

CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

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The Marian University *Code of Student Rights and Responsibilities* is adapted from the NCHERM Group Model Developmental Code of Student Conduct and is used here with permission.

PREFACE

Core Values of Student Conduct at Marian University

Based on the Franciscan Sponsorship Values:

Dignity of the Individual, Peace and Justice,
Reconciliation, and Responsible Stewardship.

- **Integrity:** Marian University students exemplify honesty, honor, and a respect for the truth in all of their dealings.
- **Community:** Marian University students are invited to build and enhance their community.
- **Social Justice:** Marian University students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors.
- **Respect:** Marian University students show positive regard for each other, for property, and for the community.
- **Responsibility:** Marian University students are given and accept a high level of responsibility to self, to others, and to the community.

Marian University students are responsible for knowing the information, policies and procedures outlined in this document as well as all other printed university policies (student-athlete handbook, housing and residence life policies, IT acceptable use policy, for example). The university reserves the right to make changes to this code as necessary, and once those changes are posted online, they are in effect. Students are encouraged to check online [marian.edu/studentrights] for the updated versions of all policies and procedures.

Section One: Mission, Vision, and Philosophy

The Marian University mission *is to be a great Catholic university dedicated to providing students with excellent teaching and learning in the Franciscan and liberal arts tradition.*

Our vision is to provide an education distinguished in its ability to prepare transformative leaders for service to the world.

The Marian University community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life, thoughtful study, and discourse. The student conduct procedure is committed to an educational and developmental process that balances the interests of individual students with the interests of the university community.

A community exists on the basis of shared values and principles. At the university, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the *Code of Student Rights and Responsibilities*. These standards are embodied within a set of core values that include integrity, social justice, respect, community, and responsibility.

These core values are based on our Franciscan sponsorship values: *dignity of the individual, peace and justice, reconciliation, and responsible stewardship*. Our campus welcomes students of all faiths who seek an educational experience that emphasizes a Franciscan understanding of these values.

Each member of the university community bears responsibility for their conduct and assumes reasonable responsibility for the behavior of others. When members of the community fail to exemplify these values by engaging in violations of the rules below, student conduct procedures are used to assert and uphold the *Code of Student Rights and Responsibilities*.

The student conduct process at Marian University exists to protect the interests of the community and to challenge those whose behaviors are not consistent with the policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with the community's expectations. Students are encouraged to take responsibility for their actions, reconcile with the community and move forward in their personal and academic pursuits. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

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

Section Two: Jurisdiction

Students at Marian University are provided a copy of the *Code of Student Rights and Responsibilities* annually in the form of a link on the university's website. Students are responsible for reading and abiding by the provisions of the *Code of Student Rights and Responsibilities*.

The *Code of Student Rights and Responsibilities* and the conduct process apply to individual Marian University students including undergraduate, graduate, medical, and other students participating in academic programs of the university. This code also applies to university-affiliated registered student organizations. For the purposes of student conduct, the university may consider an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the university.

The university retains conduct jurisdiction over students who choose to withdraw or have graduated for any misconduct that occurred prior to the withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll or obtain official transcripts. All sanctions must be satisfied prior to re-enrollment eligibility or the degree may be revoked.

The *Code of Student Rights and Responsibilities* applies to behaviors that take place on the campus, at university-sponsored events and may also apply off-campus when the dean of students or designee determines that the off-campus conduct affects a substantial university interest. A substantial university interest is defined to include:

1. Any situation where it appears that the student may present a danger or threat to the health or safety of self or others;
2. Any situation that significantly impinges upon the rights, property, or achievements of self or others, or significantly breaches the peace or causes social disorder; or
3. Any situation that is detrimental to the educational mission or interests of the university.

The *Code of Student Rights and Responsibilities* may be applied to behavior conducted online, such as chat room harassment or bullying via email. Students must also be aware that blogs, web page entries on sites such as Facebook, Instagram, Twitter, and other similar online postings are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. Marian University does not regularly search for this information, but may take action if and when such information is brought to the attention of university officials. However, most online speech by students will be protected as free expression and not subject to this code, with two notable exceptions:

1. A true threat defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals;”
2. Disparaging speech posted online about the university or its community members that causes a significant on-campus disruption to university operations or mission.

