflection of our commitment to a community guided by our founding order, the Religious of the Sacred Heart of Mary. The legacy of the RSHM can be seen in our commitment to intellectual curiosity, service to others, and a global perspective. You are now and continue to be a part of the Saints Family and our history. Each of you contribute to our legacy.

Together we will hold each other up to our standards, support each other and the well-being of our campus, and use our resources and standards to guide everyone to success.

Again, welcome. I hope your year is filled with joy, connections, and growth.

Go Saints!

Jill McCabe  
*Assistant Vice President  
Health & Wellbeing, Ministry & Spiritual Life, and Athletics & Recreation*

## Mission, Ethos Statement & Core Values

### Mission

Marymount is a comprehensive Catholic university, guided by the traditions of the Religious of the Sacred Heart of Mary, that emphasizes intellectual curiosity, service to others, and a global perspective. A Marymount education is grounded in the liberal arts, promotes career preparation, and provides opportunities for personal and professional growth. A student-centered learning community that values diversity and focuses on the education of the whole person, Marymount guides the intellectual, ethical, and spiritual development of each individual.

### Ethos Statement

An ethos is a statement of the essential character of an institution and its people. Marymount University's Ethos Statement serves as a reminder to our community of what we believe and value.

People are the heart of Marymount University. We are a student-centered learning community that values the strength of our diversity. Marymount seeks to guide the intellectual, ethical, and spiritual development of our community. We draw inspiration from the Religious of the Sacred Heart of Mary, to ensure "that all may have life and have it to the full." As a community, we commit to our core values of P.R.I.D.E., Faith and Service (Professionalism, Respect, Integrity, Diversity, Excellence, Faith, and Service).

### Marymount University Core Values

**Professionalism** –The members of the Marymount community exhibit professionalism in all their activities and interactions and maintain a sense of accountability.

**Respect** –The Marymount community maintains and promotes an atmosphere of mutual respect, cooperation, and civility.

**Integrity**–The Marymount community conducts all activities and interactions in an authentic, transparent, and ethical manner.

**Diversity**–The Marymount community welcomes and values all individuals and recognizes diversity as a source of strength.

**Excellence**–The Marymount community consistently strives for excellence in carrying out the University's vision and mission.

**Faith**–The members of the Marymount community share a commitment to moral and spiritual growth and, consistent with the Catholic intellectual tradition, are committed to living examined, purposeful lives.

**Service**–The members of the Marymount community actively seek to serve others and advance social justice.

## Marymount University Inclusion Statement

Marymount University welcomes and values all members of our community. Guided by the mission of our founders, the Religious of the Sacred Heart of Mary (RSHM), to achieve unity through diversity, Marymount honors our diversity as a source of strength. Our differences inspire intellectual curiosity and collectively allow us to tackle the challenges of the world. We seek to foster an inclusive community in which each person's race, ethnicity, religion, sex, gender identity, sexual orientation, veteran status, age, ability, class, national origin, and immigration status are fully respected and celebrated. According to the vision of the RSHM that "ALL may have life, and have it to the FULL," we strive to create an atmosphere

of mutual respect, cooperation, and civility where all community members are S.A.I.N.T.S—Safe, Accepted, Included, Needed, Treasured, and Seen.

## Marymount University Student Community Conduct Code

### *Section 1: Introduction*

#### **Marymount Honor Pledge**

I agree to uphold the principles of honor set forth by this community in the Marymount University mission statement, the *Academic Integrity Code* and *Student Community Conduct Code*, to defend these principles against abuse or misuse, and to abide by the regulations of Marymount University.

#### **Mission Statement**

The Office of Student Conduct and Conflict Resolution upholds Marymount University's standards of behavioral conduct and academic honesty through the administration of fair, ethical, and balanced processes. The Office of Student Conduct and Conflict Resolution is committed to the development of ethical decision-making and critical thinking within the Catholic higher education tradition of the Religious of the Sacred Heart of Mary and encourages students to accept personal responsibility for their actions and hold themselves accountable to their communities.

#### **Philosophy Statement**

The Office of Student Conduct and Conflict Resolution is committed to an educational and developmental process that balances the needs of individual students with the needs of the University community. To accomplish this aim, the office has four philosophical tenets.

- **Prevention** – The Office of Student Conduct and Conflict Resolution educates students about appropriate standards of conduct within the University community through programming and dialogue before issues occur. The program seeks to reduce incidents by educating students about healthy decision-making, constructive discourse, and bystander intervention.
- **Intervention** – The Office of Student Conduct and Conflict Resolution identifies the personal, educational, and social influences that result in academic and behavioral misconduct on campus and intervenes through diverse methods of resolution that place emphasis on relationships, personal decision-making, community obligations, and student learning.
- **Harm Reduction** – The Office of Student Conduct and Conflict Resolution engages students in the examination of the impact of their behaviors on their relationships with the community and community members. After identifying the impact of their behaviors the office guides students toward repairing these relationships and reducing harm.
- **Retention** – The Office of Student Conduct and Conflict Resolution focuses on retaining students, when possible, through the creation of opportunities for students to learn from their experiences and decisions. By creating individualized outcomes, the Office of Student Conduct and Conflict Resolution offers students an opportunity to remain a part of the University community.

#### **Preamble**

The University community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life, and thoughtful study and discourse. A community exists on the basis of shared values and principles. As an institution founded by the Religious of the Sacred Heart

of Mary, the University is committed to seven core values: professionalism, respect, integrity, diversity, excellence, faith, and service. The student conduct program promotes these core values by providing expectations that call students to live purposeful, ethical, and moral lives. Student members of the community are expected to uphold and abide by both the core values and community values which together form the basis of the *Student Community Conduct Code*.

Ultimately, each member of the University community is expected to assume responsibility for their conduct and to assume reasonable responsibility for the behavior of others. The student conduct process at the University exists to protect the interests of the community and to challenge students to embody the values of the University. The process and outcomes are intended to challenge and shape students' moral and ethical decision-making and to help them bring their behavior into accord with the community's expectations. When a student is unable to conform their behavior to University community expectations, the student conduct process may determine that they should no longer share in the privilege of participating in this community.

Students should be aware that the University's student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are implemented with fairness to all, but do not include the same due process protections afforded by the courts. Fair process, within these procedures, assures written notice and a Hearing before an objective decision-maker. No student will be found in violation of a University policy without information showing that it is more likely than not that a policy violation occurred. Any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student, as determined by the University.

## *Section 2: Jurisdiction over Student Conduct*

The University distributes the *Student Community Conduct Code* in the form of a link on the University website. Visit [www.marymount.edu/StudentCommunityConductCode](http://www.marymount.edu/StudentCommunityConductCode) to access the policy online. Students are charged with the responsibility of reading, and abiding by, the provisions of the *Student Community Conduct Code* and the authority of the student conduct process. The *Student Community Conduct Code* and the student conduct process apply to the conduct of individual university students and university affiliated student organizations.

The *Student Community Conduct Code* reflects a set of expectations for university students no matter where or when their conduct may take place; therefore, the *Student Community Conduct Code* applies to behaviors that take place on any university campus or location and at university-sponsored events. It may also apply to off-campus conduct when the administration determines in its discretion that the alleged conduct affects a substantial university interest. Substantial university interests include:

- Any action that constitutes a criminal offense as defined by federal, Virginia, Maryland, District of Columbia, or local law or regulation. This includes, but is not limited to, single or repeat violations of any federal, state, or local law or regulation;
- Any situation where it appears that the student may present a danger or threat to the health or safety of themselves or others;
- Any situation that significantly impinges upon the rights, property, or achievements of self or others;
- Any conduct that significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the University.

The *Student Community Conduct Code* may be applied to conduct that takes place from the time a person accepts enrollment as a student and continues until the student withdraws or graduates, including periods during semester breaks, between semesters, and during temporary separations, such as suspension and continuous registration.

Further, the *Student Community Conduct Code* applies to guests of students who may be held accountable for the misconduct of their guests. Visitors to and guests of the University are also protected by the *Student Community Conduct Code* and may report violations of the *Student Community Conduct Code* committed against them by a member of the University community.

There is no time limit on reporting violations of the *Student Community Conduct Code* as long as the offending student was enrolled and/or had an active degree program at the University at the time in which the alleged violation occurred; however, prompt reporting is important. The longer someone waits to report an offense, the harder it may become for University officials to obtain information and witness statements and to render a determination regarding alleged violations. Though anonymous complaints are permitted, doing so may limit the University's ability to effectively investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to Student Living, the Department of Campus Safety, the Title IX Coordinator, and/or the Office of Student Conduct and Conflict Resolution. University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their University email address.

The university reserves the right to amend this *Student Community Conduct Code* at any time according to established procedures

### *Section 3: Violations of the Law*

Alleged violations of federal, state, and local laws and regulations are incorporated as offenses under the *Student Community Conduct Code*. When an offense occurs over which the University has jurisdiction, the University conduct process will usually go forward, notwithstanding any criminal complaint that may arise from the same incident.

When criminal charges are pending, the University may be delayed from conducting its own investigation and moving forward with a campus hearing. The University, in consultation with legal counsel and local authorities, will determine a period of time that will be considered a reasonable delay. However, for the good order and safety of the community, the University will move forward with its own investigation to determine if a student is responsible for a policy violation.

### *Section 4: Special Provisions*

#### **A. Attempted Violations**

In most instances, the University will treat attempts to commit a violation listed in the *Student Community Conduct Code* as if that attempt had been completed. "Attempt" is defined as the intent to commit the predicate offense coupled with a substantial step toward commission of the predicate offense.

## **B. Misconduct Online**

Students are cautioned that behavior conducted online, such as harassment or bullying, can subject them to University conduct action. Students must also be aware that blogs, web page entries, social media, and other similar online postings are in the public sphere and are not private regardless of privacy settings used. These postings can result in a student being subjected to allegations of conduct violations if evidence of policy violations is posted online. The Office of Student Conduct and Conflict Resolution does not regularly search online for this information but may act if and when such information is uncovered or brought to the attention of University officials.

## **C. University as Complainant**

The University reserves the right to initiate a student conduct complaint, to serve as the complainant, and to initiate student conduct proceedings without a formal complaint by the victim of the alleged misconduct.

## **D. False Reports**

The University will not tolerate intentional false reporting of incidents. It is a violation of the *Student Community Conduct Code* to make an intentionally false report of any policy violation, and it may also violate state or local criminal statutes and civil laws.

## **E. Group Violations**

A student group or organization and its officers and membership may be held collectively and individually responsible when a violation of this code by the organization or its members: occurs at organization sponsored events; has received the consent or encouragement of the organization or of the organization's leaders or officers; or was known or reasonably should have been known to the membership or its officers. Hearings for student groups or organizations will follow the same general student conduct procedures.

In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual.

## **F. Parental and Departmental Notification**

The University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly disciplinary or housing probation, loss of housing, suspension, and expulsion, when there is a valid disclosure exception within the Family Education Rights and Privacy Act (FERPA). The University also reserves the right to designate which University officials have a legitimate need to know about individual conduct complaints pursuant to the FERPA and will share relevant information accordingly.

## **G. Notification of Outcomes**

The outcome of a campus hearing is part of the education record of the accused student/respondent and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. In accordance with FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or non-forcible sex offense, upon written request of the victim (or next of kin) the University will inform the alleged victim/complainant in writing of the final results of a hearing regardless of whether the University concludes that a violation was committed. Such release of information may only include the alleged student's/respondent's name, the outcome, and the



sanctions assigned (if applicable). In cases of sex offenses, regardless of written request, the above information and rationale for the outcome will also be shared with all parties to the complaint.

In cases where the University concludes that a student violated a policy that would constitute a “crime of violence” or non-forcible sex offense, the University may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:

- Arson
- Assault offenses
- Burglary
- Criminal Homicide—manslaughter by negligence
- Criminal Homicide—murder and non-negligent manslaughter
- Destruction/damage/vandalism of property
- Kidnapping/abduction
- Robbery
- Forcible sex acts

Additional detail regarding the notification of outcomes related to “crimes of violence” can be found in the “Notice of Outcome” section of the Marymount University Sexual and Interpersonal Misconduct Policy, which can be accessed at [www.marymount.edu/TitleIX](http://www.marymount.edu/TitleIX).

## **H. Defenses**

It is common for individuals accused of policy violations to defend their actions with explanations such as, but not limited to, prescription drug interactions, self-defense, and disability. The University’s policy is that providing a defense is equivalent to the admission of engaging in a policy violation. The University will take the legitimacy of an individual’s explanation into consideration in the determination of appropriate outcome and sanctioning.

## **I. Proceedings after Graduation or Withdrawal**

The University reserves the right to proceed with a conduct action after a student has withdrawn or graduates, so long as the activity occurred while the individual was a student at Marymount University, as defined by University Policy. The decision of whether to proceed or not will be made based in the discretion of Chief Conduct Officer, considering relevant factors, including but not limited to the nature and severity of the alleged violation, the harm caused by the alleged violation, the interests and welfare of the university community, and the timeliness of the report.

## *Section 5: Expectations*

### **A. Definitions**

- The term “the University” refers to Marymount University.
- The term “student” includes all persons who have accepted admission to, are enrolled at, are taking courses at, and/or have a continuing relationship with the University, including those who attend full- or part-time at the undergraduate, graduate, doctoral, or non-matriculated level.
- The term “faculty member” refers to any person employed by the University to conduct instructional activities.
- The term “University official” includes any person employed with or contracted by and operating within the scope of their responsibilities.

- The term “member of the University community” refers to any person employed by, volunteering for, or attending the University as a student, faculty member, administrator, staff member, intern, or volunteer. This term may also be extended to guests, visitors, and neighbors when doing so ensures the health, safety, or effective management of the University community.
- The term “University property” includes all land, buildings, facilities, and other property in the possession of, owned or controlled, in whole or in part, whether leased or rented, by the University.
- The term “organization” refers to any number of persons who have complied with the formal requirements for University registration or who are members of groups that are formally promoted and supported by University departments.
- The term “Student Conduct Board” or “SCB” refers to a body responsible for assisting in the interpretation and implementation of the *Student Community Conduct Code*. Members are responsible for Hearing complaints and ensuring that students receive the procedural fairness rights granted them.
- The term “Administrative Hearing Officer” refers to any persons authorized by the Chief Conduct Officer or a delegated representative to determine whether a student has violated the *Student Community Conduct Code* and to impose sanctions. The Student Conduct Board constitutes an Administrative Hearing Officer.
- The term “Chief Conduct Officer” refers to the Assistant Director for Community Standards & Title IX Coordinator. The Chief Conduct Officer is authorized by the Assistant Vice President and Athletics Director to organize a student conduct system, assure the essential fairness of the process, and impose sanctions upon students found in violation of the *Student Community Conduct Code*.
- The term “Appeals Panel” refers to any person or persons authorized by the Chief Conduct Officer to consider a review or appeal of the decisions of an Administrative Hearing Officer, the SCB, and the Chief Conduct Officer.
- The term “illegal drug” means a substance defined and regulated under the provisions of the Federal Controlled Substances Act or restricted by the laws of the Commonwealth of Virginia, and includes but is not limited to: Central Nervous System (CNS) depressants, CNS stimulants, hallucinogens, or other illegal drugs, such as PCP, cocaine or crack.
- The term “use of drug” includes: the misuse of a prescription or over-the-counter medication; the possession of drug paraphernalia; the use, possession, manufacture, sale, or distribution of any one or more illegal drugs while on or off University property; and/or synthetic substances (e.g., K2, Spice) whose common purpose is to replicate the effects of illegal substances while on or off University property.
- The term “will” is used in the imperative sense.
- The term “may” is used in the permissive sense.
- The term “policy” is defined as the written rules of the University found in, but not limited to: the *Student Community Conduct Code*.
- The term “business day” refers to a regular business day, Monday through Friday, except when the University administrative offices are closed for a holiday. The “business day” ends at 5:00pm EST/EDT.
- The term “calendar day” refers to any day of the week. The “calendar day” ends at 11:59pm EST/EDT.
- The term “position of trust” refers to a student job or leadership position in which a student has been entrusted with special responsibilities or information within an office, community, team, or organization.

## **B. Community Values and Behavioral Expectations**

The *Student Community Conduct Code* is not written with the specificity of a criminal statute, nor is it intended to cover every instance of potentially prohibited conduct. The University expects its students, wherever they are, to adhere to high standards of honor and good citizenship and to conduct themselves in a responsible manner that brings credit to themselves and the university. The University considers the behavior described in the following sections as inappropriate for the University community, in opposition to its core and community values, and subject to disciplinary action. These behavioral expectations and rules apply to all students, whether undergraduate, graduate, doctoral, professional, or non-matriculated. Further, additional behavioral expectations may be applied to a student based upon the professional ethics and guidelines of their field of study. The University encourages community members to report to the Department of Campus Safety, Office of Student Conduct and Conflict Resolution, Student Living, or the Title IX Coordinator as appropriate all incidents that involve the following actions:

- a) *Integrity*: The Marymount University Community conducts all activities and interactions in an authentic, transparent, and ethical manner. Behavior that violates this value includes, but is not limited to:
  1. Knowingly furnishing false, falsified, or forged information, such as falsification or misuse of documents, accounts, records, identification, or financial instruments, or knowingly possessing of forged or fake documents;
  2. Acts of academic dishonesty as outlined in the Academic Integrity Code;
  3. Unauthorized possession, duplication, or use of the means of access to any University building (i.e. keys, cards, etc.);
  4. Action or inaction in collusion with another or others to violate these rules;
  5. Violation of a position of trust within the University community;
  6. Tampering with the election of any University-recognized student organization;
  7. Misuse or unauthorized use of University or organizational names or images;
  8. Solicitation on-campus or through university networks, including but not limited to requests for donations or payments, distribution of materials of any kind, selling or offering goods or services, without the consent and approval of the University or appropriate departmental sponsor; or
  9. Intentional audio or video recording of private conversations or activities without the knowledge and consent of all parties. For the purposes of this policy, a private conversation or activity means a discussion or acts to which the parties involved would reasonably believe that only those parties would be privy. This extends to nonpublic events taking place in the gym or natatorium. No expectation of privacy exists where individuals are engaged in unlawful conduct. The recording of lectures and classroom spaces only requires the permission and authorization of the instructor.

b) *Excellence*: The Marymount University community strives for excellence in carrying out the University's vision and mission. Students honor and value their community by promoting the common good. Behavior that violates this value includes, but is not limited to:

1. Misusing of access privileges to University premises or unauthorized entry to or use of University buildings, including trespassing. Only the University may grant access to University premises. Students may not grant or transfer access rights to another individual;
2. Remaining in or near University property while behaving in a manner inconsistent with the intended purpose of that location, including but not limited to, loitering, sleeping for excessive periods of time, hanging out of or climbing from/on/in windows, balconies, roofs, etc.;
3. Possessing property that is known to be, or reasonably should have been known to be, stolen;
4. Intentional and unauthorized taking of University property or the personal property of another;
5. Intentional and unauthorized destruction of, defacement of, or damage to, University property, or personal property;
6. Violating the University Copyright Policy, found online in its entirety at [www.marymount.edu/CopyrightPolicy](http://www.marymount.edu/CopyrightPolicy);
7. Violating the University Technology Resource Use, found in the Community Standards Book and online in its entirety at [www.marymount.edu/TechnologyResourcePolicy](http://www.marymount.edu/TechnologyResourcePolicy);
8. Gambling prohibited by law;
9. Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, and pellet guns), or other weapons or objects that could be construed as weapons such as arrows, axes, machetes, nunchucks, throwing stars, tasers, or knives. Any item which is used to threaten, intimidate, or cause harm to another person will be viewed as a weapon under this policy. The following items are exempted from this policy; knives designed and used for culinary purposes which are within reason for and appropriately stored in student rooms or kitchens; and blades that are required supplies for academic classes and appropriately stored when not in use are permitted. Pepper spray for defensive safety may be possessed and only used if there is a clear threat to a student's safety;
10. Storing any item that falls within the category of a weapon, as defined in subsection 9 above, in a vehicle parked on University property;
11. Use of alarmed doors for entry into or exit from a University building;

12. Failure to report a lost University key or identification card; or
  13. Violation of federal, state, local, or campus fire policies including, but not limited to:
    - Failure to evacuate a University-controlled building during a fire alarm;
    - Improper use of University fire safety equipment;
    - Creating or possessing a fire hazard on-campus;
    - Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a \$1,200 fine in addition to University sanctions; or
    - Violations of the University Housing License Agreement and/or University Housing Policies.
  14. Reckless Endangerment, defined as actions that result in or can be reasonably expected to result in harm to a person or persons. Examples of reckless endangerment include, but are not limited to:
    - The throwing, hurling, or firing of projectiles without regard for the safety of others, or;
    - Any conduct that jeopardizes the health or physical/emotional safety of an individual.
  15. Violations of other published university regulations or policies.
- c) *Service*: The members of the Marymount community actively seek to serve others and advance social justice. University students exemplify just and equitable treatment of all members of the community in their dealings and interactions. Behavior that violates this value includes, but is not limited to:
1. **Discrimination**, defined as a distinction, preference, advantage for, or detriment to, an individual compared to others that is because of an individual's sex, gender expression or identity, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, or other protected status, that is sufficiently serious that it interferes with a student's ability to participate in or benefit from the University's educational program or activities. When the nature of the discrimination is a form of sex-based discrimination, the case will be resolved using the University Sexual and Interpersonal Misconduct Policy and Resources;
  2. **Discriminatory Harassment**, defined as detrimental action because of an individual's actual or perceived sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, gender identity or other protected status, that is unwelcome and sufficiently severe or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the University's educational program or activities. When the nature of the discriminatory harassment is a form of sex-based harassment discrimination, the case will be resolved using the University Sexual and Interpersonal Misconduct Policy and Resources;
  3. **Retaliatory Harassment**, defined as any intentional action taken by an accused individual or allied third party, absent legitimate nondiscriminatory purposes, that harms an

individual as reprisal for filing a student conduct complaint or participating in a student conduct proceeding;