The *Code of Student Rights and Responsibilities* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The code may also be applied to resident non-students, campers, and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of the university may seek resolution of violations of the *Code of Student Rights and Responsibilities* committed against them by members of the university community.

There is no time limit on reporting violations of the *Code of Student Rights and Responsibilities*; however, the longer someone waits to report an offense, the harder it becomes for university officials to obtain information and to make determinations regarding alleged violations. Though anonymous reports are permitted, doing so may limit the university’s ability to investigate and respond to a report. Those who are aware of misconduct are encouraged to report it as quickly as possible to university officials including the Office of the Dean of Students and university police.

Marian University email is the university’s primary means of communication with students. Students are responsible for all communication delivered to their university email address.

Section Three: Violations of the Law

Alleged violations of federal, state, and local laws may be investigated and addressed under the *Code of Student Rights and Responsibilities*. When an offense occurs over which the university has jurisdiction, the university conduct process will usually go forward notwithstanding any criminal report that may arise from the same incident.

Marian University reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation. When criminal charges are pending, the university may be delayed or prevented from conducting its own investigation and moving forward with a campus hearing. When this happens, the university will delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information from law enforcement upon which to proceed.

Students accused of crimes may request to withdraw from Marian University until the criminal charges are resolved. In such situations, the University Tuition and Refund Schedule applies and the university procedure for voluntary withdrawals is subject to the following conditions:

1. The respondent must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial;
2. The respondent must comply with all interim actions or restrictions imposed during the leave of absence; and
3. The respondent must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the student conduct process and must comply with all sanctions that are imposed.

Section Four: Expectations and Rules

Marian University considers the behavior described in the following sections as inappropriate for the university community, in opposition to the core values set forth in this document, and not in support of the university mission statement. These expectations and rules apply to all students, whether undergraduate, graduate, doctoral, or other students participating in academic programs of the university. This code also applies to university-affiliated registered student organizations. Furthermore, Marian University encourages community members to report to university officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 7: Formal Conduct Procedures.

Integrity: Marian University students exemplify honesty, honor, and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:

1. **Falsification.** Knowingly furnishing or possessing false, falsified, or forged materials such as falsification or misuse of documents, accounts, records, identification, or financial instruments;
2. **Academic Dishonesty.** Acts of academic dishonesty as outlined in the *Academic Conduct Procedures*;
3. **Unauthorized Access.** Unauthorized possession, duplication, or use of means of access to any university building (i.e. keys, cards, passwords, etc.) or failing to timely report a lost university identification card, key or other means of access;
4. **Collusion.** Action or inaction with another or others to violate the *Code of Student Rights and Responsibilities*;
5. **Trust.** Violations of positions of trust within the community;
6. **Election Tampering.** Tampering with the election of any university-affiliated registered student organization;
7. **Taking of Property.** Intentional and unauthorized taking of university property or the personal property of another;
8. **Stolen Property.** Knowingly taking or maintaining possession of stolen property.

Community: Marian University students are invited to build and enhance their community. Behavior that violates this value includes, but is not limited to:

9. **Disruptive Behavior.** Disruption of university operations including but not limited to teaching, research, administration, residential housing, other university activities, or other authorized non-university activities which occur on campus;