4. **Harassment, bullying, or cyberbullying**, defined as repeated and/ or severe behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally that includes, but is not limited to: creating web pages with a negative focus; posting insults or lewd photos on social networking sites; or spreading rumors with malicious intent;
  5. **Disruption of University operations**, including obstruction of or unreasonable interference with teaching, research, administration, other University activities, or other authorized non-University activities which occur on campus;
  6. **Obstruction of freedom of movement** of community members or visitors;
  7. **Abuse of, or interference or failure to comply with a University process**, including but not limited to, student conduct, academic integrity, or Title IX investigations and hearings; or
  8. **Abuse of or failure to comply with the campus conduct system**, including, but not limited to:
    - Failure to appropriately respond to a letter of notice, or summons;
    - Failure to attend a meeting scheduled for conduct code administration purposes;
    - Falsification, distortion, or misrepresentation of information;
    - Failure to provide, destroying, or hiding information during an investigation of an alleged policy violation;
    - Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
    - Harassment (verbal or physical) and/or intimidation of a participant in a conduct proceeding or a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
    - Retaliation against a person for filing a complaint within, or for participating in, any campus conduct proceeding;
    - Failure to comply with the sanction(s) imposed by the campus conduct system; or
    - Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.
- d) *Respect*: The Marymount community maintains and promotes an atmosphere of mutual respect, cooperation, and civility. Behavior that violates this value includes, but is not limited to:
1. Threatening, or causing, physical harm, written or verbal abuse, or other conduct that threatens or endangers the health or safety of any person;
  2. **Intimidation**, defined as implied threats or acts that cause an unreasonable fear of harm in another;

3. Violation of the University abusive affiliation policy;
  4. **Intimate partner violence**, also referred to as dating violence, domestic violence, and relationship violence, includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. When the nature of the violence is a form of sex-based discrimination, the case will be resolved using the University Sexual and Interpersonal Misconduct Policy and Resources;
  5. **Stalking**, which is defined as engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person under similar circumstances and with similar identities to the Complainant to fear for their safety or the safety of others; or suffer substantial emotional distress. When the nature of the stalking is a form of sex-based discrimination, the case will be resolved using the University Sexual and Interpersonal Misconduct Policy and Resources;
  6. **Interpersonal misconduct** including sexual assault, sexual harassment, and sexual exploitation. When the nature of the misconduct is a form of sex-based discrimination, the case will be resolved using the University Sexual and Interpersonal Misconduct Policy and Resources;
  7. Inappropriate conduct that is disorderly, disruptive, obscene, or indecent;
  8. Failure to comply with a directive of, providing false or misleading information to, and/or failing to identify oneself to University officials or law enforcement officers during the performance of their duties;
  9. Use of any tobacco product, smoking of any kind, and/or vaping (e.g., e-hookah pens) on the campus of the University or the possession of tobacco products as defined in VA Code § 18.2-371.2 by persons under the age of 21;
  10. Playing sports or games in areas on campus other than athletic and recreational facilities; or
  11. Engaging in inappropriate conduct that creates a nuisance which unreasonably impacts University community members or members of the neighboring communities, including but not limited to, failure to control noise, control behaviors of guests, maintain property, hosting a loud or disorderly party, disrupting the sleep of others, or permitting guests to violate law or local ordinances;
  12. Speech or conduct that, in light of the values of Marymount University, is grossly offensive on matters of race, ethnicity, religion, place of origin, gender, ability, or sexual orientation.
- e) *Professionalism*: The members of the Marymount community exhibit professionalism in all their activities and interactions and maintain a sense of accountability. University students are given, and accept, a high level of responsibility as role models. Behavior that violates this value includes, but is not limited to:

1. Use, possession, or distribution of alcoholic beverages, except as expressly permitted by law and the University's Alcohol Policy;
2. Use, possession, or distribution of narcotic or other controlled substances or drug paraphernalia, except as expressly permitted by law and the University's Drug Policy;
3. Assisting in, inciting, or condoning the violation of University policies or federal, state, or local laws or regulations;
4. Violation of federal, state, or local laws or regulations;
5. Intentional failure of any organized group to exercise preventative measures relative to a violation by its members of the *Student Community Conduct Code*;
6. Knowingly condoning or remaining in the presence of a violation of the *Student Community Conduct Code* without:
  - Leaving the area where the violation was occurring;
  - Intervening or confronting the violation in an effort to stop it; or
  - Contacting the appropriate staff members to address the violation;
7. Violation of other published University policies or rules;
8. Intentionally or recklessly causing a fire, regardless of whether it damages University or personal property or causes injury to another person;
9. Possession of an animal on-campus, except as specifically permitted by the Marymount University Policy for Service Animals and Support Animals and/or the University Housing Policies  
(<https://marymount.edu/academics/services-resources/student-academic-hub/student-access-services/housing-accommodations/service-and-support-animals/>);
10. Violations of the University guest and/or visitor policies, including but not limited to failing to sign in as a guest, having an overnight guest without the consent of a roommate, and being present on a floor or wing of the opposite gender outside of visitation hours as outlined in the University Housing Policies;
11. Improper disposal of trash or waste, including, but not limited to, failure to place trash or recycling in the appropriate container, littering, and dumping off-campus property in University dumpsters;
12. Violations of the University Housing License Agreement and/or University Housing Policies; or
13. Conduct unbecoming of a student, including but not limited to behaviors that violate the University Mission, the Core Values, or that exhibits flagrant disregard for persons, common standards of decency, or contempt for generally accepted values of the community.



## *Section 6: Student Conduct Authority*

### **A. Authority**

The Assistant Vice President and Athletics Director vests the Assistant Director for Community Standards & Title IX Coordinator with the authority of Chief Conduct Officer. The Chief Conduct Officer oversees and manages the student conduct process. The Chief Conduct Officer may appoint administrative Hearing and appeals officers as deemed necessary in order to efficiently and effectively supervise the student conduct process.

The Chief Conduct Officer or designee will assume responsibility for determining the disposition of a report, which may include but is not limited to initiating a hearing process, referring for or conducting additional investigation, referral to alternative dispute resolution, or closing the case.

### **Assembly of the Student Conduct Board (SCB)**

The Chief Conduct Officer may assemble a Student Conduct Board. The membership of the Student Conduct Board is comprised of a pool of students, faculty, and staff/administrative members appointed and trained annually by the Chief Conduct Officer. The decision of where to refer the complaint is at the sole discretion of the Chief Conduct Officer, who may take into consideration the preferences of the parties to the complaint.

A Hearing panel will be chosen from the available pool, and is comprised of three individuals from the full membership of the SCB. A hearing panel is usually comprised of two students and one faculty or staff member. Availability may determine a different composition for the Hearing panel. One person of the three-person panel serves as chair of the panel and assures that University procedures are followed throughout the Hearing.

### **B. Interpretation and Revision**

Any question of interpretation of the *Student Community Conduct Code* will be referred to the Chief Conduct Officer, whose interpretation is final.

The Chief Conduct Officer reserves flexibility and the right to make any necessary modification to the student conduct process or to take other administrative action as they deem appropriate to address applicable legal requirements or unique circumstances.

The *Student Community Conduct Code* will be reviewed and updated annually, or as otherwise may be needed, under the direction of the Chief Conduct Officer. The University reserves the right to make changes to the *Student Community Conduct Code* at any time.

## *Section 7: Conduct Procedures*

Part of the education process is learning how to live in harmony with community members and within a system of standards established by and for the community. Students are accountable to students and other community members for these standards through the procedures outlined below. This system is not a legal process but, rather, an administrative hearing system. Principles of fairness govern all such bodies. All students who violate these standards will be held accountable for their behavior through a process that protects the rights of both the complainant and the accused student/respondent.

## **A. Complaints**

Any member of the University community, visitor, or guest may file a complaint against any student for misconduct by contacting the Office of Student Conduct and Conflict Resolution, Student Living, or Department of Campus Safety.

Complaints will be presented to the Chief Conduct Officer (or designee) and/or to the Title IX Coordinator, when appropriate. These administrators may act on notice of a potential violation whether a formal complaint is made or not. All complaints can be submitted by a harmed party or a third party, and should be submitted as soon as possible after the offending event occurs. The University has the right to pursue a complaint or notice of misconduct on its own behalf and to serve as complainant in the subsequent campus conduct process. Based upon an initial complaint, the Chief Conduct Officer (or designee) will determine if reasonable cause exists to move the case forward or further investigation is needed.

Reasonable cause is defined as some credible information in support of the offense, even if that information is merely a credible witness or a victim's statement. A complaint unsupported by any information will not be forwarded for a hearing.

There is no time limit on reporting violations of the *Student Community Conduct Code*, as long as the offending student was enrolled or had an active degree program at the University at the time in which the alleged violation occurred. However, the longer someone waits to report an offense, the more difficult it may become for University officials to obtain information and witness statements and to make a determination regarding alleged violations. Further, third parties who were not witness to the alleged misconduct should be aware that lack of corroboration may limit the University's ability to address the alleged misconduct.

If a minor allegation can be addressed by mutual consent of the parties involved, on a basis acceptable to the parties involved and the Chief Conduct Officer, such disposition will be final and there will be no subsequent proceedings.

If the complaint cannot be addressed in a manner mutually acceptable, or for incidents that are not minor, in the discretion of the Chief Conduct Officer, the Chief Conduct Officer will refer the complaint to the appropriate hearing body. The decision of where to refer the complaint is at the sole discretion of the Chief Conduct Officer, who may take into consideration the preferences of the parties to the complaint.

## **B. Methods of Resolution**

Once a complaint has been received, the Chief Conduct Officer (or designee) may utilize a variety of methods of resolution. It is at the discretion of the Chief Conduct Officer to determine which method of resolution is appropriate for the alleged violation. These include, but are not limited to, non-conduct meetings with administrators, restorative justice, mediation, administrative hearings, and Student Conduct Board hearings. Students wishing to explore alternative dispute resolution methods are encouraged to discuss these options with the Chief Conduct Officer (or designee).

### **Mediation**

The purpose of mediation is to allow students the opportunity to resolve concerns without formal intervention through the University conduct system. The Chief Conduct Officer has discretion to refer

a complaint for mediation. Students may be required to attend mediation, but agreements reached through mediation are voluntary. Students who reach an agreement through mediation are bound by the agreement. Agreements may not contain provisions that violate federal, state, or local laws, regulations, or University policy. Any unsuccessful mediation can be forwarded for formal processing and Hearing; however, complaints of sexual misconduct of a physical nature or violence may not be mediated as the sole institutional response. The Chief Conduct Officer may also suggest that complaints that do not involve a violation of the Student Community Conduct Code be referred for mediation.

### **Restorative Conference**

Restorative conferences are a process in which one or more party/parties accepts responsibility for one or more alleged violations. The respondent(s) agrees to meet with the complainant(s) and affected parties. During this process, the respondent(s) discusses the incident, accepts responsibility, and listens to the impact of their actions on affected parties. The group participating in the conference develops steps that the respondent will take to repair harm to affected individuals and the community. This agreement is final and binding upon the respondent.

All cases are reviewed to determine if a restorative conference is appropriate. Additionally, either the complainant or the respondent may request that a case be considered for a restorative conference. If determined to be an appropriate means of resolution, the Chief Conduct Officer will offer a status sanction to the respondent. This status sanction is typically of a lesser degree the standard sanction for the violation and is contingent upon successful completion of the restorative conference.

If the sanction is accepted by the respondent, the Chief Conduct Officer will appoint a facilitator. The facilitator will meet with the respondent and complainant/victim separately for an intake meeting. The purpose of this meeting is to prepare each party for the restorative conference process and normalize expectations regarding potential outcomes. After the intake meetings, the facilitator will hold the restorative conference where the respondent, victim/complainant, and other affected parties meet. Based upon this conversation, a restorative agreement is developed by the parties involved. This agreement is final and binding upon the respondent. This agreement may not adjust the status sanction of the respondent. If the facilitator feels that the restorative process is not effective or if the respondent fails to attend the meeting, the facilitator may terminate the process and refer the case for traditional adjudication.

### **C. Notice of Hearing**

If a determination is made that reasonable cause exists for the Chief Conduct Officer (or designee) to refer a complaint for a hearing, written notice will be given to the accused student/respondent. University-issued email is the primary means of communication used by the University and the student conduct program. The Chief Conduct Officer (or designee) may at their discretion deliver notice by one or more of the following methods: in person, by the Chief Conduct Officer (or designee); mailed to the local or permanent address of the student, as indicated in official University records; or emailed to the student's University-issued email account. Once mailed, the notice is presumed to have been received. The letter of notice will include:

- a. The alleged violation and notification of where to locate the *Student Community Conduct Code* and University procedures for resolution of the complaint; and

- b. A time, date, and location of the hearing and name of Hearing Officer(s) or body; or a directive to the accused student/respondent to contact the Chief Conduct Officer (or designee) within a specified period of time to respond to the complaint. If the hearing letter does not include a time and date for the hearing, the period with which to schedule a hearing will, generally, be no less than two (2) business days from the date on which the letter was sent.

#### **D. Hearing Options and Preparation**

The following sections describe the University's conduct hearing processes. No student may be found to have violated the *Student Community Conduct Code* solely as a result of the student's failure to appear for a hearing, except in a complaint involving failure to comply with the summons of the Chief Conduct Officer (or designee). In instances where the respondent fails to appear, the conduct hearing will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Chief Conduct Officer, Administrative Hearing Officer, or Student Conduct Board presiding over the hearing.

##### **Administrative Hearings**

Administrative hearings are the most common form of hearing. In this type of hearing, a student meets with an Administrative Hearing Officer(s) to discuss the incident. The Hearing Officer(s) will discuss the incident with the student by asking the student to respond to questions about the alleged violation(s). The student may present witnesses and evidence as outlined in the witness and evidence section of the procedures. The Hearing Officer will determine if it is more likely than not that the student violated university policy. Outcome letters will be delivered to the student by University-issued email, or other approved means, if warranted. Cases that may result in loss of housing, suspension, and/or expulsion are generally heard by two Administrative Hearing Officers who must agree on the outcome.

##### **Administrative Hearing Procedure**

Notice of the date, location, and time of the hearing will be in writing and may be delivered by email or other approved means. The Office of Student Conduct and Conflict Resolution and its Administrative Hearing Officer will provide a minimum of four (4) calendar days' notice.

- a. If the respondent fails to attend the hearing, a decision may be rendered in the respondent's absence.
- b. The respondent shall attend the hearing. It is the responsibility of the respondent to ensure that their advisor and witnesses, if applicable, are available to attend the hearing. If a witness cannot attend a hearing, the witness may submit a written statement as outlined in the witnesses section of this policy. Witnesses must wait outside the hearing room until the Hearing Officer(s) determines that it is the appropriate time to hear their testimony.
- c. The Hearing Officer(s) will welcome advisors who meet the advisor criteria into the hearing. The Hearing Officer(s) will identify the role of the advisor to the respondent and their advisor.
- d. The Hearing Officer(s) will review the general procedures for the hearing and respond to questions about the procedures that the respondent may have.
- e. The Hearing Officer(s) may question the respondent regarding the incident and alleged violations. The respondent shall provide truthful and full responses to the Hearing Officer's questions.
- f. The respondent may present evidence to the Hearing Officer(s). Determinations as to the relevance of the evidence are at the discretion of the Hearing Officer(s).

- g. When appropriate, the Hearing Officer(s) will then interview witnesses. The Hearing Officer(s) will question one witness at a time. The Hearing Officer(s) will outline the process and procedures for witness testimony to the witness, respondent, and the respondent's advisor, if applicable. Respondents may not directly question witnesses, but may request that the Hearing Officer(s) ask specific questions of the witness. The Hearing Officer(s) will determine, in the Hearing Officer's sole discretion, if the question is appropriate, needs to be rephrased, or has already been answered. A more detailed explanation is available in the witnesses section of this document.
- h. The Hearing Officer(s) may ask any additional questions of the respondent.
- i. The Hearing Officer(s) ends the hearing by explaining that a formal decision letter will come to the respondent via email or other approved means. Decisions are not final until sent to a student via email or other approved means.
- j. The Hearing Officer(s) may seek additional clarification, verify statements, and interview witnesses outside the confines of the hearing. The Hearing Officer may, but is not required to, re-interview the respondent about information gathered in follow up to the student's statements.
- k. Minor deviations from this procedure will not be considered harmful procedural errors.
- l. Appeals follow the procedure located in Section 7, Subsection H.

### **Student Conduct Board Hearings**

Student Conduct Board (SCB) hearings are a more formal process used to adjudicate violations of the *Student Community Conduct Code*. The SCB may be assembled to hear any violations of the Student Community Conduct Code.

However, typically, the SCB will meet to hear cases that involve complex fact patterns, serious violation(s) of the *Student Community Conduct Code*, or repeat violations of community standards, as determined by the Chief Conduct Officer or designee.

### **Preparation**

At the discretion of the Chief Conduct Officer (or designee), cases may be resolved using a Student Conduct Board (SCB) hearing. Students will be given a minimum of seven (7) calendar days to prepare for a formal hearing. Preparation for a formal hearing is summarized in the following guidelines:

- a. Notice of the time, date, and location of the hearing and the names of the Student Conduct Board members will be given in writing and may be delivered by university email or other approved means. Should either party object to any Student Conduct Board (SCB) member, they must raise all objections, in writing, to the Chief Conduct Officer immediately. SCB members will only be recused if the Chief Conduct Officer concludes that their bias precludes an impartial hearing of the complaint. Additionally, any Hearing Officer who feels they cannot make an objective determination must recuse themselves from the proceedings.

- b. In the case of a student or employee complainant, the student or employee complainant may participate in the hearing or may elect to have the University administration serve as the complainant. Where there is no alleged harmed party, the University will serve as complainant.
- c. If an accused student/respondent fails to confirm receipt of the Notice from the Chief Conduct Officer (or designee), the University may continue with the hearing in the respondent's absence.
- d. At least two (2) business days before any scheduled formal hearing, the following will occur:
  - 1. The complainant and respondent may deliver to the Chief Conduct Officer (or designee) a written response to the complaint. A written response is a statement of the events that occurred, which is written by and from the perspective of the student/respondent;
  - 2. The complainant and respondent will deliver to the Chief Conduct Officer (or designee) a written list of all witnesses they would like the University to call at the hearing. The complainant and respondent, respectively, are responsible for assuring that witnesses appear at the hearing;
  - 3. The complainant and respondent will notify the Chief Conduct Officer (or designee) of the names of any advisors who may be accompanying the parties at the hearing; and
  - 4. The Chief Conduct Officer (or designee) will ensure that the hearing information and any other available written documentation is available for review by complainant and the respondent during normal business hours at least one (1) business day before any scheduled hearing.

### **SCB Hearing Procedures**

The complainant and the respondent have the right to be present at the hearing, unless either party is disruptive or disorderly during the hearing. The parties do not have the right to be present during deliberations. SCB hearings may not be rescheduled, except in cases of unforeseen or extraordinary circumstances. Such circumstances must be documented in writing to the Chief Conduct Officer with any supporting information attached. It is in the discretion of the Chief Conduct Officer to decide whether either party will be granted an opportunity to reschedule.

If the respondent fails to appear, the hearing will proceed as scheduled. If the complainant fails to appear, the complaint may be dropped, unless the University chooses to pursue the allegation on its own behalf, at the discretion of the Chief Conduct Officer (or designee).

The Chief Conduct Officer (or designee) and the Student Conduct Board will conduct SCB hearings according to the following guidelines:

- a. Hearings will be closed to the public.
- b. Admission to the hearing of persons other than the parties involved will be at the discretion of the Student Conduct Board (SCB) Chairperson and/or the Chief Conduct Officer.
- c. In hearings involving more than one respondent, the standard procedure will be to hear the complaints jointly, if the complaints arise from the same set of operative facts; however, the Chief Conduct Officer may permit the hearing pertinent to each respondent to be conducted separately as deemed necessary. In joint hearings, separate determinations of responsibility will be made for each respondent.

- d. The complainant and respondent have the right to invite an advisor who meets the definition and requirements in the advisor section of this policy.
- e. The complainant, the respondent, the Student Conduct Board, and the Student Conduct Board Chairperson may present witnesses. However, only the Student Conduct Board and the Student Conduct Board Chairperson are permitted to question parties and present witnesses. The complainant and respondent may request that the Student Conduct Board ask certain questions of the witnesses. It is at the discretion of the SCB and SCB Chairperson if a question will be asked or a witness will be called. Repetitive or irrelevant witnesses may be limited at the discretion of the SCB Chairperson or the Chief Conduct Officer (or designee). For additional details about witnesses, please see the witnesses section.
- f. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the SCB and the SCB Chairperson. Formal rules of evidence are not observed (see Evidence under procedures).
- g. During the hearing, all procedural questions are subject to the final decision of the Student Conduct Board Chairperson.
- h. A student may appeal upon procedural grounds after the conclusion of the hearing. The decision of the Appellate Officer is final.
- i. After a Student Conduct Board hearing, the Hearing Panel will deliberate and determine, by majority vote, whether it is more likely than not that the accused student/respondent has violated the *Student Community Conduct Code*. If the Student Conduct Board finds that the respondent violated a policy, the SCB will determine an appropriate sanction(s). The Student Conduct Board Chairperson is responsible for informing the SCB of applicable precedent and any previous conduct violations or other relevant pattern information about the accused student/respondent.
- j. The SCB Chairperson will inform the respondent and complainant (if applicable by law or university policy) in writing of the final determination within seven (7) business days of the hearing. Notification will be made in writing and may be delivered by an approved means.
- k. The Chief Conduct Officer may serve as both Student Conduct Board Chairperson and Chief Conduct Officer. This is not considered by the University to be a procedural error or conflict of interest.
- l. Appeals follow the procedure located in Section 7, Subsection H.

## **E. Advisors**

Student complainants and respondents are permitted to have an advisor present during their hearing. Advisor means any current University faculty, staff, or student. Parents, family members, legal counsel or agents of legal counsel, alumni/ae, and those persons who have no affiliation with the University are expressly excluded from the definition of "Advisor" and cannot serve in that capacity. Current faculty or staff cannot act as an Advisor to their own family members. If the student brings an Advisor

who is ineligible to serve in that role, the hearing will proceed as scheduled without the Advisor. The role of the advisor is limited to consultation. To ensure the integrity of the hearing process, the role of an Advisor is to provide personal and emotional support for the student. Advisors may not speak during a hearing. Advisors may not act on behalf of the respondent, or contact any participant in the conduct process. Advisors may not act in a dual role during the hearing process (e.g. as both a witness and an advisor). Advisors must conduct themselves in an orderly and appropriate manner and must comply with the expectations established in the code. Advisors who fail to do so may be removed at the discretion of the Board Chair or Hearing Officer. Students are responsible for the actions of their Advisors during hearings.