10. **Conduct inconsistent with university mission and values.** Conduct which is inconsistent with the Franciscan goals and values that are an integral part of Marian University's Catholic and Franciscan educational mission;
11. **Riots.** Causing, inciting, or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others or destruction of property;
12. **Unauthorized Entry.** Misuse of access privileges to university premises or unauthorized entry to or use of buildings, including trespassing, propping, or unauthorized use of alarmed doors for entry into or exit from a university building;
13. **Trademark.** Unauthorized use (including misuse) of university or organizational names and images;
14. **Damage and Destruction.** Intentional and unauthorized damage to or destruction of university property or the personal property of another;
15. **IT and Acceptable Use.** Violating the university's IT Acceptable Use Policy;
16. **Gambling.** Gambling as prohibited by the laws of the State of Indiana (may include raffles, lotteries, sports pools, and online betting activities);
17. **Weapons.** Possession, use, or distribution of explosives (including fireworks and ammunition), firearms (including air guns, BB guns, paintball, Tasers, facsimile weapons, and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives, including the storage of any item that falls within the category of a weapon in a vehicle parked on university property;
18. **Tobacco.** Smoking or tobacco use, including electronic cigarettes and similar devices, in any area of campus;
19. **Fire Safety.** Violation of local, state, federal, or campus fire policies including, but not limited to:
 - a. Intentionally or recklessly causing a fire which damages university or personal property or which causes injury;
 - b. Failure to evacuate a university-controlled building during a fire alarm;
 - c. Improper use of university fire safety equipment; or
 - d. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on university property. Such action may result in a local fine in addition to university sanctions;
20. **Ineligible Affiliation.** Students must be in good academic standing to be eligible to join a university-affiliated registered student organization. Additionally, students are not permitted to join a social Greek organization without permission of Marian University and prior to completion of 12 credit hours taken on a full-time basis (dual credit, AP credit, and CLEP credit do not count toward this requirement). Last semester grades are based on full time status. Some organizations may require a higher GPA;
21. **Animals.** Animals, with the exception of service animals and those listed in the housing and residence life policies/contracts, are not permitted on campus;
22. **Wheeled Devices.** The use of skateboards, roller blades, roller skates, bicycles, scooters, and similar wheeled devices inside university buildings, residence halls, or on tennis courts is not permitted. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures, which may be damaged by these activities. Hoverboards are not permitted anywhere on campus. Individuals may be liable for damage to university property caused by these activities. Bicycles may be stored in a student's assigned residence hall room or on a bike rack.

Social Justice: Marian University students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors. Conduct that violates this value includes, but is not limited to:

23. **Discrimination.** Any act or failure to act that is based upon actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, sexual orientation, pregnancy status, religion, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the university's educational program or activities;

- a. **Discriminatory Harassment.** Any unwelcome conduct based on actual or perceived status (gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or other protected status) that is sufficiently severe, pervasive, or persistent and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the university's educational program or activities;
24. **Retaliatory Discrimination or Harassment.** Any intentional, adverse action taken by a respondent or allied third party, absent legitimate nondiscriminatory purposes, as reprisal against a participant in any proceeding under this code;
25. **Bystander Intervention – Failure to Intervene.**
- a. Complicity with or failure of any student to appropriately address known or obvious violations of the *Code of Student Rights and Responsibilities* or law;
 - b. Complicity with or failure of any organized group to appropriately address known or obvious violations of the *Code of Student Rights and Responsibilities* or law by its members;
26. **Abuse of Conduct Process.** Abuse, interference, or failure to comply with university processes, including academic conduct hearings including, but not limited to:
- a. Falsification, distortion, or misrepresentation of information;
 - b. Failure to provide, destroying, or concealing information during an investigation of an alleged policy violation;
 - c. Attempting to discourage an individual's proper participation in, or use of, the student conduct process;
 - d. Harassment (verbal or physical) or intimidation of a member of a student conduct investigation or hearing committee prior to, during, or following a student conduct proceeding, including no verbal, written or physical contact. Examples include but are not limited to: telephone calls, text messages, emails, social media contact, messages of any kind through any means (including third parties), as well as no staring, following, walking up and down the area outside residence, etc.;
 - e. Failure to comply with the sanction(s) imposed by the student conduct process; or
 - f. Influencing, or attempting to influence, another person to commit an abuse of the student conduct process.