For cases involving sexual or interpersonal misconduct, special guidelines regarding Advisors apply. For additional details, please refer to the Sexual and Interpersonal Misconduct Policy and Resources.

## **F. Witnesses**

Complainants and respondents are permitted to present witnesses during hearings. Complainants and respondents are responsible for ensuring that witnesses are aware of the time and date of and attend the hearing. If a witness cannot attend a specific hearing time and date, they may submit a written witness statement to the Hearing Officer(s). In order to verify the identity of the witness, witness statements must be sent from the witness' Marymount University email, personally submitted after verification of identity by the witness to the Chief Conduct Officer (or designee), or acknowledged before a notary public and submitted to the Office of Student Conduct and Conflict Resolution.

Witnesses who attend hearings will be instructed to wait outside the hearing until the Board or Hearing Officer(s) determine that it is an appropriate time for the witness to testify. The respondent, complainant (if applicable), and their respective Advisors may not speak directly to the witness. In order to preserve the integrity of the witness testimony and decorum, the Hearing Officer(s) or Board will pose all questions to the witness. After the Board or Hearing Officer(s) finishes questioning the witness, the Board or Hearing Officer(s) will ask the respondent and complainant (if applicable) if the respondent or complainant (if applicable) wishes the Board or Hearing Officer(s) to ask specific questions of the witness. The Hearing Officer(s) or Student Conduct Board Chairperson will determine relevance and specific phrasing of each question.

It is a violation of the *Student Community Conduct Code* for witnesses to knowingly provide partial, inaccurate, misleading, or false information during any investigation or hearing.

## **G. Evidence**

During hearings, students may present evidence in support of their case. The Hearing Officer(s) or Hearing Board Chairperson will be responsible for determining in their discretion whether evidence is relevant and permissible. The University does not retain experts to evaluate the authenticity or validity of evidence. In order to provide a fair and reasonable conduct process, Hearing Officers and Board Members will exercise reasonable judgment in evaluating evidence and may consult with others, as may be deemed necessary.



## H. Appeal/Final Review Appeal

Accused students/respondents may petition for a review of a decision or sanction(s) within three (3) business days after issuance of a written decision letter on one or more of the following grounds:

- 1) New information which was unavailable at the time of the original hearing that could materially affect the outcome;
- 2) A material deviation from written procedures that was so substantial that it affected the outcome of the hearing; or
- 3) Sanction of loss of university housing, suspension, or expulsion that was substantially disproportionate to the conduct impact.

All requests for appellate review must be in writing and delivered to the appointed administrator as indicated in the written decision letter. The written appeal should include which grounds for appeal they believe apply and any information they want considered should be included.

Except as required to explain the basis of new information unavailable at the time of a hearing, review of a hearing is limited to the record of the initial hearing and all supporting documents.

The appointed administrator will review the appeal and may affirm or modify the findings and sanctions or may remand the case for further consideration. The decision rendered by the appointed administrator is final.

A written decision on the outcome of the appeal will be provided to the appellee.

The imposition of sanctions will be deferred while an appeal is pending, unless, in the discretion of the appointed administrator, the continued presence of the respondent in the residence halls or on the campus poses a substantial threat to him or herself, to others, or to the stability and continuance of normal university function.

## I. Special Procedures and Provision for Cases of Alleged Sexual or Interpersonal Misconduct

The University's Sexual and Interpersonal Misconduct Policy is the University's policy for prohibited conduct of sexual harassment, sexual violence, and sexual misconduct and applies to all students at Marymount University. The University's Sexual and Interpersonal Misconduct Policy and Resources can be found on the University's website ([www.marymount.edu/TitleIX](http://www.marymount.edu/TitleIX)). Alleged conduct by students in violation of the University's Sexual and Interpersonal Misconduct Policy will be exclusively resolved according to the procedures set forth in that Policy.

## J. Interim Measures & Suspension

Interim measures, under the *Student Community Conduct Code*, may be imposed by the Chief Conduct Officer (or designee) when necessary to protect the health and safety of a student or of the community; preserve university property; pursue an investigation and/or hearing; or prevent disruption of, or interference with, the normal operations of the University. Interim measures will be used for short periods of time, pending a hearing for a *Student Community Conduct Code* violation. Interim measures include, but are not limited to, no contact orders, restrictions from areas of the campus, restriction from certain classes, change in on-campus work or class schedule, administrative relocation, loss of housing, and suspension.

During an interim suspension, a student will be denied access to university campuses. As determined appropriate by the Chief Conduct Officer or designee, this restriction includes classes and/or all other university activities or privileges for which the student might otherwise be eligible. At the discretion of the Chief Conduct Officer and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student/respondent.

The Chief Conduct Officer or designee will provide written notification to a student who is placed on interim suspension.

A student who is placed on interim suspension will have the opportunity to appeal to the Assistant Vice President and Athletics Director or their designee within five (5) business days from the date of the interim suspension notification. The appeal must be submitted in writing and include any documentation or information that supports the student's grounds for the appeal. The grounds for appealing an interim suspension are:

- a. The reliability of the information concerning the student's conduct, including the matter of identity;
- b. The conduct and surrounding circumstances reasonably indicate that the continued presence of the student on university premises does not pose a substantial and imminent threat to the university community or the university's orderly operations.

The Assistant Vice President and Athletics Director or their designee will review the appeal as soon as administratively possible. The Assistant Vice President and Athletics Director or their designee will provide the student with a written notice of the outcome of the appeal. The interim suspension will remain in effect while any review is pending. There will be no further appeals to the decision rendered upon review.

## K. Conduct Sanctions

University sanctions are divided into three categories: status, educational, and restrictive sanctions. Most violations will result in a status sanction and one or more educational sanctions. Sanctions are determined based upon the severity of the violation, past conduct history, and any aggravating or mitigating factors. One or more of the following sanctions may be imposed upon any student for any single violation of the Student Community Conduct Code:

- a) **Status Sanctions:** Status sanctions are an indication of the student's relationship with the University. The status sanction typically escalates with each offense. Though, it is not necessary and in many cases would not be appropriate for a first sanction to begin with a warning. Sanctions are determined based upon the nature of the offense after reviewing aggravating and mitigating factors. Status sanctions do not always need to escalate; at the discretion of the Hearing Officer(s), a student may remain at the same status. Certain status sanctions may involve parental notification.
  1. *Warning:* A written notice will be sent to the student(s) who violated university policies and/or rules. It specifies that inappropriate and unacceptable actions have occurred and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the University.

2. *Final Warning*: A written notice will be sent to the student(s) who violated university policies and/or rules. It specifies that serious or repeated inappropriate and unacceptable actions have occurred and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the University.
3. *Disciplinary Probation*: A written notice will be sent to the student(s) who violated university policies and/or rules. It specifies that repeated or severely inappropriate and unacceptable actions have occurred and that future violations will likely result in suspension or expulsion. The parents, guardians, or financial sponsors of students who are dependents, as defined by FERPA, or who are under 21 and violated campus drug or alcohol policy, may be notified of this status.
4. *Suspension*: The student is separated from the University for a specified period of time, and upon the satisfaction of specific conditions, after which the student is eligible to return. The student is required to vacate university housing and/or campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residential Experience or designee and the Chief Conduct Officer. Students are banned/trespassed from campus for the duration of their suspension. Temporary exceptions to banning/trespass for university-related business may be granted by the Office of Student Conduct and Conflict Resolution and/or Chief Conduct Officer or designee. The parents, guardians, or financial sponsors of students who are dependents, as defined by FERPA, or who are under 21 and violated campus drug or alcohol policy, may be notified of this status.

Upon notification, the Registrar will terminate registrations for semesters that occur within the period in which the student is suspended. Students who fail to successfully return to the University upon completion of the specified period of time and conditions will be withdrawn from the University and must seek readmittance. The behavioral expectations and regulations of the University apply to students while suspended. Students who violate university policy while suspended will be held accountable. Students who withdraw from the University while suspended or in anticipation of suspension may not seek readmission to the University for a period of twelve (12) months after the end of the original suspension period. Refunds will be given according to the schedule in the appropriate University Catalog and/or the Housing License Agreement, as applicable. For the purposes of a tuition refund, the University will base the refund on the date of discovery or the date of the last completed semester whichever is later. Financial aid obligations will be based on the date in which the suspension becomes effective.

5. *Expulsion*: The student is permanently separated from the University. The student is barred from being on campus and the student's presence at any university-sponsored activity or event is prohibited. Temporary exceptions to banning/trespass for university-related business may be granted by the Office of Student Conduct and Conflict Resolution and/or Chief Conduct Officer or designee. The parents, guardians, or financial sponsors of students who are dependents, as defined by FERPA, or who are under 21 and violated campus drug or alcohol policy, may be notified of this status. Students who are expelled from the University are not entitled to any refund.

b) **Educational and Restorative Sanctions:** Educational and restorative sanctions are designed to enhance the educational outcomes of the student conduct program. Educational and restorative sanctions frequently serve to repair harm to individuals or communities, provide additional education on a given subject, or aid students in considering their educational and personal goals and priorities.

1. *Educational Program:* Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
2. *Community/University Service Requirements:* Requires a student or organization to complete a specific supervised university service. This will not fulfill the community service requirements for certain academic programs or honors. This service must be independent of other requirements.
3. *Behavioral Requirement:* This includes required activities such as, but not limited to, seeking academic counseling, counseling screening, or writing a letter of apology.
4. *Research Projects:* This includes required activities such as, but not limited to, writing papers, or creating educational materials and bulletin boards.
5. *Restitution:* Compensation for damage caused to the University or any person's property. This is not a fine but, rather, a repayment for destroyed, damaged, consumed, or stolen property.

c) **Restrictive Sanctions:** Restrictive sanctions modify a student's privileges on campus. These sanctions are typically not the primary sanctions used by the University. However, repeated or serious violations may warrant one or more restrictive sanctions.

1. *Fines:* Previously established and published fines may be imposed.
2. *Banning/Trespass:* The student's privilege to be present at or utilize certain buildings, facilities, classrooms, or the like are restricted.
  - Temporary exceptions to banning/trespass for university-related business may be granted by the Office of Student Conduct and Conflict Resolution and/or Chief Conduct Officer or designee.
3. *Eligibility Restriction:* The student is deemed "not in disciplinary good standing" with the University for a specified period of time. Specific limitations or exceptions may be granted by the Chief Conduct Officer and terms of this conduct sanction may include, but are not limited to, the following:
  - Ineligibility to hold any office in any student organization recognized by the University or hold an elected or appointed office at the University; or

- Ineligibility to represent the University to anyone outside the University community in any way including: participating in the study abroad program, attending conferences, or representing the University at an official function, event, or intercollegiate competition as a player, manager, or student coach, etc.
4. *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.
  5. *Confiscation of Prohibited Property*: Items whose presence is in violation of university policy will be confiscated and will become the property of the University. Prohibited items may be returned to the owner at the discretion of the Chief Conduct Officer or designee.

d) **University Housing Sanctions**: University housing sanctions are imposed when a student's behavior also violates the terms and conditions of their housing license agreement.

1. *Restriction of Visitation Privileges*: An individual or individuals residing in university-provided housing may be restricted from having guests. The parameters of the restriction will be specified;
2. *University Housing Reassignment*: The student is reassigned to another university-provided housing facility. Student Living personnel will decide on the reassignment details;
3. *University Housing Probation*: The student is put on official notice that, should further violations of residence hall or university policies occur during a specified probationary period, the student may be immediately removed from university-provided housing. The parents, guardians, or financial sponsors of students who are dependents, as defined by FERPA, may be notified of this status;
4. *Loss of University Housing*: The student is removed from university-provided housing for a specified period of time after which the student is eligible to return. Conditions for readmission to university-provided housing may be specified. Under this sanction, a student is required to vacate university-provided housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residential Experience or the Chief Conduct Officer. The parents, guardians, or financial sponsors of students who are dependents, as defined by FERPA, may be notified of this status. This sanction may be enforced with a trespass action, if deemed necessary;
5. *Loss of University Housing through Tenure*: The student's privilege to live in, or visit, any university-provided housing structure is revoked indefinitely. Under this sanction, a student is required to vacate university-provided housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residential Experience or the Chief Conduct Officer. The parents, guardians, or financial sponsors of students who are dependents, as defined by

FERPA, may be notified of this status. This sanction may be enforced with a trespass action, if deemed necessary.

e) **Other Sanctions:** Additional or alternate sanctions may be created and designed as deemed appropriate to the offense, with the approval of the Chief Conduct Officer, or designee.

The following sanctions may be imposed upon groups or organizations found to have violated the *Student Community Conduct Code*:

1. One or more of the sanctions listed above in the educational and restorative sanctions, restrictive, and other sanctions sections; and/or
2. Deactivation, de-recognition, loss of all privileges (including university registration), organizational probation for a specified period of time and upon fulfillment of certain conditions.

#### **L. Failure to Follow Through on Conduct Sanctions**

All students, as members of the University community, are expected to comply with conduct sanctions within the time frame specified by the Hearing Officer or Board. In most cases, failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in a fine, a registration hold, and/or additional sanctions imposed by the University. The student may be referred to a hearing for failing to comply with university conduct sanctions. In cases involving loss of housing, suspension, and/or expulsion, the University may use appropriate means in order to enforce the sanction. This includes, but is not limited to, changing door locks, terminating electronic access, formal notice of trespass, and involvement of law enforcement.

#### **M. Disciplinary Records**

Marymount University maintains a student disciplinary record and related supporting documentation. Seven (7) years after graduation or withdrawal from the University, former students may request that the University expunge student conduct records which did not result in suspension or expulsion from the University. Upon written application to, the Chief Conduct Officer will review the records and determine if a legal, compliance, ethical, or other university interest exists which would indicate that the University's on-going maintenance of the record is necessary. If no such interest exists, the Chief Conduct Officer will oversee the expungement of the record. The University assumes that any record which resulted in a sanction of suspension or expulsion from the University has such an interest.

While a case is pending, the Office of Student Conduct and Conflict Resolution will not make copies of records. During this time, students may visually inspect the record by contacting the Office of Student Conduct and Conflict Resolution which, with reasonable notice, will arrange an opportunity for the student to inspect the record.

After a case has been closed, students may request a copy of their conduct record by contacting the Chief Conduct Officer. Students will be required to complete a Record Request Form. Requests take up to ten (10) business days to complete. Copies of records will be limited to photocopies of written records. Videos, audiotapes, and other documentary evidence will not be copied and distributed. However, students may request to view these items.

If an in-person or video conference review of the recording of the hearing would create a significant hardship, the student may request that the University have a transcript made of the audio by a transcription service of the University's choice. The full cost of any transcription will be billed to the student and must be paid before the transcript will be released.

#### **N. Transcript Notation**

Per Virginia Code § 23-9.2:18, transcript notation will be used for cases involving sexual violence, which is defined by statute as "physical sexual acts perpetrated against a person's will or against a person incapable of giving consent." Notations will be made when a student is suspended for, expelled for, or withdraws while under investigation for sexual violence. A student's academic transcript notation will be removed, if the student has subsequently been found not responsible or who have satisfied the conditions of their suspension. The full text of the law is available from the Commonwealth at: <https://law.lis.virginia.gov/vacode/title23.1/chapter9/section23.1-900/>

#### **O. Recording of Hearings**

The use of recording devices (audio and/or video) of any kind by students, advisors, or witnesses is not permitted. The University may use a recording device during formal Student Conduct Board hearings. In cases where the University does not record the hearing, a brief rationale for the decision which includes relevant facts used by the University in rendering its decision will be included with the outcome.

### *Section 8: Student Right to Know and Campus Security Act of 1990*

The Student Right to Know and Campus Security Act of 1990 is a federal mandate which requires all current students and employees be provided with information on policies and procedures involving campus security, the reporting of criminal action or other emergencies, and the enforcement authority of security personnel. This information must also include descriptions of programs for students and employees about campus security and crime prevention, as well as statistics on the occurrence of specific crimes. Notification of the annual report is made by the University's Director of Campus Safety and Transportation and the full report is posted on the University's website each October. Hard copies are available from the Department of Campus Safety on request.

### *Section 9: Alcohol and Drug Policy*

#### **MU Alcohol and Drug Policy**

##### **Introduction**

The University is concerned about students who improperly use alcohol and other drugs and the effects such use may have on their health, academic success, interpersonal relationships, and ultimately their future. The misuse of alcohol, the use of illicit drugs, and the misuse of prescription medications are discouraged, disciplined, and will not be tolerated. Our goal can be achieved by campus-wide involvement in comprehensive and on-going alcohol and drug education, and the enforcement of the following guidelines.

##### **A. Parental Notification**

The University reserves the right to notify the parents of students who are under the age of 21 of the outcomes of any alcohol or drug cases where a student is found responsible, particularly in the cases which also result in disciplinary or housing probation, loss of housing, suspension, or expulsion.

## B. Alcohol Policy

The following sections describe the University's policy regarding the sale, service, distribution, and consumption of alcoholic beverages on University property or at University-sponsored events, in accordance with federal, state, and local laws.

### Basic Guidelines

Students who are of legal drinking age — 21 years of age or older — are permitted to possess and consume alcohol in designated University housing, select University dining facilities where alcohol is served, or at approved University-sponsored events where alcohol is served. Students who are of legal drinking age may not share with or provide alcohol to any students, employees, or guests who are under 21 years of age.

Those under the legal drinking age are not permitted to possess or consume alcohol anywhere on University property or at University-sponsored events. Drinking games and simulated drinking games (e.g. water pong) are prohibited on campus.

Within the University housing, students who are 21 years of age or older may only consume alcohol in the rooms of other students where at least one resident of that room is 21 or older and present at the time of consumption.

### The following is a list of the University's alcohol policy violations:

- a) *Possession or consumption of alcohol by a person under the age of 21;*
- b) *Possession of empty alcohol containers by a person under the age of 21;*
- c) *Furnishing, selling, or providing alcohol to a person under the age of 21;*
- d) *Hosting a party where persons under the age of 21 are consuming or have consumed alcohol;*
- e) *Driving Under the Influence/Driving While Intoxicated:* The University is concerned about students who violate state and local laws regarding consumption of alcohol and the operation of motor vehicles. In accordance with state law, the University abides by the legal definition of intoxicated as "not having the normal use of mental or physical faculties by reason of introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body" or 0.08 Breath or Blood Alcohol Concentration. In addition, students under the legal minimum drinking age of 21 years who are found to have any detectable amount of alcohol in their systems will be considered driving under the influence of alcohol and subject to penalties under that offense;
- f) *Possessing, using, or serving from a common source of alcohol regardless of age or possessing excessive quantities of alcohol regardless of age:* Common sources include punch bowls, kegs, beer balls, or the equivalent. Regarding possessing excessive quantities of alcohol: the University believes that students of legal drinking age should be allowed to consume in moderation. Students are not allowed to possess excessive quantities of alcohol. The specific limitations are defined in the [Housing](#)



Policy. Alcohol is not permitted in rooms where no resident(s) assigned to the room is at least 21 years of age;

g) *Being intoxicated or showing physical or mental impairment following or resulting from alcohol use regardless of age:* a person is showing physical or mental impairment if the person is unable to coherently and respectfully answer questions, comply with the instructions of a University official, or is unable to walk unassisted;

h) *Participating in or being present during the drinking game or simulated drinking game regardless of age;* and

i) *Possessing an open container of alcohol in any location other than select University dining facilities where alcohol is served, University-sponsored events where alcohol is specifically permitted, locations listed in the University Housing Policies and specifically approved for the consumption of alcohol, or a residence hall room or apartment where the host is 21 and present, regardless of the possessor's age.*

## **Sanctioning**

Hearing Officers and Student Conduct Boards have been trained to carefully weigh a variety of factors when determining sanctioning. Below are three lists of violation categories and common sanctions for each offense. The lists below are suggestions; each Hearing Officer must consider a variety of aggravating and mitigating factors. Potential aggravating factors include but are not limited to: hosting a party where persons under 21 are consuming alcohol; failing to cooperate with the instructions of a University Official or law enforcement officer; disorderly conduct; being verbally abusive toward staff or students; quantity of alcohol; potential for injury to self or others; and past conduct history. Potential mitigating factors include but are not limited to: compliance with the instructions of staff; admitting responsibility during the hearing or the documentation of the incident; conducting oneself in an appropriate manner; student is able to articulate personal responsibility; student creates and follows a treatment plan prior to hearing; and assisting the staff addressing the incident.

a) Standard Violations of the Alcohol Policy include, but are not limited to: being present while alcohol is being consumed by a person under the age of 21; possession of an empty alcohol container by a person under the age of 21; and consumption/possession by a person under the age of 21.

1. First Offense — Possible sanctions include, but are not limited to:
  - University final warning;
  - Participation in an alcohol education course;
  - Restorative action requirements/community service;
  - Other sanctions as determined by the Chief Conduct Officer (or designee).
2. Second Offense — Possible sanctions include, but are not limited to:
  - Disciplinary probation and University housing probation for one calendar year;
  - Restorative action requirements;
  - Notification of parents/guardians of dependent students, as defined by FERPA; and/or

- Other sanctions as determined by the Chief Conduct Officer (or designee).

3. Third and Subsequent Offenses — Possible sanctions include, but are not limited to:

- Extension of disciplinary probation;
- Loss of housing for minimum of one calendar year;
- Notification of parents/guardians of dependent students, as defined by FERPA; and/or
- Other sanctions as determined by the Chief Conduct Officer (or designee).

b) Serious violations of the University Alcohol Policy include but are not limited to: hosting a large or unruly party where persons under the age of 21 are consuming or have consumed alcohol; non-compliance with or disrespect toward staff while also violating a policy that would be categorized as a minor violation of the alcohol policy; consuming alcohol in a space other than designated areas; consuming alcohol to the point where intervention by staff, police, or EMS is required; and furnishing, selling or providing alcohol to a person under the age of 21.

1. First Offense — Possible sanctions include, but are not limited to:

- Disciplinary probation and University housing probation for one calendar year;
- Participation in an alcohol education activity (typically, Alcohol101+ for persons under 21 or other educational courses for persons over 21) at the student's expense and as determined by the Hearing Officer;
- Restorative action requirements/community service;
- Mandatory alcohol self-assessment;
- Notification of parents/guardians of dependent students, as defined by FERPA; and/or
- Other sanctions as determined by the Chief Conduct Officer (or designee).

2. Second and Subsequent Offenses — Possible sanctions include, but are not limited to:

- Disciplinary probation through tenure;
- Loss of housing for minimum of one calendar year;
- Restorative action requirements/community service;
- Notification of parents/guardians of dependent students, as defined by FERPA; and/or
- Other sanctions as determined by the Chief Conduct Officer (or designee).

c) Major violations of the University alcohol policy include but are not limited to: possessing, using, or serving from a common source of alcohol; driving under the influence where there is no injury or other aggravating factors; and other alcohol-related behaviors that pose a concern for the welfare of the student and/ or community.

1. First Offense — Possible sanctions include, but are not limited to:

- Disciplinary probation for two calendar years, suspension and/or expulsion;
- Loss of housing for minimum of one calendar year;
- Participation in an alcohol education activity (typically, Alcohol101+ for persons under 21 or other educational courses for persons over 21) at the student's expense and as determined by the Hearing Officer;
- Mandatory alcohol self-assessment;

- Restorative action requirements/community services hours to be performed at a specific location as determined by the Chief Conduct Officer (or designee);
  - Notification of parents/guardians of dependent students, as defined by FERPA; and/or
  - Other sanctions as determined by the Chief Conduct Officer (or designee).
2. Second and Subsequent Offenses — Possible sanctions include, but are not limited to:
- Suspension or expulsion from the University;
  - Notification of parents/guardians of dependent students, as defined by FERPA; and/or
  - Other sanctions as determined by the Chief Conduct Officer (or designee).

### **C. Illegal Drug Policy**

The following sections describe the University’s policy regarding the sale, manufacture, distribution, possession, and use of illegal drugs on or off University property or at University-sponsored events, in accordance with federal, state, and local laws.

This policy provides flexibility for the University in addressing drug-related offenses which occur on or off campus. Moreover, it permits the University to address its fundamental mission of holistic education and the development of human potential. While recognizing that there is a need to address violations related to the use or possession of controlled substances, the University must address the education and well-being of all its students and employees. In addition to University imposed sanctions, students and employees may be subject to all legal sanctions under federal, state, and local laws for any offenses involving illegal drugs on University property or at University-sponsored activities.

Although the Commonwealth of Virginia has legalized marijuana for both recreational and medical use for people over 21 effective July 1, 2021, marijuana is still considered an illegal drug federally. Marymount University’s Illegal Drug Policy prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of illegal drugs on university property including assigned residential rooms and within its programs and activities regardless of age. The University must abide by federal laws, including the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act. Violations of the Drug Policy will result in a referral to the Office of Student Conduct and Conflict Resolution for adjudication.

Students, faculty, staff, and members of the community cannot use, be under the influence of, possess, or cultivate marijuana in any form for any reason while on-campus or while attending off-campus, university-sponsored events. This includes (but not limited to) smoking, vaping, and edibles.

#### **Safe Harbor**

The University has a Safe Harbor rule for students. The University believes that students who have a drug and/or addiction problem deserve help. If any Marymount student brings their own use, addiction, or dependency to the attention of University Officials outside the threat/use of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued.

A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes may be initiated.

### **Violations of the University Illegal Drug Policy**

- a) Possessing or using any form of illegal drug, synthetic drug, or unlawfully obtained prescription drug;
- b) Distributing, selling, or manufacturing any form of illegal drug, synthetic drug, or unlawfully obtained prescription drug;
- c) Possessing or using paraphernalia (e.g. bongs, rolling paper, pipes, bats, etc.) that a reasonable person would believe is for the use or storage of an illegal drug, synthetic drug, or unlawfully obtained prescription drug.

### **Sanctioning**

Hearing Officers and Student Conduct Boards have been trained to carefully weigh a variety of factors when determining sanctioning. Below are two lists of violation categories and common sanctions for each offense. The list below is a suggestion; each Hearing Officer must consider a variety of aggravating and mitigating factors. Potential aggravating factors include, but are not limited to: failing to cooperate with the instructions of a University Official or law enforcement officer; disorderly conduct; being verbally abusive toward staff or students; quantity of illegal drugs; potential for injury to self or others; and past conduct history. Potential mitigating factors include, but are not limited to: compliance with the instructions of staff; admitting responsibility during the hearing or the documentation of the incident; conducting oneself in an appropriate manner; student is able to articulate personal responsibility; student creates and follows a treatment plan prior to hearing; and assisting the staff addressing the incident.

#### a) Manufacture, Sale or Distribution of Illegal Drugs:

##### 1. First Offense — Sanctions include, but are not limited to:

- Suspension or expulsion from the University;
- Immediate removal from housing;
- Notification of parents/guardians of dependent students, as defined by FERPA;
- Notification of law enforcement authorities; and/or
- Other sanctions as determined by the Chief Conduct Officer (or designee).

#### b) For the Possession or Use of Drug Paraphernalia, Synthetic Substances, and/or Illegal Drugs: Drug paraphernalia (e.g. bongs, rolling paper, pipes, bats, etc.), illegal drugs, and synthetic substances (e.g. K2, Spice) whose common purpose is to replicate the effects of illegal substances are prohibited on campus.

##### 1. First Offense — small quantities of marijuana—Possible sanctions include, but are not limited to:

- Disciplinary probation for one calendar year;
- Participation in a drug education activity, at the student's expense and as determined by the Chief Conduct Officer (or designee);
- Mandatory drug self-assessment;
- Restorative action requirements/community services hours to be performed at a specific location as determined by the Chief Conduct Officer (or designee);
- Notification of parents/guardians of dependent students, as defined by

- FERPA; and/or
  - Other sanctions as determined by the Chief Conduct Officer (or designee).
2. Second Offense—small quantities of marijuana— Possible sanctions include, but are not limited to:
- Loss of housing and disciplinary probation through tenure;
  - Notification of parents/guardians of dependent students, as defined by FERPA; and/or
  - Other sanctions as determined by the Chief Conduct Officer (or designee).
- c) Offenses Other than Small Quantities of Marijuana
1. First Offense—other than marijuana—Possible sanctions include, but are not limited to:
- Loss of housing and disciplinary probation through tenure or suspension or expulsion;
  - Notification of parents/guardians of dependent students, as defined by FERPA; and/or
  - Other sanctions as determined by the Chief Conduct Officer (or designee).
2. Second Offense—other than marijuana— Possible sanctions include, but are not limited to:
- Suspension or expulsion;
  - Notification of parents/guardians of dependent students, as defined by FERPA; and/or
  - Other sanctions as determined by the Chief Conduct Officer (or designee).

#### **D. Saints Act: Medical Amnesty Policy Statement**

The University is committed to the development of a safe and healthy educational environment. As a community, it is imperative that we work together and report concerns for the safety and welfare of students. The University recognizes that possible consequences within the conduct system may deter students from promptly reporting alcohol and drug related medical concerns to those in a position to assist. This policy is designed to remove barriers to reporting while supporting the University’s commitment to community safety.

#### **Policy**

This policy applies to students who:

- a) Call for medical assistance for another person;
- b) Receive medical assistance related to the consumption or use of alcohol or drugs; or
- c) Are bystanders.

Students acting under this policy will not be referred to the University conduct system provided:

1. The alleged violations of University policy:
  - a. Are non-violent;
  - b. Do not create a significant concern for the safety or welfare of the community; and
  - c. Are not potentially felony criminal acts;
2. The request for assistance is initiated by a student, not a student-employee, faculty member, or staff member acting in their official capacity;
3. Students do not impede or interfere with personnel responding to the situation; and

4. Students complete the follow-up meetings or actions required by the University administration.

### **Utilizing this Policy**

Students seeking help for others should call the Department of Campus Safety at 703-284-1600 and describe the nature of the emergency. The Department of Campus Safety will respond and assess the situation. Students who believe that there is a need for immediate medical attention should call 911 directly and then the Department of Campus Safety.

### **Follow-up**

The University believes that this policy is part of a larger approach to addressing alcohol and drugs on-campus. Students will not be referred to the University conduct system provided that they complete follow-up meetings or actions required by the University administration. These may include but are not limited to meetings with administrators, attendance at educational programs, compensation for property damage, counseling screenings, and/or parental notification/involvement.

## **E. Health Effects of Alcohol and Drug Use**

The University affirms that illegal drug use is harmful and detrimental to the educational objectives of the University. The illegal use of drugs and the abuse of alcohol by students and employees could result in cognitive deficits, loss of productivity, and other health risks. These risks include an increased incidence of accidents which may result in death or permanent injury.

### **Warning Signs**

The use and abuse of alcohol and drugs are serious issues that should not be ignored or minimized, and we should not sit back and hope they just go away. If left untreated, use and abuse can develop into drug dependence or alcoholism. As a result, it is important to recognize the signs and symptoms of alcohol and drug abuse early. If you're worried that a friend or family member might be abusing alcohol or drugs, here are some of the warning signs to look for:

#### **Physical and health warning signs of drug abuse**

- Eyes that are bloodshot or pupils that are smaller or larger than normal.
- Frequent nosebleeds could be related to snorted drugs (meth or cocaine).
- Changes in appetite or sleep patterns.
- Sudden weight loss or weight gain.
- Seizures without a history of epilepsy.
- Deterioration in personal grooming or physical appearance.
- Injuries/accidents and they won't or can't tell you how they got hurt.
- Unusual smells on breath, body, or clothing.
- Shakes, tremors, incoherent or slurred speech, impaired or unstable coordination.

#### **Behavioral signs of alcohol or drug abuse**

- Drop in attendance and performance at work or school; loss of interest in extracurricular activities, hobbies, sports or exercise; decreased motivation.
- Complaints from co-workers, supervisors, teachers, or classmates.
- Unusual or unexplained need for money or financial problems; borrowing or stealing; missing money or valuables.

- Silent, withdrawn, engaging in secretive or suspicious behaviors.
- Sudden change in relationships, friends, favorite hangouts, and hobbies.
- Frequently getting into trouble (arguments, fights, accidents, illegal activities).
- Psychological warning signs of alcohol or drug abuse
- Unexplained change in personality or attitude.
- Sudden mood changes, irritability, angry outbursts, or laughing at nothing.
- Periods of unusual hyperactivity or agitation.
- Lack of motivation; inability to focus, appears lethargic or “spaced out.”
- Appears fearful, withdrawn, anxious, or paranoid, with no apparent reason.

**Acute Effects/Health Risks by Drug Type (as found on the National Institute on Drug Abuse website: [www.drugabuse.gov](http://www.drugabuse.gov))**

- Alcohol – drowsiness, slurred speech, nausea, emotional volatility, loss of coordination, visual distortions, impaired memory, sexual dysfunction, loss of consciousness, increased risk of injuries, violence, fetal damage (in pregnant women), depression, neurological deficits, hypertension, liver and heart disease, obesity, addiction, fatal overdose.
- Amphetamines/Methamphetamines – increased heart rate, blood pressure, body temperature and metabolism, tremors, reduced appetite, irritability, anxiety, panic, paranoia, violent behavior, psychosis, weight loss, insomnia, severe dental problems, cardiac and cardiovascular complications, stroke, seizures, addiction.
- Cocaine – increased heart rate, blood pressure, body temperature and metabolism, tremors, reduced appetite, irritability, anxiety, panic, paranoia, violent behavior, psychosis, nasal damage, weight loss, insomnia, cardiac or cardiovascular complications, stroke, seizures, addiction.
- Dissociative Drugs (Ketamine, PCP, Salvia divinorum, DXM) – impaired motor function, anxiety, tremors, numbness, memory loss, nausea, analgesia, delirium, respiratory depression and arrest, psychosis, aggression, violence, slurred speech, hallucinations, dizziness, distorted visual perceptions, death.
- Flunitrazepam – sedation, confusion, memory loss, dizziness, impaired coordination, addiction.
- Gamma Hydroxybutyrate (GHB) – drowsiness, nausea, headache, disorientation, loss of coordination, memory loss, unconsciousness, seizures, coma.
- Hallucinogens (LSD, mescaline, psilocybin) – hallucinations, nausea, increased body temperature, heart rate and blood pressure, loss of appetite, sweating, sleeplessness, numbness, dizziness, weakness, tremors, impulsive behavior, rapid shifts in emotion, flashbacks, hallucinations, Persisting Perception Disorder, nervousness, paranoia, panic.
- Heroin/Opium – drowsiness, impaired coordination, dizziness, confusion, nausea, sedation, feelings of heaviness in the body, slowed or arrested breathing, constipation, endocarditis, hepatitis, HIV, addiction, fatal overdose.
- Inhalants – loss of inhibition, headache, nausea or vomiting, slurred speech, loss of motor coordination, wheezing, cramps, muscle weakness, depression, memory impairment, damage to cardiovascular and nervous systems, unconsciousness, sudden death.
- Marijuana/Hashish – slowed reaction time, distorted sensory perception, impaired balance and coordination, increased heart rate and appetite, impaired learning and memory, anxiety, panic attacks, psychosis, cough, frequent respiratory infections, possible mental health decline, addiction.

- Methylenedioxymethamphetamine (MDMA), Ecstasy/Molly – lowered inhibition, anxiety, chills, sweating, teeth clenching, muscle cramping, sleep disturbances, depression, impaired memory, hyperthermia, addiction.
- Nicotine – increased blood pressure and heart rate, chronic lung disease, cardiovascular disease, stroke, cancers of the mouth, pharynx, larynx, esophagus, stomach, pancreas, cervix, kidney, bladder, and acute myeloid leukemia, adverse pregnancy outcomes, addiction.

## F. Summary of Penalties Under Law

The following is a summary of penalties under law for illegal use and/or possession of controlled substances. While this list is updated regularly, the federal and state laws change and may not be accurately reflected in this summary. Students are encouraged to know and understand the legal implications of their actions prior to making decisions.

### Federal Drug Schedules

Drugs, substances, and certain chemicals used to make drugs are classified under the Federal Controlled Substances Act into five (5) distinct categories or schedules depending upon the drug's acceptable medical use and the drug's abuse or dependence potential. The abuse rate is a determinant factor in the scheduling of the drug; for example, Schedule I drugs are considered the most dangerous class of drugs with a high potential for abuse and potentially severe psychological and/or physical dependence. As the drug schedule changes — Schedule II, Schedule III, etc., so does the abuse potential — Schedule V drugs represent the least potential for abuse. A listing of drugs and their schedule can be found in the Controlled Substance Act (CSA) at:

[https://www.deadiversion.usdoj.gov/schedules/orangebook/c\\_cs\\_alpha.pdf](https://www.deadiversion.usdoj.gov/schedules/orangebook/c_cs_alpha.pdf). These lists are intended as general references and are not comprehensive listings of all controlled substances.

A substance need not be listed as a controlled substance to be treated as a Schedule I substance for criminal prosecution and may include a substance that is not an approved medication in the United States.

### Federal Laws (Federal Controlled Substances Act, 21 U.S.C. § 801 et seq.)

#### a) Possession of Illicit Drug (Federal Controlled Substances Act, 21 U.S.C. § 844)

1. Federal laws prohibit illegal possession of controlled substances.
  - First offense: prison sentences up to one year and a minimum fine of \$1,000.
  - Second offense: prison sentences up to two years and a minimum fine of \$2,500.
  - Third offense: prison sentences up to three years and a minimum fine of \$5,000.
  - Special sentencing provisions apply for possession of flunitrazepam, including imprisonment of up to three years, as well as the minimum fine schedules referenced above.

#### b) Summary of Trafficking of Illicit Drugs Penalties

1. Under federal law, the manufacture, distribution, dispensation, or possession with intent to manufacture, distribute, or dispense of all Schedule I and II illicit drugs (e.g., cocaine, ecgonine, methamphetamines, heroin, PCP, LSD, Fentanyl, and all mixtures containing such substances) is a felony.
  - First offense: (dependent upon the amount and type of substance) prison sentence of five years to 40 years (20 years to life, if death or serious bodily injury is involved) and



finances of up to \$10,000,000 for offenses by individuals (\$50,000,000 for other than individuals).

2. Federal law also prohibits trafficking in marijuana, hashish, and mixtures containing such substances.
  - First offense: (dependent upon the amount and type of substance) prison sentence up to five years and fines of up to \$250,000 for offenses by individuals (\$1,000,000 for other than individuals).
  - Second offense: prison sentence up to ten years and fines of up to \$500,000 for offenses by individuals (\$2,000,000 for other than individuals).
3. The illegal trafficking of medically useful drugs (e.g., prescription and over-the-counter drugs) is illegal.
  - First offense: prison sentence up to five years and fines of up to \$250,000 for offenses by individuals (\$1,000,000 for other than individuals).
  - Second offense: prison sentence up to ten years and fines of up to \$500,000 for offenses by individuals (\$2,000,000 for other than individuals).

## **Commonwealth of Virginia Law**

### **a) Alcohol**

1. It is a crime to sell, furnish, or give an alcoholic beverage to a person under age 21 or to any apparently intoxicated person (Virginia Ann. Code Section 4.1-304).
2. It is a crime for a person under the age of 21 to purchase, possess or consume, or to attempt to purchase, possess or consume alcoholic beverages (Virginia Ann. Code Section 4.1-305(A)&(B)).
3. It is a crime to sell alcohol without a valid alcoholic beverage license or permit (Virginia Ann. Code Section 4.1-302).
4. It is a crime for any person to consume an alcoholic beverage while driving, to have an open container of alcohol in a moving vehicle or to drive under the influence of alcohol (Virginia Ann. Code Section 18.2-266 & 18.2-323.1).
5. It is a crime to be intoxicated in public. (Virginia Ann. Code Section 18.2-388).
6. Intoxication is presumed at blood alcohol content ("BAC") level of .08%, or above, if 21 years of age, or older. If under 21 years of age intoxication is presumed at a BAC of .02% (Virginia Ann. Code Section 18.2-266).

### **b) Penalties for Drunk Driving Offenses**

#### **1. Penalties for a First Offense DUI in Virginia:**

A Class One misdemeanor. A jail sentence of up to 12 months, part of which may be suspended by the court. If the offender's BAC is greater than .15 but less than .20, the offender must serve a mandatory minimum sentence of five days. If the BAC is .20 or higher, the offender must serve a mandatory minimum 10-day jail sentence.

The offender may also face the following penalties:

A \$2,500 fine or less, with a mandatory minimum fine of \$250, part of which may be suspended by the court. The defendant must complete Virginia Alcohol Safety Action Program (VASAP). Suspension of the defendant's driver's license for 12 months. If a person has not been convicted of "Refusal to take a Breath or Blood Alcohol Test", the court has discretion to issue a restricted driver's license. If the BAC was .15 or more, installation of an ignition interlock system is mandated for a minimum of six months on any vehicle registered to or owned by the defendant.

**2. Penalties for a Second Offense DUI in Virginia:**

If the second DUI offense comes within 5 years of the first offense:

A Class One misdemeanor. A mandatory minimum fine of \$500. A jail sentence of one month to one year, with a mandatory minimum jail sentence of 20 days. If the BAC is greater than .15 but less than .20, an additional 10 days is added to the mandatory minimum sentence; if the BAC is .20 or higher, the additional mandatory jail sentence is 20 days. Driver's license suspended for three years, restricted license may be obtained after 1 year. All restricted licenses require an ignition interlock system for a period of time not to exceed the period of license suspension and restriction, but not less than 6 months.

If the second DUI offense comes within 5 to 10 years of the first offense: A Class One misdemeanor. A mandatory minimum fine of \$500. A jail sentence of not less than one month with a mandatory minimum jail sentence of 10 days. If the BAC is greater than .15 but less than .20, an additional 10 days is added to the mandatory minimum sentence and the total mandatory fine is \$1000. If the BAC is .20 or higher, the defendant must serve an additional mandatory jail sentence of 20 days and the total mandatory fine is \$1000. Driver's license suspended for three years, restricted license may be obtained after four months. All restricted licenses require an ignition interlock system for a period of time not to exceed the period of license suspension and restriction, but not less than 6 months.

**3. Penalties for a Third Virginia DUI Offense within 10 years:**

If the third DUI offense comes within 5 years of the other offenses:

A Class Six felony. A fine of up to \$2,500, with a mandatory minimum fine of \$1,000. Jail sentence of up to 5 years, with a mandatory minimum sentence of 6 months. Indefinite license suspension.

If the third DUI offense comes within 10 years of the other offenses:

A Class Six felony. A fine of up to \$2,500, with a mandatory minimum fine of \$1,000. Jail sentence of up to 5 years, with a mandatory minimum sentence of 90 days. Indefinite license suspension.

**4. Penalties for a Fourth or Subsequent DUI charge within 10 years:**

A Class Six felony. A mandatory \$1,000 fine and discretionary fines of up to \$2,500. Jail sentence of up to 5 years, with a mandatory minimum sentence of 1 year.

**5. Refusal to submit to a blood alcohol test:**

1st Offense - 1-year license suspension

2nd Offense within 10 years - 3-year license suspension

3rd Offense within 10 years - 3-year license suspension

### **Illicit Drugs**

a) Under Virginia law (Virginia Ann. Code § 18.2-248):

1. Possession of marijuana, upon conviction, exposes the offender to a misdemeanor conviction for which the punishment is a jail sentence of up to 30 days, a fine of up to \$500, or both. Upon a second conviction, punishment is a jail sentence for up to 1 year, a fine of up to \$2,500, or both.
2. Possession of a Schedule I or Schedule II controlled substance results in a Class 5 felony, with a jail sentence of 1 to 10 years or confinement in jail for up to 12 months, a fine of up to \$2,500, or both.
3. Possession of a Schedule III controlled substance results in a Class 1 misdemeanor, with a jail sentence of up to 12 months, a fine of up to \$2,500, or both.
4. Possession of Schedule IV controlled substance results in a Class 2 misdemeanor, with a jail sentence of up to six months, a fine of up to \$1,000, or both.
5. Possession of a Schedule V controlled Substance results in a Class 3 misdemeanor, with a fine of up to \$500.
6. Possession of a Schedule VI controlled substance results in a Class 4 misdemeanor, with a fine of up to \$25. Penalties are more severe for offenses involving the manufacture or distribution of illegal drugs by convicted felons or for distribution within 1,000 feet of any public or private elementary, secondary, or post-secondary school, or any public or private two-year or four-year institution of higher education, or any clearly marked licensed child daycare center.
7. Virginia law provides that anyone dispensing or furnishing prescription drugs, controlled substances and dangerous devices without a license shall be guilty of a crime.