Respect: Marian University students show positive regard for each other, for property, and for the community. Behavior that violates this value includes, but is not limited to:

27. **Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person;
28. **Threatening Behaviors:**
- a. **Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property;
 - b. **Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another person;
29. **Bullying and Cyber-Bullying.** Repeated and/or severe aggressive behaviors that intimidate, intentionally harm, or control another person physically or emotionally, and are not protected by freedom of expression;
30. **Hazing.** An act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization;
- a. Participation or cooperation by the person(s) being hazed does not excuse the violation;
 - b. Failing to intervene to prevent, discourage, or report those acts may also violate this policy;
 - c. Includes any act that violates state or federal hazing statutes;

31. **Domestic Violence.** Acts of violence by a current or former spouse of the complainant, by a person with whom the complainant shared a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse, by a person similarly situated to a spouse of the complainant, or by any other person against an adult or youth complainant who is protected from that person's acts under law;
32. **Dating/Intimate Partner/Relationship Violence.** The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual, or economic abuse directed towards a partner who is or has been in a dating relationship of a romantic or intimate nature;
33. **Stalking.** A course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress;
34. **Sexual Misconduct.** Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, or sexual exploitation (see Appendix D and E, Sexual Harassment and Sexual Misconduct Policy for further information);
35. **Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.

***Responsibility:* Marian University students are given and accept a high level of responsibility to self, to others, and to the community. Behavior that violates this value includes, but is not limited to:**

36. **Alcohol.** Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and university policy (see Appendix A);
37. **Drugs.** Use, possession, or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted the university's drug policy (see Appendix B);
38. **Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
39. **Failure to Comply.** Failure to comply with the directives of university officials or law enforcement officers during the performance of their duties or failure to identify oneself to these persons when requested to do so;
40. **Financial Responsibilities.** Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to a member of the institution acting in an official capacity;
41. **Arrest.** Failure of any student to report an arrest (including non-custodial or field arrests) by any law enforcement agency within 72 hours of release regarding the allegations and charges to the dean of students;
42. **Health and Safety.** Creation of health or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, throwing items from or at windows, etc.), to include failure to comply with university medical records or immunization policies and university policies related to community health and safety;
43. **Violations of Law.** Evidence of violation of local, state, or federal laws, when substantiated through the university's student conduct process;
44. **Other Policies.** Violating other published university policies or rules, including all housing and residence life policies.

Section Five: Title IX Policy

Introduction

Members of the Marian University community have the right to be free from all forms of sexual harassment. All members of the community are expected to conduct themselves in a manner that maintains an environment free from sexual harassment. As such, Marian University does not discriminate on the basis of sex and is committed

to providing an educational environment free from sex discrimination.

As a recipient of federal funding, the university is required to comply with Title IX of the Higher Education Amendments of 1972, 10 U.S.C. § 1681 et seq. (Title IX). Title IX is a federal civil rights law that prohibits discrimination on the basis of sex — including pregnancy discrimination and sexual harassment — in educational programs and activities. Title IX’s sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity.

Sexual harassment is defined broadly under this sexual harassment policy (policy). Sexual harassment includes sexual assault, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, sexual misconduct with a minor, child molesting, and sex discrimination, as defined below. Sexual harassment is a violation of university policy, state and federal civil rights laws, and may violate state and federal criminal laws. When an allegation of sexual harassment is brought to an appropriate individual’s attention, and a respondent is found to have violated this policy, the university will issue appropriate sanctions to prevent future misconduct.

The university reserves the right to take whatever measures it deems necessary in response to an allegation of sexual harassment in order to protect the rights and personal safety of students, employees, and other members of the university community. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting the matter to local police. Not all forms of sexual harassment will be deemed to be equally serious offenses, and the university reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The university will consider the concerns and rights of both the complainant and the respondent.

Policy Details

A. Definitions. The following terms and definitions apply to this policy.

1. **Actual Knowledge.** Notice of sexual harassment or allegations of sexual harassment to a university’s Title IX coordinator or any official of the university who has authority to institute corrective measures on behalf of the university. “Notice” includes, but is not limited to, a report of sexual harassment to the Title IX coordinator. Examples of an employee with authority to institute corrective measures on behalf of the university include deans, associate deans, vice presidents, coaches, Title IX coordinator and deputy coordinators, hall directors, resident assistants, human resources staff, campus safety officers, administrators, and other employees as outlined Section III: Employee Duty to Report.
2. **Appointee.** An individual deemed to have an affiliation with the university in a non-compensatory capacity as designated in the Office of Human Resources.
3. **Complainant.** Any person who is reported to have experienced conduct prohibited by this policy, regardless of whether that individual makes a report or participates in the review of that report by the university, and regardless of whether that person is a member of the university community.
4. **Consent.** Permission that is clear, knowing, voluntary, and expressed prior to engaging in and during an act. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in and the conditions of sexual activity.
 - a. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
 - b. Consent may be withdrawn at any time.
 - c. Previous relationships or prior consent cannot imply consent to future sexual acts; this includes “blanket” consent (i.e., permission in advance for any or all actions at a later time or place).