### **G. Available Treatment and Support Options**

Marymount University is concerned about the health and welfare of its students. The University encourages any student who may have concerns about their alcohol or drug use to seek help and support. A list of local support resources are provided below. In addition to these resources, Marymount University's Student Counseling Services maintains a list of private practice counselors specializing in substance abuse treatment. Students may contact Student Counseling Services at 703-526-6861 or by speaking with the receptionist in Berg Hall, Suite 1014.

#### **Substance Abuse Treatment Centers and Resources**

- [\*Aquila Recovery of Virginia\*](#)  
425-B Carlisle Drive | Herndon, VA  
706 S. King Street, Suite 8 | Leesburg, VA  
Phone: 703-215-1808

The Aquila Recovery of is a licensed outpatient facility designed for adults and adolescents who are in need of a comprehensive, structured, and affordable alcohol or drug treatment program but may not require or desire residential or inpatient treatment.

- **[Alcoholics Anonymous of Virginia](#)**

Alcoholics Anonymous provides a community of support for those with the desire to stop drinking. There are no dues or fees for AA membership; we are self-supporting through our own contributions. AA is not allied with any sect, denomination, politics, organization or institution; does not wish to engage in any controversy, neither endorses nor opposes any causes. The primary purpose is to stay sober and help other alcoholics to achieve sobriety.

AA Virginia’s website provides an updated list of meetings. As of the publication of this document, multiple meetings take place within walking distance of Marymount University.

- **[Arlington Behavioral Healthcare Division](#)**

2120 Washington Blvd | Arlington, VA

Phone: 703-228-5150 | Emergency: 703-228-5160

Outpatient services include: substance abuse treatment, detoxification and halfway house.

Fee: Self payment, sliding fee scale based on income and other factors

Special Language Services: Spanish

- **[Fairfax County Alcohol and Drug Services](#)**

8221 Willow Oaks Corporate Drive | Fairfax, VA

Phone: 703-383-8500 | Emergency: 703-573-5679

Provides assessment and referral, community prevention, volunteer/intern program, adult outpatient services, family services, recovery women’s center, adult detention center services, community correction services, Fairfax detoxification program, and a homeless shelter program.

- **[Narcotics Anonymous](#)**

Narcotics Anonymous is a community organization with the goal of helping individuals to pursue and maintain a drug-free lifestyle. The name, Narcotics Anonymous, is not meant to imply a focus on any particular drug; NA’s approach makes no distinction between drugs including alcohol. Membership is free, and they have no affiliation with any organizations outside of NA including governments, religions, law enforcement groups, or medical and psychiatric associations. Narcotics Anonymous’ website provides an updated list of meetings. As of the publication of this document, multiple meetings take place within a short distance of Marymount University.

- **[New River Valley Community Services](#)**

700 University City Boulevard | Blacksburg, VA

Phone: 540-961-8300 | Emergency: 540-961-8400 or dial 988

Serves: The Counties of Floyd, Giles, Montgomery, and Pulaski, and the City of Radford.

Provides mental health and substance abuse and prevention services to children, adults and families.

- **[Recovery Women’s Center](#)**

10388 Democracy Lane | Fairfax, VA

Phone: 703-352-0166

Requirements: only Fairfax County residents

### ***Section 10: Abusive Affiliations Policies and State Hazing Laws***

The University believes that all students are entitled to be treated with considerable respect at all times. The University is unconditionally opposed to any situation created to produce mental or physical discomfort, embarrassment, ridicule, or social ostracism. Thus, all forms of abusive affiliations are prohibited.

In addition to being a violation of the University's abusive affiliations policy, hazing is a criminal offense in the Commonwealth of Virginia. As such, it can carry serious penalties. In determining whether a specific behavior violates the University's abusive affiliation policy, consideration will be given to how the behavior relates to the University's mission and purpose.

The University defines abusive affiliation as any mental, physical, or social requirement, request, or obligation placed upon any person that could cause discomfort, pain, fright, disgrace, or injury; that is personally degrading or humiliating; that would cause a reasonable person to believe that they would experience social ostracism for failing to participate; or that violates any federal, state or local statute, or University policy, the willingness of an individual to participate in such activity notwithstanding. A person defined as a University student is: any pledge, associate member, member, affiliate, alumnus, guest of any campus organization, or other individual. Abusive affiliation includes, but is not limited to, the following activities:

#### **A. Physical**

- a) Encouraging or requiring persons to consume excessive amounts of alcohol or other fluids (e.g., encouraging or requiring individuals to use beer bong; play drinking games; or drink unknown substances, including water);
- b) Requiring that a person do or submit to any act that will alter or their physical appearance in any significant degree for any substantial period of time (e.g., branding; tattooing; using makeup, paint or markers on a person; shaving the head or body);
- c) Requiring activities that disrupt a person's normal schedule. A normal schedule includes three reasonably spaced meals per day, the opportunity for sufficient rest at night (at least six full hours) time required for study outside of scheduled class hours and reasonable time for personal hygiene;
- d) Requiring a person to engage in physical activity of unusual kind or duration, (e.g., calisthenics; overly difficult work assignments; activities that may be excessive for a person with physical disabilities; activities that require a person to remain in a fixed position for an extended period of time; being naked; or being confined in a room that is too hot or too cold, too noisy, or too small);
- e) Hitting or pretending to hit an individual; and/or
- f) Performing acts that are, or seem to be, dangerous.

#### **B. Psychological**

- a) Requiring a person to pretend to or actually violate a law;
- b) Yelling or screaming abusively at individuals;
- c) Calling individuals demeaning names;
- d) Booing, hissing, or demeaning individuals when they make mistakes;

- e) Interrogating individuals in an intimidating or threatening manner;
- f) Requiring a person to perform acts of servitude or perform personal errands for others;
- g) Deceiving new members prior to their gaining membership in an attempt to convince them they will not be initiated or will be hurt;
- h) Forcing a person to publicly wear apparel that is abnormal and not normally in good taste;
- i) Requiring a person to appear nude at any time; and/or
- j) Engaging in activity that compels an individual or group to remain in a certain place, or transporting anyone without their knowledgeable consent (e.g., taking a person on a road trip to an unknown destination or kidnapping).

### **C. Social Ostracism**

- a) Exiting a room when a particular person arrives;
- b) Requiring a person to attend an event where illegal activities are taking place;
- c) Intentionally ignoring, or not responding to, a particular member of an organization or team;
- d) Using coercion (e.g. threats, intimidation or demeaning comments) to obtain consent to engage in activities; and/or
- e) Expressly stating or implying that engaging (or failing to do so) in an activity would help or hurt an individual's membership.

### **D. Distinction between Abusive Relationships by Organizations and Abusive Relationships by Individuals**

The following statement will help distinguish hazing violations by individuals from hazing violations by student organizations:

It is presumed that hazing incidents involve only those persons directly participating in the incident and those who are present at the time it occurs and do nothing to stop its occurrence.

A hazing incident may also be an organizational chapter activity, for which the organization itself may be disciplined, if any of the following characteristics are present:

- a) A University faculty or staff member who has responsibility for the organization (e.g. head coach, assistant coach, advisor, etc.) is aware of the incident sufficiently in advance of its occurrence to prohibit its taking place and takes no action to prohibit it.
- b) A University faculty or staff member who has responsibility for the organization (e.g. head coach, assistant coach, advisor, etc.) knows the identity of the members involved in the incident and refuses to divulge that information to the appropriate University authorities or the police.
- c) The incident takes place in any public place.
- d) The incident involves the expenditure of any organizational funds.
- e) The incident involves or is actively or passively endorsed by a majority of the members of the organization and/or a majority of the student leadership (e.g. president, vice-president, new member chair, captain, etc.).

### **E. Commonwealth of Virginia Hazing Law (Virginia Code § 18.2-56)**

It shall be unlawful to haze so as to cause bodily injury, any student at any school, college, or University. Any person found guilty thereof shall be guilty of a Class 1 misdemeanor.

Any person receiving bodily injury by hazing shall have a right to sue, civilly, the person or persons guilty thereof, whether adults or infants. The president, or other presiding official of any school, college or University, receiving appropriations from the state treasury shall, upon satisfactory proof of the guilt of any student of hazing another student, sanction, and discipline such student in accordance with the institution's policies and procedures. The institution's policies and procedures shall provide for expulsions or other appropriate discipline based on the facts and circumstances of each case and shall be consistent with the model policies established by the Department of Education or the State Council of Higher Education for Virginia, as applicable.

The president or other presiding official of any school, college, or University receiving appropriations from the state treasury shall report hazing which causes bodily injury to the attorney for the Commonwealth of the county or city in which such school, college, or University is, who shall take such action as deemed appropriate.

For purposes of this section, 'hazing' means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily injury on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity.

### **Sanctions**

Organizations, teams, or individuals found to be responsible for hazing are subject to disciplinary action and sanctions outlined in the *Student Community Conduct Code*. Additionally, individuals and organizations may face additional sanctions from the appropriate department (e.g. athletics, student activities, etc.), including possible suspension from the organization, team, and/or termination of recognition for an organization or season for an athletic team.

## **Classroom Conduct Code**

Marymount University expects all members of the community to be active participants who learn from others and contribute, in turn, to the learning of others. Therefore, all members of the community agree to work together in every academic activity to create an educational environment of responsibility, cooperation, respect, and civility.

To create such an environment, all members should contribute to the learning environment by arriving on time and not leaving until dismissed. Repeatedly arriving late or departing early is not acceptable. Students who must arrive late or leave early from an individual class should notify the professor before the scheduled class and should enter and/or leave class with minimal disruption.

During class, all electronic devices — including, but not limited to, pagers, cell phones, and computers — should be shut off unless required in a class activity. Those whose work or family obligations require them to remain in contact should inform the instructor in advance and use the device's least intrusive setting.

The classroom — both face-to-face and virtual — is a professional setting where appropriate behavior is expected. Every participant should focus on the educational activity and contribute to it. Electronic communication among participants should be conducted professionally. An instructor has the right to uphold these expectations through an attendance policy, a class participation grade, or other

mechanism. A student whose behavior disrupts the educational environment can be asked to leave. Repeated and/or serious interruptions may be reported as violations of the Marymount University *Student Community Conduct Code* and investigated according to the Code's procedures.

This policy describes a minimum standard of expected classroom behavior, and individual professors and/or programs may include additional expectations regarding student behavior in class and consequences for failing to meet such expectations. It is the professor's responsibility to inform students of these expectations at the beginning of the semester, and students' responsibility to adapt their behavior to specific professors' expectations.

**All students should adhere to mask guidelines set forth by the University at any time during the academic year.**



# Academic Integrity Code

## Acknowledgment

The Marymount University Academic Integrity Code was developed by the Marymount University Academic Integrity Executive Committee and the Office of Student Conduct and Conflict Resolution. In the development of this Code, the committee used with permission aspects of the University of North Carolina – Greensboro Academic Integrity Policy. Further, the structure of the Code was influenced by and some definitions were used from The Marymount University Student Community Conduct Code, which is based upon the Model Code of NCHERM authored by Brett A. Sokolow, Esq. Rights of use have been granted by NCHERM to Marymount University. No other use is permitted without the express permission of NCHERM.

## Section 1: Introduction

### Marymount Honor Pledge

I agree to uphold the principles of honor set forth by this community in the Marymount University mission statement and the Academic Integrity Code and Student Community Conduct Code, to defend these principles against abuse or misuse, and to abide by the regulations of Marymount University.

### Philosophy of Academic Integrity

Academic integrity is founded upon and encompasses the values of honesty, trust, fairness, respect, and responsibility. Supporting and affirming these values is essential to promoting and maintaining a high level of academic integrity and educating community members about the value and practice of academic integrity is central to Marymount University's mission. Each member of the academic community must stand accountable for their actions. As a result, a community develops in which students learn the responsibilities of citizenship and how to contribute honorably to their professions.

If knowledge is to be gained and properly evaluated, it must be pursued under conditions free from dishonesty. Deceit and misrepresentations are incompatible with the fundamental activity of this academic institution and shall not be tolerated. Members of the Marymount community are expected to foster in their own work the spirit of academic honesty and not to tolerate its abuse by others.

The responsibility for academic integrity lies with individual students and faculty members of this community. A violation of academic integrity is an act harmful to all other students, faculty, and, ultimately, the University.

### Office of Student Conduct and Conflict Resolution

The Office of Student Conduct and Conflict Resolution is committed to an educational and developmental process that balances the needs of the individual students with the needs of the Marymount University community. In order to accomplish this aim, the office has four philosophical tenets.

- **Prevention** – The Office of Student Conduct and Conflict Resolution educates students about appropriate standards of conduct within the University community through programming

and dialogue before issues occur. The program seeks to reduce incidents by educating students about healthy decision-making, constructive discourse, and bystander intervention.

- **Intervention** – The Office of Student Conduct and Conflict Resolution identifies the personal, educational, and social influences that result in academic and behavioral misconduct on campus and intervenes through diverse methods of resolution that place emphasis on relationships, personal decision-making, community obligations, and student learning.
- **Harm Reduction** – The Office of Student Conduct and Conflict Resolution engages students in the examination of the impact of their behaviors on their relationships with the community and community members. After identifying the impact of their behaviors the office guides students toward repairing these relationships and reducing harm.
- **Retention** – The Office of Student Conduct and Conflict Resolution focuses on retaining students, when possible, through the creation of opportunities for students to learn from their experiences and decisions. By creating individualized outcomes, the Office of Student Conduct and Conflict Resolution offers students an opportunity to remain a part of the University community.

## *Section 2: Jurisdiction over Academic Work*

The Marymount University *Academic Integrity Code* exists to promote and maintain academic standards and rigor. The *Academic Integrity Code* supports faculty, staff, and students by addressing failures to uphold the values of Marymount University.

The *Academic Integrity Code* has jurisdiction over:

- a) Any academic work, draft or final product, submitted by a student or alumna/alumnus for completion of an academic, degree, or program requirement;
- b) All claims by a student or alumna/alumnus to academic awards, honors, or distinctions;
- c) Any activity performed at an internship, externship, study abroad, consortium school, or other academic program while a student at Marymount University;
- d) Any work submitted in completion of a sanction issued to a student by the Office of Student Conduct and Conflict Resolution;
- e) Information submitted or reported to a University office or official by a student or alumna/alumnus regarding an academic matter; and
- f) Any acts committed by a student or alumna/alumnus that are detrimental to the academic interests of the University.

In some cases, the *Academic Integrity Code*, the *Student Community Conduct Code*, and departmental, school, or college codes of ethics may have jurisdiction over the same incident. In conversation, the parties responsible for each process will determine which process(es) is most appropriate to the alleged violation. However, since each process fulfills a different need at the University, a student may be required to respond to alleged classes or programs at a consortium school, the students are subject to the rules and regulations of those schools in addition to the policies, guidelines, and expectations of Marymount University. Special programs not mentioned by this jurisdiction policy, such as summer high school programs, are subject to the policies of that program.

## *Section 3: General Provisions*

### **A. University as Complainant**

Marymount University reserves the right to initiate a complaint and to serve as complainant without a formal complaint by an instructor.

## **B. Official Means of Communication**

Marymount University email is the official means of communication with students. The Office of Student Conduct and Conflict Resolution communicates with students through official university email. The student is responsible for checking their university email daily. At the discretion of the Academic Integrity Coordinator and when believed to be in the best interest of the student and/or University, the University may deliver communication by one or more of the following methods: in person by the Academic Integrity Coordinator or Office of Student Conduct and Conflict Resolution; mailed to the local or permanent address of the student as indicated in official university records; or emailed to the student's university-issued email account.

## **C. Drafts and Works in Progress**

The University expects that as a student developing academic work, the student is engaging in academically honest work and only using resources and material permitted by the instructor and academic discipline. Further, while developing academic work, students must engage in the practice of proper citation and acknowledgment. As such, drafts are expected to adhere to the same expectations as finished products.

## **D. Group Violations**

When multiple individuals are accused of participation in related conduct that violates the Academic Integrity Code, the University may hold a group hearing for all students involved. The students do not need to be aware of the other students' involvement, rather their testimony need only be germane. For example, multiple students purchase an exam from another student. The purpose of a group hearing is to hold a hearing where the testimonies of each student are relevant to the responsibility of at least some of the other students. Group hearings may not be used simply for expediency.

## **E. Technology-assisted Meetings**

In the event that a complainant or respondent is unable to attend a hearing, conference, or other form of meeting in person, the University may proceed with the meeting by providing an opportunity for the individual to attend a technology-assisted meeting. Examples of technology-assisted meetings include but are not limited to phone and video conferences. The method used will be at the discretion of the Office of Student Conduct and Conflict Resolution.

# *Section 4: Expectations*

## **A. Definitions**

- The term "the University" refers to Marymount University.
- The term "student" includes all persons who have accepted admission to, enrolled at, are taking courses at and/or have a continuing relationship with the University, including those who attend full- or part-time at the undergraduate, graduate, doctoral, or non-matriculated level.
- The term "faculty member" and "faculty" refers to individuals with faculty appointments except adjunct appointments.
- The term "instructor" refers to any person employed by the University to conduct instructional activities, including University librarians.
- The terms "alumnus" and "alumna" refer to persons who have received a degree or certificate from the University.

- The term “advisor” refers to a student or university employee who provides personal support for a respondent. The full description and rules for advisors are delineated in Section 5.G.
- The term “complainant” refers to the individual or department making the complaint of academic dishonesty or a designee. The full description of and policies for complainants are delineated in Section 5.A.
- The term “respondent” refers to the student or alumnus/a accused of violating the Marymount University Academic Integrity Code.
- The term “Academic Integrity Coordinator” refers to the faculty member appointed to this role which is described in Section 7 or a designee.

## B. Violations of the Code

While most academic integrity violations occur in a course-related context, this Code applies to academic conduct in the holistic sense. Common types of academic integrity violations are listed and defined below.

- a) *Cheating*: Using or attempting to use unauthorized materials, information, or study aids.

Cheating may occur on an assignment, examination, test, quiz, laboratory work report, theme, online work, or on any other work submitted by a student. This applies whether the work is performed in class or out of class.

Cheating includes but is not limited to:

- Copying from the work of another student, unauthorized notes or textbooks, unauthorized electronic devices, or other unauthorized materials. The instructor has final authority to determine what devices or aids are permissible. In the absence of guidance, the University expects that students will consult with the instructor.
- During a quiz, test, or examination, or in-class assignment, all materials, information, or aids are considered unauthorized unless specifically permitted by the instructor. The mere presence of unauthorized materials, information, or aids in the testing area or in bathrooms during the administration of a quiz, test, examination, or in-class assignment is a violation of this policy.
- The substantive use of translation services (online translation, in-person language tutors, or other assistive persons, applications, or devices) without prior authorization. For example, the use of the translation services becomes substantive when the aid is more than to correct mere word choices or the structure of particular sentences.
- Giving or receiving substantive information or assistance on assigned work when it is expected that students will do their own work or engaging in any similar act that violates the concept of academic integrity. The general expectation is that all students will work independently on all assignments unless specifically authorized by the instructor in the syllabus or assignment materials.
- A student who premeditates the use of unauthorized materials, information, or aids commits a more serious offense than a student who employs unauthorized assistance on the spur of the moment. The following are typical but not exclusive examples of premeditated cheating: conspiracy to copy from another student’s work during an examination, obtaining unauthorized copies of the examination to be administered prior to the time of examination, and using unauthorized notes during an examination.

- b) *Plagiarism*: Representing the works of another as one's own.

Plagiarism may occur on any paper, report, or other work (including design and distance learning work) submitted to fulfill course requirements or as part of an educational activity (e.g., design shows, conferences). This includes submitting work done by another, whether a commercial or non-commercial enterprise, including websites, as one's own work.

Plagiarism includes, but is not limited to:

- Misrepresentation caused by failure to document acknowledged sources accurately, thoroughly, and appropriately;
- The use of unacknowledged sources: use of information or phrasing from any source not cited or included in the bibliography and references by the student; and/or
- Submitting as one's own work done by, copied from, substantively translated by, or purchased from another person or entity.

- c) *Falsification*: Invention or alteration of any information or citation.

Falsification includes knowingly reporting data, research, or reports so that either the process or the product is shown to be different from what actually occurred; falsely reporting having met responsibilities of attendance or participation in class, practicum, internship, or other types of field work experience; or submission of falsified excuses for tardiness or not attending or participating in such experiences.

- d) *Text-recycling or self-plagiarism*:

The submission of work to meet the requirements of one assignment when it was done in whole or in part to meet the requirements of another assignment, exercise or similar academic purpose, unless approval to do so has been granted by the instructor.

- e) *Facilitating or soliciting academic dishonesty*:

Soliciting the assistance of another to commit an act of academic dishonesty; intentionally or knowingly helping or attempting to help another commit an act of academic dishonesty.

Facilitation is any offer, whether acted upon or not, for unauthorized assistance on any academic work. Solicitation is any request, whether acted upon or not, for unauthorized assistance on any academic work. Students should be aware of a request or assistance that violates this Code, because it either violates another provision of this Code, such as plagiarism, cheating, or falsification, or it is expressly forbidden by the instructor or the culture of the academic discipline. Tutoring is typically considered an authorized means of assistance. Marymount University tutors are trained to understand the obligations of academic honesty. Students are cautioned that outside tutors and other persons providing assistance are likely not trained in Marymount University's standards. At all times, the student is responsible for determining that the assistance being provided is permissible and authorized.

f) *Fraud or misrepresentation in academic claims:*

Fraud or misrepresentation is the verbal or written submission of any information or document to a University official, which the respondent knows or reasonably should have known to be inaccurate, false, fraudulent, or otherwise misleading. The University does not need to have relied on this information in order for the act to be fraud or misrepresentation. For example, fraud or misrepresentation may occur at any point in the admissions process. Examples of behaviors that would constitute fraud or misrepresentation in the admissions process include, but are not limited to, failure to disclose student disciplinary or criminal record, falsely reporting grades or test scores, and submitting forged transcripts, letters of recommendation, or other records.

g) *Other academic misconduct:*

No specific set of rules or definitions can embrace every act of academic misconduct. A student who employs any form of academic deceit has violated the intellectual enterprise of the University.

h) *Unauthorized Uses of Artificial Intelligence:*

Marymount University acknowledges that ChatGPT and other generative artificial intelligence (AI), text-generated tools have the capability of dramatically altering the academic environment in both positive and negative ways. The purpose of this section of Marymount's Academic Integrity Code is to identify both permitted and prohibited intentional uses of AI-generated text tools to support the University's academic integrity policies in the most productive way possible

1. Permitted Uses:

- a. Educational activities conducted with the advanced written approval of a faculty instructor, in such a way as to facilitate increased knowledge and understanding about the use of AI in business, government, and educational settings.
- b. When permitted, in advance and in writing, by faculty or staff in the conduct of an educational activity as a teaching or learning tool (e.g., tutoring, academic advising, etc.).
- c. As a research tool to assist and enable computer-based internet search activities (e.g., library, database, thesauruses, Grammarly, etc.). Use of AI tools must be formally provided through written approval of the instructor.

2. Prohibited Uses:

- a. For the development and/or submission of drafts or final versions of any paper, report, or other work research papers submitted in lieu of original student work without instructor permission. This definition includes but is not limited to doctoral dissertations, masters' theses, and undergraduate written assignments, whether in full or in part. It also includes both graded and ungraded academic work. The improper usage of generative artificial intelligence tools falls within the university's standard definition for plagiarism: Representing the works of another as one's own.

## *Section 5: Procedures*

### **A. Complainants**

The instructor(s) of the course in which the violation was alleged to have occurred, the Office of Student Conduct and Conflict Resolution, or either's designee may act as the complainants.

Academic integrity is a core principle of higher education. The success of an academic community is dependent upon the agreement of the community that acts of academic dishonesty violate our mission. As such, it is central to the mission of the University that all members of the community report acts of academic dishonesty. All members of the Marymount University community are encouraged to report academic dishonesty to the course instructor or Office of Student Conduct and Conflict Resolution.

The University may proceed with a hearing without the complainant being present. The complainant may designate another instructor, department chair, dean, or representative of the Office of Student Conduct and Conflict Resolution to attend and act as complainant. If neither the complainant nor a designee is able to attend the hearing, the complainant may submit a written statement and supporting materials to the Office of Student Conduct and Conflict Resolution.

### **B. Filing Incident Reports**

While there is no limit to when an academic integrity complaint may be filed, incident reports are expected to initiate the academic integrity process and file incident reports in a timely manner. It is encouraged that complainants initiate a conference within five (5) days of the date of discovery of the violation. This is a guideline not a steadfast rule.

### **C. Conference**

When a complainant discovers academic dishonesty, the complainant requests that the student (herein referred to as the respondent) meet for a conference within seven (7) calendar days during the complainant's normal business and office hours or another mutually agreed upon time. It is the respondent's responsibility to reply to requests for a conference promptly and to attend a conference with seven (7) calendar days of notification. If the respondent fails to respond to a complainant's request for a conference within seven (7) calendar days, the complainant refers the case to the Office of Student Conduct and Conflict Resolution, which also requests a conference with the respondent. If the respondent does not respond to the Office of Student Conduct and Conflict Resolution's request, the Office will place an academic integrity hold on the respondent's account, and the case will be referred to a hearing panel, which is the maximum process right afforded to respondents.

For various reasons, the conference between complainant and respondent may not occur. Either party may request that the Office of Student Conduct and Conflict Resolution hold the conference.

At the conference, the complainant explains the alleged violation and appropriate sanction(s), reviews the respondent's rights as articulated on the Academic Integrity Incident Report Student Response, and provides an opportunity for the respondent to complete the Student Response form indicating either:

- a) I accept responsibility for the violation; or
- b) I do not accept responsibility for the violation and understand a hearing panel will hear the case.

During the conference, the respondent may choose to:

- a) Postpone the conference one time for up to two (2) business days. It is the respondent's responsibility to reschedule at a mutually agreeable time. If the respondent fails to complete the conference, the case will be referred to the Office of Student Conduct and Conflict Resolution; or
- b) Stop the conference and request the case be referred to the Office of Student Conduct and Conflict Resolution.

If it is not possible to hold the conference in person, it may be held by video conference, phone, or, in rare cases, email. In such cases, if the respondent is unable to sign and submit the completed Student Response side of the Incident Report, the complainant should note on the Incident Report form the method by which the conference was held and the respondent's response.

#### **D. Hearing**

##### **a) Notice**

The respondent will be provided at least seven (7) calendar days' notice of a hearing. Notice is provided to the respondent and complainant by university email. If the University is aware that the respondent will not be able to access university email, the University may notify the respondent by other approved means. The respondent is expected to make the appropriate arrangements to their schedule in order to attend the hearing.

##### **b) Changing Pleas**

Changing pleas by accepting responsibility may be done at any time prior to the hearing. If the respondent accepts responsibility for the violation and it is the respondent's first violation, the hearing will be canceled.

##### **c) Panel Composition and Quorum**

A panel is composed of two faculty members and one student and led by a non-voting chair. At least two panelists and a chair must be present to conduct the hearing. The faculty and student panelists review the case, ask questions, and determine responsibility and appropriate sanction. The Chair conducts the proceedings, asks questions, and ensures that the Academic Integrity Code is followed. During deliberations, the Chair may discuss the case with the panelists but does not vote. Only student and faculty panelists may vote during deliberations. During the summer sessions, the panel may be composed of two members, one of which must be a faculty panelist. However, the decision of any two-member panel must be unanimous. Availability may determine a different composition for the hearing panel.

##### **d) Single-Respondent Hearing**

Most hearings will be conducted in the single-respondent format (i.e., one person accused of a violation). In this format, the complainant presents the case and the respondent will respond to the allegation before the panel. The purpose of the hearing is both investigatory and adjudicatory. As such, the format is often conversational with the panelists asking direct questions of all parties. The format for the hearing is as follows:

1. Participants will introduce themselves.
2. The complainant will present the allegation and evidence that a violation occurred. In the event that the complainant is not present, the Chair will summarize the information submitted by the complainant.



3. The respondent will respond to the allegations and evidence.
4. The complainant and respondent may then call witnesses to testify.
5. At any time throughout the hearing, panelists and the Chair may direct questions to any party present. The complainant and respondent may not ask questions of each other or witnesses. However, they may request that the Chair ask a question on their behalf. All questions are asked at the discretion of the Chair.
6. The panelists will recess and deliberate regarding the responsibility of the respondent. The respondent may be found either responsible or not responsible. The Chair will call for a final vote when the Chair determines that further deliberations will no longer be productive. A minimum of two (2) votes are required for a student to be found responsible of a violation.
7. The panelists, complainant, and respondent will then reconvene. The Chair will present the decision and a short summary of the rationale on behalf of the Panel.
  - a) If the finding is not responsible, the hearing will end.
  - b) If the finding is responsible, the hearing will continue as outlined below.
8. Before the Panel deliberates on sanctioning, the respondent will have the opportunity to present any mitigating circumstances. The complainant may also provide input on sanctioning.
9. The complainant and respondent are then dismissed and the panelists and Chair enter deliberations regarding the sanction(s).
10. The Chair will send the final decision to both parties by university email within seven (7) calendar days.

#### **e) Group Hearing**

Group hearings may be used when several students are accused of the same violation or acting in concert with one another. As noted in Section 3.D, group hearings may not be used simply for expediency. Group hearings follow the format outlined above except for the following differences:

1. Each respondent will be provided the opportunity in an order determined by the Chair to respond to the initial allegation and present evidence and witnesses.
2. Any information presented by any respondent may be used in determining the outcome for any respondent.
3. If any respondent denies responsibility, all respondents in that hearing will be afforded procedures for a respondent who denies responsibility.
4. Each respondent will be provided their finding of responsibility and given the opportunity to present any mitigating circumstances in private.

#### **f) Witnesses**

The complainant and respondent are permitted to present witnesses during a hearing. The party presenting the witness is responsible for assuring that the witness is aware of the time and date of the hearing and attends the hearing. If a witness cannot attend the hearing, the witness may submit a written statement. In order to verify the identity of the witness, witness statements from members of the Marymount Community must be sent from their official university email. Character witnesses are not permitted.

The witness will be instructed to wait outside the hearing until the Chair determines that it is an appropriate time for the witness to testify. The panelists and the Chair are the only individuals permitted to question a witness. After the Panel finishes questioning the witness, the complainant or respondent may request that the Chair ask specific questions of the witness.

It is a violation of the *Student Community Conduct Code* for witnesses to knowingly provide partial, inaccurate, misleading, or false information during any investigation or hearing.

#### **g) Advisors**

Respondents are permitted to have an advisor present during their hearing. The advisor must be a Marymount University employee or student. The advisor may not be a witness, legal counsel or an agent of legal counsel, and/or parent/ guardian. If the respondent brings someone who is ineligible to serve in the role of advisor, the individual will not be allowed to participate. Hearing times and dates will not be modified to meet the schedule of the advisor. The respondent is responsible for ensuring that the advisor is aware of the time and date of the hearing and attends the hearing. The role of the advisor is limited to consultation. To ensure the integrity of the academic integrity process, the role of an advisor is to provide personal and emotional support for the respondent. Advisors may speak only to the respondent during a hearing unless otherwise permitted by the Chair.

#### **h) Evidence**

During hearings, complainants and respondents may present evidence in support of their case. The Chair is responsible for determining whether evidence is relevant and permissible. The University does not hire experts to evaluate the authenticity or validity of evidence. In order to provide a fair and reasonable conduct process, panelists will exercise reasonable judgment in evaluating evidence and may consult with others within reason.

#### **i) Failure to Attend and Requests to Reschedule**

Hearing panels require considerable university time and resources. It is the expectation of the University that respondents will make the necessary arrangements to attend their hearings at the time and date established by the University. Respondents may request in writing to the Office of Student Conduct and Conflict Resolution, ([academicintegrity@marymount.edu](mailto:academicintegrity@marymount.edu)), that their hearing be rescheduled. In their request to reschedule, respondents must fully explain the circumstances that prevent them from attending and provide supporting documentation. The Office of Student Conduct and Conflict Resolution is not required to reschedule and will only reschedule in extraordinary circumstances. If a hearing is rescheduled, it will be communicated to the respondent and complainant in writing.

If a respondent fails to appear at a hearing, the University will proceed with the hearing in the respondent's absence and a decision will be rendered based on the evidence and testimony available to the Panel. The respondent has the opportunity to appeal the panel decision according to Section 5.D.j. If an emergency makes it impossible for a respondent to appear at a hearing, the respondent may appeal the decision as a material deviation under Section 5.D.j. The respondent must provide sufficient documentation for the University to evaluate the nature of the emergency and whether the respondent could have reasonably appeared at the hearing.

## j) Appealing a Decision

Respondents and complainants may appeal a decision within seven (7) calendar days of issuance of a decision letter on the following grounds:

1. New information which was unavailable at the time of the original hearing that could materially affect the outcome; or
2. A material deviation from written procedures that was so substantial that it affected the outcome of the hearing.

All requests for review must be in writing and delivered to the Office of Student Conduct and Conflict Resolution as instructed in the hearing outcome letter. In an appeal request, the respondent must provide sufficient information for the request to be evaluated. Appeal requests lacking sufficient information or failing to appeal for one of the stated purposes will be rejected by the Office of Student Conduct and Conflict Resolution.

The Provost or designee will review the appeal and may affirm or modify the findings and sanctions or may remand the case for further consideration. The decision rendered by the Provost or designee is final.

A written decision on the outcome of the appeal will be provided to the appellee.

## k) Sanctions

Complainants have the authority to determine sanctions when a respondent accepts responsibility before a hearing is held. Complainants are expected to follow the sanctioning guidelines outlined in Section 8. Sanctions will be reviewed by the Academic Integrity Coordinator in order to ensure that sanctions conform to the sanctioning guidelines in Section 8. Assigned sanctions that fail to comport with the guidelines will be returned to the complainant for revision.

The hearing panel has the authority to determine sanctions resulting from a hearing. When reasonably consistent with policy and past practice, the Panel should give deference to the complainant's proposed sanctions.

A sanction of suspension or expulsion must be approved by the Provost or designee.

Marymount University sanctions are divided into three categories: status, academic, and educational. Multiple sanctions from each category may be assigned. Respondents are responsible for paying any costs associated with the sanctions assigned. Sanctioning guidelines are located in Section 8.

1. **Status Sanction:** Status sanctions are an indication of the respondent's relationship with the University. Sanctions are determined based upon the nature of the offense after reviewing aggravating and mitigating factors in concert with the established sanctioning guidelines.
  - **Formal Notice of First Violation:** This is notice that the respondent was found responsible for a first violation.

- **Formal Notice of Second Violation:** This is a notice that the respondent was found responsible for a second violation.
- **Suspension:** The respondent is separated from the University for a specified period of time, and upon the satisfaction of specific conditions, after which the respondent is eligible to return. Suspension is the standard and required sanction for second violations. Exceptions to this policy are extremely rare and only on a case-by-case basis. Additionally, those respondents who commit egregious violations of the Academic Integrity Code may be subject to suspension for a first violation. Typically, a suspension is one (1) academic semester and the summer term immediately preceding or following the semester for which the suspension is issued.

Upon notification, the Registrar will terminate registrations for semesters that occur within the period in which the student is suspended. Students who fail to successfully return to the University upon completion of the specified period of time and conditions will be withdrawn from the University and must seek readmittance.

The behavioral expectations and regulations of the University apply to students while suspended. Students who violate university policy while suspended will be held accountable. Students who withdraw from the University while suspended or in anticipation of suspension may not seek readmission to the University for a period of twelve (12) months after the end of the original suspension period.

- **Expulsion:** The respondent is permanently separated from the University. The respondent may not apply for admission to any academic program at Marymount University. Expulsion is the standard and required sanction for third violations. Exceptions to this policy are extremely rare and only on a case-by-case basis. Additionally, those respondents who commit egregious violations of the Academic Integrity Code may be subject to expulsion for a first or second violation.
  - **Revocation of Admission:** The respondent's admission to the University is revoked. The respondent is no longer a student at Marymount University.
  - **Revocation of Degree:** The respondent's degree from Marymount University is revoked. The University no longer affirms that the student has completed the requirements for a Marymount University degree.
2. **Academic Sanctions:** Academic sanctions relate to the respondent's academic coursework.
- **Redo of Assignment or Test:** The respondent is required to redo the assignment or test. This may be assigned with or without grade penalty.
  - **Assignment or Test Grade Penalty or Failure:** A grade penalty is assigned to the academic work in which the violation occurred.
  - **Additional Academic Work:** The respondent is required to complete additional academic work such as, but not limited to, writing papers, creating educational

materials, and meeting with tutors. The goal of such activity is for the respondent to demonstrate that they have sufficient understanding of the academic skills necessary to continue at Marymount University.

- **Course Grade Penalty or Failure:** A grade penalty is assigned to the final course grade.
  - **Other Reasonable Academic Sanction:** In coordination with the Academic Integrity Coordinator, the complainant or hearing panel may assign a different academically related sanction so long as it is reasonable and consistent with policy.
3. **Educational Sanctions:** Educational sanctions are designed to improve a respondent's understanding of academic integrity and/or the values and mission of Marymount University. Educational sanctions may also be restorative in nature, requiring a respondent to demonstrate repaired relationships harmed through the violation.
- **Educational Class or Workshop:** The respondent is required to complete a specific academic class, workshop, or series of these events. These programs may be external to the university. Any fees associated with these programs are at the respondent's expense.
  - **Educational Program:** Requirement to attend, present, and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on-campus to aid them in learning about a specific topic or issue related to the violation for which the student was found responsible. Audience may be restricted.
  - **Community/University Service Requirements:** Requirement for a respondent to complete a specific supervised University service. (This will not fulfill the University's community service requirement for graduation).
  - **Behavioral Requirement:** This includes required activities such as, but not limited to, seeking academic counseling, writing a letter of apology, seeking tutoring, etc.

### **E. Special Process for Academic Dishonesty on a Thesis or Dissertation**

Theses and dissertations are the culminating document or project that demonstrates mastery of an academic discipline. They are representations of the student, their Chair, and their Committee. While the standards between undergraduate, graduate, and doctoral theses and dissertation vary based upon academic standard and discipline, academic dishonesty in these pursuits is especially egregious. As such, it requires a special process.

Any student accused of academic dishonesty on a thesis, dissertation, or similar culminating project (as determined by the Office of Student Conduct and Conflict Resolution in consultation with the appropriate Academic Chair and Dean) either before or after the work is defended, will be afforded a hearing following the procedures outlined in Section 5.D. However, in this special process the hearing panel will consist of the chair of the awarding department (or senior faculty member of the awarding department, where a conflict of interest exists), the Dean of the awarding school (or designee, where a conflict of interest exists), and an alumna/alumnus of the awarding program.

If the respondent is an alumna or alumnus, notice of the hearing and decision letter will be sent to the last known email and physical address of the respondent. If the panel finds the respondent responsible, it can recommend revocation of the degree.

#### **F. Revocation of Degree**

Through the awarding of an academic degree, the University attests to individuals, professionals, and the community that the recipient has met the requirements of degree completion in accordance with the mission and values of Marymount University. In cases where the recipient of a degree has achieved that honor through academic dishonesty, a process must exist for the University to revoke its certification to the community.

The revocation of a degree is the most serious sanction that any university may impose. The revocation of a degree for violation of the Academic Integrity Code is intended for the most egregious violations, including, but not limited to, fraud in the admissions process and/or academic misconduct on capstones, theses, dissertation, or similar culminating project. As such, certain procedural safeguards exist. If a panel recommends the revocation of a degree, the decision will be reviewed by the Provost (or designee) for approval. If the Provost (or designee) approves the revocation of a degree, the respondent may then appeal to the President of the University for the grounds outlined in Section 5.D.j.

#### **G. Interpretation and Revision**

If questions of interpretation, scope, or authority of the Academic Integrity Code arise during a hearing, it is the responsibility of the Chair to determine the answers using their professional judgment. In all other circumstances, the Office of Student Conduct and Conflict Resolution is responsible for the interpretation of this Code. This interpretation is final. The Academic Integrity Coordinator and/or the Chief Conduct Officer may make any necessary modification to the academic integrity process that does not materially jeopardize the fairness owed to any party.

#### **H. Withdrawal**

In the event that a respondent withdraws from a course or the University after a complaint has been made of an academic integrity violation, the University may proceed with the academic integrity process. Even if the respondent has completely withdrawn from University, the University will follow the usual means of notification and provide the student an opportunity to respond to the charges within the designated time frame. As an outcome of the academic integrity process, the University may change transcript notations to reflect assigned sanctions.

### *Section 6: Records Policy*

#### **A. Records Disclosure**

For records created since 2003, the University does not disclose first time academic integrity violations that result in penalties other than suspension or expulsion, except under lawful subpoena or as required by law. Second offenses and cases resulting in suspensions and expulsions will be released to agents as authorized by the respondent, such as in the case of a background check.

## **B. Records Retention**

Academic integrity violation records are maintained by the University for seven (7) years after the graduation or withdrawal of the student. Any records of second offenses, suspensions, and expulsion are maintained in perpetuity, notwithstanding acts of God, human error, or changes to this policy.

## **C. Copies of Records**

While case materials are being collected, the Office of Student Conduct and Conflict Resolution will not make copies of records. During this time, respondents may visually inspect the record by contacting the Office of Student Conduct and Conflict Resolution which will arrange an opportunity for the student to inspect the record during normal business hours. At the discretion of the Office of Student Conduct and Conflict Resolution, a copy of the record may be provided to the respondent in situations in which inspecting the record in person or by video conference would create a significant hardship.

After case materials have been collected, a respondent may request a copy of their record by contacting the Office of Student Conduct and Conflict Resolution. Students will be required to complete a Record Request Form. Requests may take up to ten (10) business days to complete. Copies of records will be limited to photocopies of written records. Videos, audiotapes, and other documentary evidence will not be copied and distributed. However, respondents may request to view these items in person or by video conference.

If an in-person or video conference review of the recording of the hearing would create a significant hardship, the student may request that the University have a transcript made of the audio by a transcription service of the University's choice. The full cost of any transcription will be billed to the student and must be paid before the transcript will be released.

## ***Section 7: Authority and Approval***

### **A. Authority**

The Provost and Assistant Vice President and Athletics Director, as an extension of their authority as granted by the President and Board of Trustees, authorizes the following individuals and entities to oversee Academic Integrity as described and enumerated in this document.

#### **a) The Executive Committee on Academic Integrity**

This group shall be composed of one faculty member from each school, one graduate student, and one undergraduate student. The faculty members shall be elected by their respective Schools for three-year terms. The undergraduate student will be appointed by the Student Government Association. The graduate student will be appointed by the Graduate Student Council. The Academic Integrity Coordinator and the Assistant Director for Community Standards & Title IX Coordinator are members of the Executive Committee. All members listed here are considered voting. A committee chair shall be elected from the voting faculty members of the Executive Committee. The Executive Committee shall first strive for consensus. The duties of the Executive Committee are:

1. To inform faculty, staff, and students about the Academic Integrity Code and encourage ongoing discussions and training for faculty, staff, and students.
2. To review annually the Academic Integrity Code and its practices and ensure that these practices and policy statements remain an accurate reflection of the community's concerns with academic integrity.

3. To serve as a panelist for at least three academic integrity hearings per semester.

**b) Academic Integrity Coordinator**

This person shall be appointed by the Provost. The duties shall include the following:

1. The Academic Integrity Coordinator reviews all records of negotiations and sanctions resolved between the instructor and the student for consistency and fairness of assigned sanctions.
2. All requests for hearings are directed to the Academic Integrity Coordinator, who is responsible for gathering all information related to the charges, including consultation with faculty, Department Chairpersons, Deans, and any other University official as deemed necessary. The Academic Integrity Coordinator is responsible for convening the hearing panel, notifying the respondent concerning the allegations and hearing, and conducting the hearing process.
3. The Academic Integrity Coordinator provides procedural interpretations of the Academic Integrity Code, makes recommendations to the Executive Committee concerning proposed changes in the Code, and provides advice and information concerning the Code to the general campus community.

**c) Office of Student Conduct and Conflict Resolution**

The Office of Student Conduct and Conflict Resolution is the administrative office responsible for the day-to-day administration of the Academic Integrity Code and the maintenance of academic integrity records.

1. The Office of Student Conduct and Conflict Resolution maintains the records of academic offenses by students, whether resolved by instructor-student agreement or by the judgment of a hearing panel.
2. The Office of Student Conduct and Conflict Resolution provides administrative support to the Academic Integrity Coordinator.
3. The Office of Student Conduct and Conflict Resolution is responsible for the assessment of and budgetary support and advocacy for the academic integrity process.
4. The Office of Student Conduct and Conflict Resolution provides training and development for academic integrity hearing panelists.
5. The Provost is responsible for providing guidance to the Executive Committee on Academic Integrity and the Academic Integrity Coordinator on best practices, trends, legal issues, and policy.
6. The Assistant Director of Community Standards & Title IX Coordinator and the Academic Integrity Coordinator are responsible for submitting an annual report on the Academic Integrity program to the Provost.