- d. Consent cannot be given by an individual who one knows to be – or based on the circumstances one should reasonably have known to be – substantially impaired (e.g., by alcohol or other drug use, unconsciousness, etc.).
 - (i) Substantial impairment is a state when an individual cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).
 - (ii) This also covers individuals whose substantial impairment results from other physical or mental conditions including mental disability, sleep, involuntary physical restraint, or from the consumption of alcohol or other drugs.
 - (iii) Being impaired by alcohol or other drugs will never function as a defense for any behavior that violates this policy.
 - e. It is the obligation of the person initiating the sexual activity to obtain consent.
 - f. An individual cannot consent who has been coerced, including being compelled by force, threat of force, or deception; who is unaware that the act is being committed; or who is coerced by a supervisory or disciplinary authority.
 - g. Force is defined as violence, compulsion, or constraint; physically exerted by any means upon or against a person.
 - h. Coercion is defined as the application of pressure by the respondent that unreasonably interferes with the complainant's ability to exercise free will. Factors to be considered include, but are not limited to, the intensity and duration of the conduct.
 - i. A person who does not want to consent to sex is not required to resist or verbally object.
 - j. Withdrawal of consent can be manifested through conduct and need not be a verbal withdrawal of consent (i.e. crying, pulling away, pushing away, not actively participating, laying there, uncomfortable or upset facial expression).
 - k. Consent may not be given by an individual who has not reached the legal age of consent under applicable law.
5. **Decision Maker.** The administrator(s) who oversee(s) any hearing or appeal which takes place as part of the formal resolution process.
 6. **Formal Complaint.** A complaint filed by the complainant or the university that triggers the university's full investigation and hearing process under Title IX.
 7. **Investigator.** An individual assigned by the Title IX Coordinator to investigate the alleged sexual harassment and oversee the investigative hearing.
 8. **Respondent.** Any member of the university community who is reported to have engaged in conduct prohibited by this policy.
 9. **Retaliation.** Any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual harassment.
 10. **Sexual Harassment.**
 - a. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
 - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education

program or activity; or

- c. Domestic violence, as defined as crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim, or by any other person against an adult or youth victim who is protected from that person's acts.
- d. Dating violence, as defined as violence committed by a person
 - (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - 1. The length of the relationship.
 - 2. The type of relationship.
 - 3. The frequency of interaction between the persons involved in the relationship.
- e. Sexual assault, as defined as any nonconsensual sexual act, including when the victim lacks capacity to consent.
- f. Stalking, as defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to
 - (i) fear for their safety or the safety of others; or
 - (ii) suffer substantial emotional distress.
- g. All such acts constitute sexual harassment under this policy.

B. Scope.

- 1. This policy applies to alleged sexual harassment in any medium. Sexual harassment may manifest in many evolving forms including, but not limited to: physical, verbal, and visual, whether in person or online in any format.
- 2. Jurisdiction
 - a. The university has a compelling obligation to address allegations and suspected instances of sexual harassment when it has actual knowledge that this policy has been violated. The university must inform the respondent of the allegations and may take any further action it deems appropriate, including pursuing an investigation even in cases when the complainant is reluctant to proceed. The complainant will be notified in advance when such action is necessary.
 - b. The university's disciplinary response may be limited if the respondent is a visitor or other third-party or is not subject to the university's jurisdiction.
- 3. Location
 - a. This policy applies to alleged sexual harassment that takes place in the university's educational program or activity, against a person in the United States. This includes locations, events, or circumstances over which the university exercised significant control over both the respondent and the context in which the sexual harassment occurred.
 - b. This policy also applies to alleged sexual harassment that occurs off-campus, including virtual spaces, in any building owned or controlled by a student organization that is officially

recognized by the university.