**B. Revisions and Approval**

The process of revising the Academic Integrity Code depends upon the type of revision: substantive or non-substantive. Substantive revisions are changes that create new policies, delete existing policies, or alter the meaning of the code as intended by the Executive Committee. Nonsubstantive revisions are changes that clarify existing policies or correct typographical errors.

When making substantive revisions, the Executive Committee will strive for consensus. However, revisions shall be approved by a simple majority of the filled positions. A simple majority of the filled



positions is considered quorum. Upon approval by the Executive Committee, policies shall be presented to the Provost for final approval.

Non-substantive changes are reviewed by the Academic Integrity Coordinator, Assistant Director of Community Standards & Title IX Coordinator, and the Chair of the Academic Integrity Executive Committee and approved by the Provost.

A log of changes that are made during the academic year shall be kept at the end of this document until the next yearly version is released.

### Section 8: Sanctioning Guidelines

Violation	Examples	Sanction
<p><b>Cheating:</b> Using or attempting to use unauthorized materials, information, or study aids in any academic exercise</p>	<p><b>Includes:</b></p> <ul style="list-style-type: none"> <li>▪ Copying from another student's work during an exam</li> <li>▪ Using notes or other impermissible resources during an exam</li> <li>▪ Plans to copy from another student during an exam</li> </ul>	<p><b>Minimum:</b> Redo the assignment or retake the exam</p> <p><b>Maximum:</b> Failure of the course</p>
<p><b>Plagiarism:</b> Representing the work of another as one's own in any academic exercise</p>	<p><b>Includes misrepresentation, failure to document acknowledged sources accurately, thoroughly, and appropriately caused by a failure to fully understand mechanical and technical requirements.</b></p> <p><b>Use of unacknowledged sources:</b></p> <ul style="list-style-type: none"> <li>▪ includes use of information or phrasing from any source not cited or included in the bibliography &amp; references by the student</li> </ul> <p><b>Submitting as one's own work done by, copied from, or purchased from another:</b></p> <ul style="list-style-type: none"> <li>▪ includes work done by anyone other than the student</li> </ul>	<p><b>Minimum:</b> Redo the assignment</p> <p><b>Maximum:</b> Failure of the course</p>
<p><b>Falsification:</b> Falsifying or inventing information</p>	<p><b>Provides false information:</b></p> <ul style="list-style-type: none"> <li>▪ in an official document in an academic exercise, or</li> <li>▪ to avoid an academic exercise</li> </ul>	<p><b>Minimum:</b> Redo the assignment</p> <p><b>Maximum:</b> Suspension</p>

<p><b>Text-recycling or Self-plagiarism:</b></p> <p>Submitting work, in whole or in part, to fulfill multiple requirements without permission</p>	<p><b>Includes (assuming without instructor permission):</b></p> <ul style="list-style-type: none"> <li>▪ Using portions of one paper in another assignment without proper citation</li> <li>▪ Writing one paper for multiple classes</li> <li>▪ Using previously submitted work when retaking a class</li> </ul>	<p><b>Minimum:</b> Redo the assignment</p> <p><b>Maximum:</b> Failure of the course</p>
<p><b>Facilitating Academic Dishonesty:</b></p> <ul style="list-style-type: none"> <li>• Soliciting the assistance of another to commit an act of academic dishonesty;</li> <li>• Intentionally or knowingly helping or attempting to help another commit an act of academic dishonesty</li> </ul>	<p><b>Includes:</b></p> <ul style="list-style-type: none"> <li>▪ Providing answers to an exam</li> <li>▪ Asking another student to write a paper</li> </ul>	<p><b>Minimum:</b> Redo the assignment</p> <p><b>Maximum:</b> Expulsion</p>
<p><b>Fraud or Misrepresentation in an Academic Class</b></p>	<p><b>Includes:</b></p> <ul style="list-style-type: none"> <li>▪ Providing inaccurate statements or documents during admissions process</li> <li>▪ Inaccurately reporting honors or awards to prospective employers</li> </ul>	<p><b>Standard Sanction:</b> Rescission of admission, revocation of degree, or expulsion</p>
<p><b>Unauthorized use of Artificial Intelligence</b></p>	<p><b>Includes:</b></p> <ul style="list-style-type: none"> <li>▪ Using ChatGPT or similar programs without instructor authorization</li> </ul>	<p><b>Minimum:</b> Redo the assignment</p> <p><b>Maximum:</b> Failure of the course</p>

**Note to Instructors:** You may assign educational sanctions (refer to Section 5.D.k.) in addition to academic sanctions. Please consult with the Academic Integrity Coordinator before doing so, as the Office of Student Conduct and Conflict Resolution has educational resources available. As a reminder, all sanctions of suspensions and expulsions and second or subsequent violations are referred to a hearing panel to determine responsibility and appropriate sanctions as outlined in Section 5.D.

## Student Freedom of Expression Policy

### Preamble

Marymount University is a Catholic institution of higher education founded by the Religious of the Sacred Heart of Mary and committed to the ideals and principles established through this relationship. In the spirit of the RSHM who promote peace through dialogue, Marymount University believes that civil discourse and disagreement strengthens the intellectual, spiritual, and moral development of our students and views a robust discourse as inherently aligned with our Catholic mission.

### Policy

Marymount University is committed to its mission as a Catholic liberal arts institution founded in the tradition of the Religious of the Sacred Heart of Mary (RSHM). Fundamentally important to the mission of the institution is an environment that fosters robust dialogue, debate, and critical inquiry. To this end, Marymount University students have the right to free speech and expression. This right includes the ability of students to hold and express ideas that differ from each other, to express ideas that may be unpopular or controversial, and to organize for educational and extracurricular purposes.

While committed to freedom of expression, Marymount University believes in the fundamental dignity of all persons and holds student discourse to a high standard. The right to free speech and expression does not include expression that is unlawful, harassing, threatening, intimidating, obscene, incites disorderly conduct, or is grossly offensive on matters such as race, ethnicity, religion, place of origin, gender, or sexual orientation.

The University will exercise reasonable oversight when expression has an implied relationship to the University, such as signs and installations (temporary or permanent) in on-campus public areas, the use of specific spaces, and published materials that bear the name of Marymount University or imply or express an affiliation to Marymount University. The University may establish reasonable guidelines regarding the time, place, and manner of speech. While the University will exercise reasonable oversight, the University believes that the best response to speech is more speech. While the University's Catholic mission and identity is central to its purpose, the University will not censor expression solely because the speech may be inconsistent with Catholic teaching or the values of RSHM. However, it will encourage a balanced approach to controversial topics, such as creating additional forums for students or the University to present opposing views.

When members of the community are off-campus and not participating in university-sponsored activities or representing the University, the University will not interfere with freedom of speech. Further, nothing in this policy applies to activities within the classroom, where academic freedom takes precedence.

To report bias speech not covered by this policy, visit <https://marymount.edu/student-life/health-wellness/bias-incident-reporting/>

### Note

The terms speech and expression are used interchangeably throughout this document. They refer to the communication of ideas through various media.

## Title IX Sexual and Interpersonal Misconduct Notification

The Marymount University Sexual and Interpersonal Misconduct Policy and Resources can be found online at [www.marymount.edu/TitleIX](http://www.marymount.edu/TitleIX). It is the student's responsibility to read and comply with this Policy, as well as all others that may be applicable. University policies and procedures are subject to change from time to time.

### **Purpose and Statement of Intent**

Marymount University is a Catholic institution of higher education, founded by the Religious of the Sacred Heart of Mary (RSHM), and committed to excellence in teaching, learning, scholarship and service. As such, the University acknowledges specific core values that guide and govern the actions of its community. The University encourages all members of our community to participate in the process of creating a safe, welcoming, and respectful campus environment.

This Policy prohibits a broad continuum of behaviors, all of which constitute a form of sexual or gender-based harassment. Sometimes, discrimination involves exclusion from activities or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence.

The University community has a responsibility to maintain an environment free from Prohibited Conduct. The University is committed to taking all appropriate steps to eliminate Prohibited Conduct, prevent its recurrence, and address its effects. The University is committed to fostering a climate free from sex and gender-based harassment, sexual assault, stalking, intimate partner violence, and/or retaliation through clear and effective policies, coordinated education and prevention programs, and prompt and equitable procedures for resolution that are accessible to all.

The University will not tolerate retaliation or attempts of retaliation against an individual who makes a report of Prohibited Conduct or participates in an investigation. Retaliation, whether actual or threatened, destroys the sense of community and trust that is central to a quality environment. The University Policy prohibits any form of reprisal or retaliation and community members engaging in reprisals or retaliation will be subject to disciplinary action, whether such acts are implicit or explicit, or committed directly or indirectly.

The University will make every reasonable effort to stop retaliation immediately, to conduct a complete and thorough investigation of alleged acts of retaliation in a timely manner, to provide remedies to victims of retaliation and to sanction the perpetrators of retaliation as appropriate.

### **Scope of Policy**

This policy applies to all students; student organizations; employees, including staff, faculty, and administrators; and all other persons that participate in the University's educational programs and activities, including third-party visitors on campus. This policy prohibits this conduct regardless of whether the complainant and respondent are members of the same or opposite sex or gender.

The University has jurisdiction to take disciplinary action against a respondent who is a current student or employee of the University. Each member of the University community is responsible for conducting themselves in accordance with this Policy and other university policies and procedures. All members of the University community have a responsibility to adhere to university policies and local, state, and federal law.

The Policy applies to Prohibited Conduct that occurs:

1. on campus or other property owned or controlled by the University;
2. in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs; or
3. outside the context of University employment or a University educational program or activity, but has continuing adverse effects on or creates a hostile environment for an individual while on the University's campus or other property owned or controlled by the University or in any University employment or educational program or activity.

This Policy may also apply to Prohibited Conduct online, including via email, blogs, web page entries on social or digital media sites such as Facebook, Twitter, Instagram, Snapchat, Tik Tok and other similar online postings that are in the public sphere and are not private. These postings can subject a university community member to allegations of conduct violations. The University does not regularly search for this kind of information but may take action if and when such information is brought to the attention of University officials.

This Policy sets forth the procedures that will be used to investigate and respond to reports of Prohibited Conduct. The University will respond to reports about Prohibited Conduct with measures designed to eliminate the conduct, prevent its recurrence, and remedy any adverse effects of the conduct on individuals, members of the campus community, or University-related programs or activities. In addition, the University may impose supportive measures prior to the conclusion of the investigation to provide the parties with continued access to University programs and activities and protect individual and campus safety.

The procedures contained in this Policy are designed to enable the University to respond to reports in good faith, in accordance with applicable law, and in a manner that promotes fairness, impartiality, and prompt resolution for all parties. Not all circumstances can be fully accounted for in this Policy. The University reserves flexibility and the right to modify its procedures or to take other administrative action as it deems appropriate to address applicable legal requirements or unique circumstances.

If the Respondent is unknown or is not a member of the Marymount community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of Marymount's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

The Title IX Coordinator may refer a report of conduct that does not constitute Prohibited Conduct under this policy, in the discretion of the Title IX Coordinator, but may violate other university policies including but not limited to Student Community Conduct Code, Non-Discrimination and Anti-Harassment Policy, Faculty Handbook, and other Human Resources policies to the the appropriate university administrator responsible for resolving the additional allegations. The Title IX Coordinator will make the final decision as to which process will be used for resolving the additional allegations.

This Policy is applicable to all forms of "Prohibited Conduct" as defined by this Policy. This Policy also prohibits gender-based harassment that does not involve conduct of a sexual nature, including hazing, stalking and failure

to provide equal opportunity in admissions, employment, or athletics. This Policy is applicable to Prohibited Conduct against University community members of any gender, gender identity, gender expression or sexual orientation by any member of the University community, including students, faculty, staff, administrators, Board members, consultants, vendors, and others engaged in business with the University.

The University, as an educational community, will promptly and equitably respond to reports of Prohibited Conduct in order to eliminate the Prohibited Conduct, prevent its recurrence, and address its effects on any individual or the community.

### Title IX Coordinator

Questions or concerns regarding Marymount and Title IX may be directed to one or more of the following resources:

NAME	EMAIL	PHONE NUMBER
Marymount University Kaylee Chappell University Title IX Coordinator Berg Hall, 1001	TITLEIX@marymount.edu	(703) 526-6940
United States Department of Education: Office for Civil Rights	ocr@ed.gov	(800) 421-3481

### Emergency Response

NAME	LOCATION & HOURS	PHONE NUMBER
Marymount University Department of Campus Safety	Main Guardhouse – Lee Highway Entrance 2807 N. Glebe Road  Hours: 24/7	(703) 284-1600
Arlington County Police Department		(703) 558-2222
Fairfax County Police Department		(703) 691-2131
Emergency Law Enforcement Response	<ul style="list-style-type: none"> <li>◆ Alexandria Police Department</li> <li>◆ D.C. Metro</li> <li>◆ Fairfax County Police (Reston Campus is in Fairfax County)</li> </ul>	911 (from anywhere)

## Medical Treatment

FACILITY NAME	LOCATION & HOURS	PHONE NUMBER
Inova Fairfax Hospital	3300 Gallows Road Falls Church, Virginia 22042 Provides medical treatment, forensic exams, and Sexual Assault Nurse Examiner. (Closest SANE hospital)	(703) 776-6666
Inova Alexandria Hospital	4320 Seminary Road, Alexandria, Virginia 22304 Provides medical treatment and sexual assault forensic exams.	(703) 504-3000
Marymount University Student Health Services	Hours: Monday–Friday: 8:30am– 5:00pm  Provides medical treatment. Closed University Holidays	(703) 284-1610

## Confidential Resources

OFFICE NAME	LOCATION	PHONE NUMBER
Marymount University Student Counseling Services	Berg Hall, 1014  Closed University Holidays.  The Counselor-on-Call may be reached 24/7 through Campus Safety at <b>(703) 284-1600.</b>	(703) 526-6861
Marymount University Student Health Services	Berg Hall, 1014  Provides medical treatment.  Closed University Holidays.	(703) 284-1610
Marymount University Campus Ministry University Chaplain	Gerard Hall, First Floor  Provides religious counseling and support.	(703) 284-1607

To read more about Title IX of the Education Amendment of 1972, please visit:  
<https://www.justice.gov/crt/title-ix-education-amendments-19>

## Notices to Students

- Marymount University reserves the right to amend, with or without notice, its fees and charges, course offerings, university policies, calendars, regulations, and other provisions cited in this publication.
- By a February 9, 1965 resolution of its board of directors, Marymount College of Virginia, now Marymount University, assured compliance with Department of Health, Education, and Welfare Title VI of the Civil Rights Act of 1964, with compliance registered as of April 2, 1965.
- Marymount University is an Affirmative Action and Equal Employment Opportunity employer.
- By enrolling in classes at Marymount University, a student consents to the use of their name, likeness, image and voice by the university or its designees in any medium such as publications, websites, and social media for all purposes (including advertising and promotional materials), in electronic or hard copy. Any student who does not want their individual photograph or image to be used should notify the photographer/videographer and submit a Request to Withhold Image form through the student portal.

## Notice of Non-Discrimination

*Marymount University is an affirmative action/equal opportunity employer.* Marymount University does not discriminate on the basis of race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity and expression, marital status, pregnancy, veteran status or any other protected bases under applicable federal and local laws and regulations in any of its programs or its activities, including employment and admission. The university also expressly prohibits any form of sex discrimination and sexual misconduct including sexual harassment, dating and domestic violence, rape, sexual assault, sexual exploitation and stalking in any of its programs or activities, including employment and admission.

By a February 9, 1965, resolution of its board of directors, Marymount College of Virginia, now Marymount University, assured compliance with Department of Health, Education, and Welfare Title VI of the Civil Rights Act of 1964, with compliance registered as of April 2, 1965.

Inquiries regarding these issues may be directed to: Assistant Director for Community Standards & Title IX Coordinator (Campus Location: Berg – 1001; Email: [titleix@marymount.edu](mailto:titleix@marymount.edu); Telephone Number (703) 526-6940); the Vice Provost for Academic Affairs serves as the University's Section 504/ADA Coordinator (Campus Location: Chap 2010; Email: [sfoster@marymount.edu](mailto:sfoster@marymount.edu); Telephone Number (703) 284-5934) at Marymount University 2807 North Glebe Road, Arlington, VA 22207. Individuals with inquiries regarding these issues are encouraged to first contact the employees listed above. Individuals with inquiries about Title IX may also choose to contact the [U.S. Department of Education's Office for Civil Rights](#).

A copy of the university's Title IX and non-discrimination policies and grievance procedures are available here: <https://marymount.edu/student-life/health-wellness/title-ix-2/>. A hard copy of these policies and grievance procedures may be obtained by contacting the employees listed above. These policies and grievance procedures provide individuals information about conduct that may constitute sex discrimination under Title IX and how to make a complaint of sex discrimination.



## Student Organization Registration Policy

### Registered Student Organizations

Marymount University encourages students to take an active role in student organizations and supports a variety of organizations to meet the diverse needs and interests of its students. Marymount University only recognizes student organizations whose constitutions and activities are consistent with the educational mission, Marymount University Catholic Identity, and the RSHM traditions of the University. Organizations are considered formally recognized by Marymount University and the Office of Student Engagement and Leadership once they have met specific criteria.

### Privileges and Expectations of Student Clubs/Organizations

All registered student organizations are granted the following privileges:

- Inclusion in the official directory of campus organizations as well as other university publications;
- Represent themselves as being affiliated with Marymount University;
- Recruit members on campus;
- Use of campus facilities and resources for meetings and activities;
- Ability to request funds from the Student Organization Council (SOC) Treasury Board; and
- Opportunities to participate in SOC leadership trainings and workshops.

All registered student organizations must:

- Follow all university policies, including but not limited to the Student Community Conduct Code, and Student Engagement and Leadership policies and procedures;
- Renew recognition annually via MUEngage;
- Participate in all Student Organization Council (SOC) meetings (at least one representative per organization);
- Participate in the Student Organization Expo (once per semester);
- Host monthly scheduled general body meetings;
- Host one on-campus program per semester (service, educational, engagement);
- Regularly update, and track attendance using MUEngage for all events open to the general MU Community and organization general body meetings; and
- Complete 10 hours of community service as an organization (per semester).

As the issuing authority, the Office of Student Engagement and Leadership has the right to modify, amend, suspend, or otherwise change any policy in the Student Organization Manual with or without prior notification to student organizations. The Student Organization Manual can be found on the Office of Student Engagement and Leadership organization page on MUEngage.

## File Sharing and Copyright Policy

Copyright law, an area of intellectual property law, exists to balance the property interests of authors and their creative and intellectual works and the rights of the public. The law allows authors to control the use and distribution of their works and to determine how others may or may not capitalize on their intellectual property. This area of the law also defines fair use doctrine and the rights of the general public and academic community.

Marymount University policy requires that all students, faculty, and staff comply with all federal, state, and local laws, including use of copyright materials. For example, while peer-to-peer services and protocols such as BitTorrent are legal technologies, many of the files shared through these technologies are copyrighted.

The use of these or any other services for the purpose of the unauthorized distribution of copyrighted materials is a violation of federal copyright law and the Marymount University Student Community Conduct Code, specifically Policy Section 5.B. – Violating the Marymount Technology Resource Use Policy.

The Recording Industry Association of America, Motion Picture Association of America, Entertainment Software Association, and other organizations that represent the intellectual property rights of copyright holders closely monitor the use of peer-to-peer networks for violations of copyright laws.

These organizations provide notification to the University of any such violations involving the Marymount University network.

Sanctions issued by Marymount University are based upon the severity of the infraction and may include but are not limited to warnings, educational sanctions, disciplinary probation, loss of housing, and in the most severe cases suspension or expulsion. When Marymount University receives a complaint alleging that a student is in violation of copyright law, Marymount University will suspend that student's Marymount account (which includes access to technology resources such as systems, networks and email) until the case can be adjudicated. Violations of copyright law can result in criminal and civil penalties in addition to sanctions imposed by Marymount University.

Marymount University expects that all students, faculty, and staff be fully knowledgeable of the materials they are using, receiving, and distributing on Marymount University technology resources. If you have additional questions about Marymount University policies, please contact IT Services at [its@marymount.edu](mailto:its@marymount.edu).

### **Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws**

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code).

These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Copyright infringement can result in civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For “willful” infringement, a court may award up to \$150,000 per work infringed. A court can, at its discretion, also assess costs and attorneys’ fees. For details, see Title 17, United States Code, Sections 504 and 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), especially their FAQs at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).

### **Legal Alternatives to the Unauthorized Distribution of Copyrighted Materials**

For a more detailed list, please utilize the EDUCAUSE list of legal content located [www.educause.edu/legalcontent](http://www.educause.edu/legalcontent).

#### **Pay per Song/Movie/Game Websites:**

- iTunes – [www.itunes.com](http://www.itunes.com)
- Amazon – [www.amazon.com](http://www.amazon.com)
- Google Play – [play.google.com](http://play.google.com)
- Steam – [store.steampowered.com](http://store.steampowered.com)

#### **Subscription Services:**

- Apple Music – [www.apple.com/music](http://www.apple.com/music)
- Amazon Prime Music & Video – [www.amazon.com](http://www.amazon.com)
- Netflix – [www.netflix.com](http://www.netflix.com)

#### **Free Services:**

- Pandora – [www.pandora.com](http://www.pandora.com)
- Spotify – [www.spotify.com](http://www.spotify.com)
- Hulu – [www.hulu.com](http://www.hulu.com)

## Technology Resource Use Policy

All users have the responsibility to use the Marymount University technology resources in an efficient, ethical, and legal manner, consistent with the goals of the University. Technology users are expected to abide by the following policies, which are intended to preserve the utility and flexibility of the university's technology resources and infrastructure; protect the work of students, faculty and staff; and preserve the right to access networks to which the university is connected. These policies operate in conjunction with the University's Academic Integrity Policy and its Student Community Conduct Code. These policies are representative but not all-inclusive. Individual Marymount University computer labs may post additional operational rules and restrictions that are considered part of the Marymount University Technology Resource Use Policy. Users are responsible for reading and following these rules.

Marymount University also maintains electronic data on students, personnel, and financial records that are integral to the administration of the University. The University has the responsibility to manage this data and to provide the security necessary for their use.

Users will be assigned a Marymount University account to access Marymount technology resources. The University reserves the right to access accounts and the system at any time at its sole discretion.

User passwords allow access to Marymount accounts. It is the user's responsibility to protect their account from unauthorized use by changing passwords at least every 180 days and by using passwords that meet the University's "strong" password standards. Given the seasonal nature of the academic calendar, password changes will not be required during Summer Term.

If a password expires, then the account will be deactivated. Requests to re-activate the account should be submitted to IT Support Services prior to account deletion. Accounts in a deactivated state for 180 days will be deleted from Marymount systems, including deletion of the associated Gmail account. In the event that an account needs to be re-enabled following the purge date, the account will be created as a completely new account.

Accounts may continue to be used following graduation or separation from the University for users in good standing. However, the Chief Information Officer reserves the right to discontinue user privileges for individuals no longer enrolled with the University.

IT Services recommends that users change their password more frequently than required. If a user believes that their password has been compromised (e.g. if another user may have viewed or acquired the password), the password should be changed immediately.

Users must identify themselves clearly and accurately in electronic communications. Concealing or misrepresenting a name or affiliation is a serious abuse. Using identities of other individuals as one's own constitutes fraud. Users are prohibited from sharing their password or account credentials with unauthorized persons (e.g. campus guests or relatives).

A password is private information. Users must never give out their IDs or passwords to anyone. Sharing an ID or password or logging on and allowing another person to access information is a violation of this policy. The user is responsible for all transactions which take place under their ID.

## **General Use Responsibilities**

Accept responsibility for your own work by learning appropriate uses of technology resources to maintain the integrity of what you create.

Keep archives and backup copies of important work; learn and properly use the features for securing or sharing access to your files on any computers you use.

Any attempt to circumvent system security or authentication, guess other passwords, intercept or monitor data or in any way gain unauthorized access to technology resources is forbidden. Distributing passwords or otherwise attempting to evade, disable or “crack” passwords or other security provisions threatens the work of many others and is therefore grounds for immediate suspension of your privileges. You may not develop programs or use any mechanisms to alter or avoid accounting for the use of technology resources or to employ means by which the infrastructure and systems are used anonymously or by means of an alias.

Information Technology Services may impose limitations or restrictions on technology resources, such as storage space, time limits, bandwidth throttling or amount of resources consumed when necessary. In addition, personal network devices are prohibited from connecting to the university network, including wireless routers, switches and hubs.

Computer use for course-related assignments takes priority over exploratory use.

Information Technology Services may restrict access to certain sites, services or programs for security or administrative purposes.

Users are expected to refrain from engaging in deliberately wasteful or resource consuming practices such as sending spam or file sharing (e.g. BitTorrent). Creation or intentional release of computer viruses or malware or any other actions to compromise or gain unauthorized access to a technology resource is forbidden. Unauthorized transferring of copyrighted materials to or from the Marymount University network without express consent of the owner is a violation of federal law. In addition, use of the Internet from an educational site for commercial gain or profit is prohibited.

Use of technology resources to harass, offend, or annoy other users is forbidden. Obscene, defamatory, or any other material which violates university policy on Nondiscrimination, or the Student Community Code of Conduct will not be tolerated on Marymount University technology resources.

## **Facilities**

Users are expected to take proper care of the equipment in Marymount facilities. Food, drink, and smoking are not permitted in university computer labs. Please report any malfunctions to the lab assistant on duty or send an email to [its@marymount.edu](mailto:its@marymount.edu). Do not attempt to move, repair, reconfigure, modify, or attach external devices to the systems.

## **Enforcement**

Violations of this policy may be treated as violations of university policy and/or as violations of civil or criminal law. Information Technology Services (ITS) will investigate apparent or alleged violations of these guidelines. The Chief Information Officer reserves the right to suspend user privileges, pending investigation of a suspected violation of this policy. Such action will be taken to protect the security and

integrity of all university computer systems, network and administrative information repositories and will take precedence over its impact on the individual's work.

When appropriate, at the discretion of the Chief Information Officer, cases of apparent abuse will be reported to the Office of Student Conduct and Conflict Resolution. The Office of Student Conduct and Conflict Resolution is responsible for determining any further disciplinary action. Upon finding of a violation, disciplinary measures may include warnings, suspension of user privileges (temporary or permanent), disciplinary probation, suspension, or dismissal from the University.

The University may also pursue civil and/or criminal charges if it deems appropriate.

## Family Educational Rights and Privacy Act (FERPA) Policy

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. Those rights are the following:

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 registrar or appropriate dean, vice president, or other official written requests that identify the record(s) they wish to inspect. The university official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the university official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write to the university official responsible for the record, clearly identify the part of the record they want changed and specify why it is inaccurate or misleading. If Marymount 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 their right to a hearing regarding the requests for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic, research or support staff position; a person or company with whom the University has contracted (such as an attorney, auditor or collection agent); a person serving on the board of trustees; or a student serving on an official committee such as a disciplinary or grievance committee or assisting another school official in performing their tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility. Upon request, Marymount discloses education records without consent to officials of another school in which a student seeks enrollment or intends to enroll.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Marymount University 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.

### Public Notice Designating Directory Information

Marymount designates the following information contained in students' education records as "directory information." Directory information may be disclosed by the university without the student's prior consent pursuant to the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). However, the University is not required to disclose directory information and, therefore, carefully evaluates requests for information. At Marymount University, directory information includes the student's name, mailing address, telephone number, email address, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (undergraduate or graduate; full time or

part time), participation in officially recognized activities or sports, height and weight of student athletes, degrees, honors (including Dean's List) and awards received and the most recent educational agency or institution attended.

Virginia law precludes Marymount from disclosing the address, telephone number, or email address of a currently enrolled student, pursuant to 34 C.F.R. § 99.31(a)(11), unless: (a) disclosure is otherwise required by state or federal law; or (b) the disclosure is to students enrolled in the institution for educational purposes or institution business; or (c) the student has affirmatively consented in writing to such disclosure. This subsection does not apply to disclosures, other than those disclosures pursuant to 34 C.F.R. § 99.31(a)(11), permitted under FERPA.

Currently enrolled students may request that the university withhold disclosure of directory information under FERPA, by meeting with the university registrar. Currently enrolled students may meet with the university registrar at any time throughout the year. A request to withhold directory information will immediately affect prospective disclosures. Marymount University assumes that failure on the part of any student to specifically restrict the disclosure of directory information indicates individual approval for disclosure. Former students may not place a new request to restrict disclosure of directory information on their education records, but they may request removal of a previous request for nondisclosure.



## Student Involuntary Withdrawal Policy

Marymount University is committed to providing a safe and equitable living, learning and working environment for all members of the Marymount University community. The Marymount University Student Involuntary Withdrawal Policy (SIWP) may be applied as a response to student conduct that threatens the welfare of the University. There are times when the University must balance the safety and well-being concerns of an individual student with the safety and well-being needs of the larger University community. This is a non-disciplinary process invoked to address the exceptional cases in which a student may be a potential threat to self, others or property; engages in behavior that increasingly interferes or disrupts the orderly operation of the University and its learning environment; has behavioral needs that exceed the University's available resources and support services; or creates any other conditions that are disruptive and harmful to the University community. There may be situations in which both SIWP and the Student Community Conduct Code may apply. In all cases, the Threat Assessment Team (TAT) will coordinate the enactment, enforcement, and management of the involuntary withdrawal of a student. The TAT will provide timely, written notice to the student of the decision. A student may appeal this decision to the Assistant Vice President and Athletics Director within five (5) business days of receiving notice. The University will make every reasonable effort to resolve the student issue before initiating this process. The student's parents, guardians, or emergency contact may also be notified of the decision to implement this process.

### Criteria

A student may be withdrawn involuntarily if the University determines that the student:

- a. presents a potential threat of harm to self, others or property;
- b. engages in behavior that increasingly interferes or disrupts the orderly operation of the University and its learning environment;
- c. has behavioral needs that exceed the University's available resources and support services; or
- d. creates any other conditions that are disruptive and harmful to the University community.

### Procedure

When the TAT has reasonable cause to believe that a student meets one or more of the criteria for involuntary withdrawal, they may initiate an assessment of the student's ability to safely participate in the University community.

1. The TAT will collect all available information obtained from incident reports, educational records, observations from faculty, staff, and students, expert opinions of appropriate professionals and any other information deemed relevant to the concerning behaviors of the student.
2. The TAT will make every reasonable attempt to meet with the student to discuss the concerning behavior, provide the student with information regarding the involuntary withdrawal policy, and discuss options available to the student which may include mandatory counseling, voluntary withdrawal, safety evaluation, and removal from the University. During this meeting the student will have the opportunity to explain the concerning behavior. The student may have a silent support person (parent, guardian, friend, advocate) attend this meeting.
3. The TAT may refer the student for evaluation by an appropriate certified professional. The professional making the evaluation will make an individualized and objective assessment of the student's ability to safely participate in university community life.

4. Following the review of all available, relevant information, a decision will be reached by the TAT, and the student will be informed in writing of the decision. If an involuntary withdrawal is imposed, a Letter of Notification will be sent to the student, and terms and conditions that would permit the student to return to the University will be included.

The Letter of Notification will include that the student is not permitted to access University housing, University facilities, and/or campus (including classes), and all other University activities or privileges for which the student might otherwise be eligible. The student will only be allowed to enter the campus for a legitimate business purpose and with prior approval from the Department of Campus Safety.

5. A student who is involuntarily withdrawn shall have a Student Services (SS) hold placed on their student account until a determination is made that the student is fit to return.
6. If a review of the available information leads the TAT to believe that pursuing an involuntary withdrawal is not appropriate, the University may still impose conditions or requirements under which the student is allowed to remain enrolled.
7. A student's failure to schedule or attend a meeting concerning this incident will not prevent the TAT from moving forward with SIWP.

### **Evaluation**

1. As part of the initial assessment or as part of the conditions for reinstatement at the University, the TAT may request a mandatory evaluation of the student by an appropriate licensed healthcare professional or other appropriate certified professional, including Student Counseling Services. The student may be placed on temporary suspension from the University until the evaluation is completed.
2. Prior to the evaluation, the student will be asked to sign a written release authorizing the exchange of relevant information among the health professional(s) (or other professional) and the University. Upon completion of the evaluation, copies of the evaluation report will be provided to the TAT and to the student.
3. The evaluation shall include a determination of the nature, duration, and severity of the risk posed by the student to the health or safety of themselves or others, the probability that a potentially threatening incident will actually occur, and whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk.
4. Failure to appear for a mandated evaluation will result in an involuntary withdrawal without further process.

### **Interim Action**

The University may take interim action to remove a student from campus pending a decision on whether to initiate the involuntary withdrawal, if such action is deemed necessary for the safety of the student and/or the University community. When possible, alternative arrangements will be made for the student to continue to meet academic requirements during an interim removal. A campus barring notice may be issued to the student based on the circumstances.

## **Appeal**

The student may appeal the determination of involuntary withdrawal to the Assistant Vice President and Athletics Director. The appeal must be in writing and must be submitted within five business days of receiving the determination. The Assistant Vice President and Athletics Director will issue a decision within five business days. That decision is final. If the Assistant Vice President and Athletics Director determines that the student should be permitted to return to campus, the University may still impose conditions or requirements under which the student is allowed to remain enrolled.

## **Readmission**

A student who is involuntarily withdrawn may not re enroll or be readmitted to the University before the start of the next term. Approval may only be granted if the TAT determines that the behaviors or conditions that caused the withdrawal are no longer present and any terms or conditions imposed at the time of the involuntary withdrawal have been fulfilled. The TAT may require any documentation or evaluation that it deems necessary to make a determination of whether the student can return safely to the university community. The student is not entitled to a hearing on the determination. The TAT may decide that the student is eligible for return but also, if appropriate, provide the student with conditions or requirements for continued enrollment to ensure that the student's behavior no longer poses a direct threat of harm to the University community and/or others. If the decision not to readmit is made, the TAT will provide a rationale for the decision and/or additional conditions for the student to meet. The student may appeal the decision of the TAT regarding readmission to the Assistant Vice President and Athletics Director by submitting a written appeal within 3 days of receipt of the readmission decision.

## **Records and Fees**

All records related to the involuntary withdrawal process will be maintained by the Assistant Director for Community Standards and Title IX Coordinator and will be kept confidential in accordance with FERPA.

The normal policies and procedures for tuition, financial aid, and fee refunds for students who withdraw during an academic term, as described in housing contracts and other university policies, will apply to students who are withdrawn pursuant to this policy. In most cases, a student who is involuntarily withdrawn will be given a grade of W in all courses in which the student is currently enrolled.

The involuntary withdrawal process does not dismiss nor waive any legal, disciplinary, housing, meal plan, or other student responsibilities to the University. The student should notify and settle all outstanding accounts with the Office of Student Accounts, Financial Aid, Housing, and Dining Services.

## Medical Leave Policy

### Short-Term Emergency Notification

A student who experiences an illness, medical or mental health emergency, death in the family, or family emergency that causes absence from classes for a short period of time (e.g. several days and up to two weeks) should contact the Office of Student Health and Well-being, which may issue an Emergency Notification to the student's instructors, advisors, and Dean. This notice does not excuse students from class work, but only makes the student's instructors aware of the situation. The student is expected to make arrangements for missed assignments directly with the instructor and follow the course attendance policy.

If a student's condition is serious enough to prevent the student from completing the semester, the student should follow the process for requesting a medical leave as described in this Policy. The Office of Student Health and Well-being and the student's Associate Dean are available to consult with students as they weigh their options.

### Leave of Absence

#### A. Medical Leave of Absence

A degree or certificate-seeking student who cannot continue enrollment for medical reasons may request a medical leave. A medical leave means that the student will be withdrawn from all courses in which the student is enrolled that semester. The University does not grant a medical leave from only one or multiple courses except in very rare circumstances where there is a connection between the medical concern and the requirements of a specific class (e.g. a physical injury prevents a student from completing a clinical rotation but not from completing coursework). A student may be unregistered from courses for subsequent semesters. If the medical leave occurs after the deadline to drop, the student receives a W grade on the transcript. Students granted medical leave will be placed on Continuous Registration (see Continuous Registration policy) for the current academic semester. If a student requires more than one academic semester leave, they can petition to extend the absence (see Continuous Registration policy). Tuition and fee refunds are based on the published dates on the Academic Calendar. There is no refund beyond these published dates. Credits earned elsewhere while on leave will be accepted as transfer credits according to university policy.

- a) Student (parent, spouse or legal guardian) requesting a medical leave should:
  1. Submit the Leave of Absence Form obtained from the Office of the Registrar to registrar@marymount.edu during the active semester by last day to withdraw from classes;
  2. Attach supporting medical documentation such as doctor's note, military papers, licensed clinician's note (not a family member) that attests to the medical necessity for leave. Note that requests made without this required documentation will not be considered; Be a current student; no retroactive leaves will be reviewed; and
  3. Not have taken any final examinations or culminating assignments during the current semester.

Final approval for medical leave is granted by the Office of the Provost in consultation with the Office of Student Health and Well-being.

- b) Students requesting to re-enroll after a medical leave should:

1. Make an appointment to meet with the Assistant Vice President and Athletics Director or designee no later than two weeks prior to the last day to add classes for the semester in which the student would like to return. No later than one week prior to the meeting, the student must provide electronic copies of the following to the Assistant Vice President and Athletics Director:
  - A letter of intent to resume studies and residential living (if applicable), and
  - A letter from the student's licensed health care provider stating their recommendation for the student to return to academic study along with any recommendations for continued treatment. If the student lives in Marymount sponsored housing, this documentation must also speak to the student's ability to return to community living.
2. Upon receipt of the above documentation, the student may be provided a release form to complete which will allow the Assistant Vice President and Athletics Director to speak to the student's licensed health care provider in order to provide ongoing support to the student.

A student must be in good academic standing according to the university policy and the student account must be paid in full before registering.

### **B. Non-Medical Leave of Absence**

A degree or certificate-seeking student who cannot continue enrollment for non-medical reasons (i.e. employment, personal or family reasons) may request a non-medical leave of absence. A non-medical leave means that the student will be withdrawn from all courses in which the student is enrolled that semester; the University does not grant a non-medical leave from only one or multiple courses. A student may be unregistered from courses for subsequent semesters. If the non-medical leave occurs after the deadline to drop, the student receives a W grade on the transcript. Students granted non-medical leave will be placed on Continuous Registration (see Continuous Registration policy). If a student requires more than one academic semester leave, they can petition to extend the absence (see Continuous Registration policy). Tuition and fee refunds are based on the published dates on the Academic Calendar. There is no refund beyond these published dates.

Non-degree students and alumni auditors are not eligible for leave of absence and should follow the published course withdrawal policy.

## Student Search Policy

This policy applies to students and their guests. Students are responsible for informing their guests of University policies. In the event that there exists reasonable cause of a violation of (1) University policy (2) state, federal, or local statute or regulation or (3) conduct related to the health, safety or welfare of the University community, the University reserves the right to search the possessions of students' and their guests in any Marymount-owned or operated facility or campus location, included but not limited to rooms, offices, storage spaces, closets, common areas, and lockers and the belongings within those lockers without prior notice to the student or guest. For the purposes of this policy, "reasonable cause" is defined as credible information provided to University Officials that a student or their guest is in violation of one of the above criteria.

Per the University's vehicle search policy, any vehicle parked on University property is subject to search without prior notice. Searches will be conducted by the Department of Campus Safety after authorization of the appropriate University Official, as follows:

**Residence hall rooms, lounges, and spaces** – Assistant Vice President for Student Engagement & Leadership & Residential Life, Director of Residential Experience, or designee

**All other Student Spaces** – Director of Campus Safety and Transportation or designee

For residence hall room searches, the University will make every attempt to contact the occupant(s) of the room or in question. In cases where the student(s) cannot be located, University officials and/or Campus Safety will conduct their investigation by documenting the search of areas reasonably related to the alleged policy violation. In all cases of room entry or searches where the student is not available or cannot be contacted, appropriate University officials and or Campus Safety will leave written notice that the room was entered and/or searched and specify the reasons for the search.

In the event that the University identifies any locked/secured container(s) during a search reasonably believed to be relevant to the search, the appropriate University Official will request that the student responsible for the space open the locked container. In the event the student refuses, is unable to grant access, or is unable to be contacted, the Department of Campus Safety will confiscate and secure the container. If the container is affixed to any University structure, the University will remove the container and any damages incurred from the removal will be billed to the student. After a reasonable effort has been made to contact the student and offer the opportunity to open the container, the University may employ a professional to open the container at the expense of the student and/or may contact the appropriate law enforcement agency. The University may turn over any materials found during the search that are reasonably believed to be illegal to the appropriate law enforcement agency.

## Car Search Policy

Cars parked on campus may be searched when there is reasonable cause of a violation of (1) University policy (2) state, federal, or local statute or regulation or (3) conduct related to the health, safety or welfare of the University community. When a search is necessary it will be conducted by at least two (2) university officials. For the purposes of this policy, “reasonable cause” is defined as credible information provided to University Officials that a student or their guest is in violation of one of the above criteria.

Prior to the search, the Vice President for Financial Affairs and Treasurer or designee will authorize the search.

The University Official(s) authorizing the search will prepare a written statement that specifies the reason for the search, the specific vehicle information, and the objects being sought. Only personal property that a student possesses illegally, in violation of university policy, or that threatens the health, safety, or ability of any member of the Marymount community will be confiscated.

# Marymount University Resource Card 2023-2024

When dialing from off campus,  
please use 703-XXX-XXXX

## WHEN YOU WANT TO REPORT...

A COMPLAINT AGAINST A STUDENT.....	CAMPUS SAFETY AND EMERGENCY MANAGEMENT.....	284-1600
A COMPLAINT AGAINST A STAFF MEMBER.....	HUMAN RESOURCES.....	284-1680
A COMPLAINT AGAINST A FACULTY MEMBER.....	ACADEMIC AFFAIRS.....	284-1550
A COMPLAINT OF DISCRIMINATORY HARASSMENT...	TITLE IX COORDINATOR.....	526-6940
A CRIME ON CAMPUS.....	CAMPUS SAFETY AND EMERGENCY MANAGEMENT.....	284-1600
A SEXUAL MISCONDUCT COMPLAINT.....	TITLE IX COORDINATOR.....	526-6940

## QUESTIONS RELATING TO....

GENERAL STUDENT ISSUES.....	AVP STUDENT ENGAGEMENT AND LEADERSHIP.....	284-1609
PUBLIC SAFETY ISSUES.....	CAMPUS SAFETY AND EMERGENCY MANAGEMENT.....	284-1600
RELIGIOUS ISSUES.....	MINISTRY AND SPIRITUAL LIFE.....	908-7843
ENVIRONMENTAL HEALTH ISSUES.....	CAMPUS PLANNING AND MANAGEMENT.....	284-1491
STUDENT HEALTH ISSUES.....	STUDENT HEALTH SERVICES.....	284-1610
STUDENT PSYCHOLOGICAL ISSUES.....	STUDENT COUNSELING SERVICES.....	526-6861
STUDENT HOUSING ISSUES.....	STUDENT LIVING AND ENGAGEMENT.....	284-1608
STUDENT DISABILITY ISSUES.....	STUDENT ACCESS SERVICES.....	284-1538
OFF-CAMPUS/COMMUTER STUDENT ISSUES.....	STUDENT AFFAIRS.....	284-1615

## WHEN YOU WANT TO REPORT....

SUSPICIOUS ACTIVITY ANONYMOUSLY.....	<a href="http://www.marymount.edu/Student-Life/Health-Wellness/Campus-Safety/Security-on-Campus/Anonymous-Tip-Line?lang=en-US">http://www.marymount.edu/Student-Life/Health-Wellness/Campus-Safety/Security-on-Campus/Anonymous-Tip-Line?lang=en-US</a>	703-247-8345
EMERGENCY ON CAMPUS.....		284-1600 OR 911
EMERGENCY UPDATES FOR THE PUBLIC.....		526-6888
RAPE/DOMESTIC VIOLENCE- ARLINGTON COUNTY HOTLINE.....		703-228-4848



# Change Log

The following document changes made to the *Student Community Conduct Code* after the publication of the abridged version.

Date of Change	Description of Changes