- c. In situations not covered above, but where the sexual harassment undermines the security of the university community or the integrity of the educational process or poses a serious threat to self or others, other applicable university procedures for general misconduct may be applied.

4. Policy Maintenance

- a. This policy is managed by the dean of students and the Title IX coordinator.
- b. The policy and the associated procedures will be revised by the dean of students and the Title IX coordinator.

C. Receiving Supportive Measures.

1. Members of the university community impacted by sexual harassment are encouraged to use counseling and consultation services, listed in the resources section.

D. Employees with Authority to Institute Corrective Measures.

1. The university designates certain employees who have the authority to institute corrective measures on its behalf. Under this policy, their knowledge of sexual harassment conveys actual knowledge to the university.
2. The following employees have been designated by the university as having the authority to initiate corrective measures on its behalf:
 - a. Title IX coordinator and deputy coordinator(s)
 - b. University president
 - c. University vice presidents
 - d. Athletic director
3. When one of the above employees learns of alleged sexual harassment, that employee should contact the Title IX coordinator as soon as possible.
4. Employees may have additional reporting obligations provided by law or other university policies.
5. Corrective action may be taken against any individual who has a duty to report and who fails to respond in a manner consistent with the provisions of applicable laws, regulations, policies, and procedures.

E. Employee Duty to Report.

1. All university employees, except those exempted by legal privilege of confidentiality or expressly identified as a confidential report, have an obligation to report incidents of sexual harassment. Any employee who receives a disclosure of sexual harassment or becomes aware of information that would lead a reasonable person to believe that sexual harassment may have occurred involving anyone covered under this policy, must report all known information immediately.
2. These individuals must report the incident within five business days of becoming aware of such information:
 - a. Executive officers;
 - b. Deans, directors, department chairs, including those serving in assistant or associate roles;
 - c. Supervisors who have hiring or firing power over at least three employees who are not student

- employees;
 - d. Faculty and staff who serve as advisors to or coaches of university-recognized student groups;
 - e. Any individual, whether an employee or not, who serves as a coach of an athletics team;
 - f. All employees, including resident assistants, except those who serve in non-supervisory positions in dining services or campus operations; and
 - g. Individuals serving in any of the positions described above on an acting or interim basis.
3. Employees are not required to report disclosures of information regarding sexual harassment pursuant to this policy in the following circumstances, unless an individual covered under this policy is implicated or the individual is explicitly seeking assistance from the university:
 - a. At public survivor events including, but not limited to, “Take Back the Night,” candlelight vigils, protests, and survivor speak-outs;
 - b. During an official academic project, in class for credit;
 - c. To student employees when they are operating outside of their official work capacity; or
 - d. During an individual’s participation as a subject in a human subjects research protocol approved by the Institutional Review Board.
 4. Employees with a duty to report should refer to the chart in **Reporting Allegations of Sexual Harassment**. Contacting the Title IX coordinator to share all known information will satisfy the employee duty to report.
 5. Employees may have additional reporting obligations provided by law or other university policies.
 6. The following categories of employees are exempt from the duty to report sexual harassment, due to their legal or professional privilege of confidentiality or their designation by the university as a confidential reporter:
 - a. Ordained members of the clergy;
 - b. Professional counselors in the Office of Counseling and Consultation Services; or
 - c. Other employees with a professional license requiring confidentiality who are functioning within the scope of that license or certification and their university employment.
 - (i) For example, a physician with a dual appointment as a clinician and professor would be required to report instances of sexual harassment of which they become aware in the scope of their employment as a professor, but must keep such information confidential and privileged if learned in the scope of their duties as a physician unless there is a mandatory reporting requirement under state law.
 7. Corrective action may be taken against any individual who has a duty to report and who fails to respond in a manner consistent with the provisions of applicable laws, regulations, policies, and procedures.

F. Reporting Allegations of Sexual Harassment.

1. Any person may report sexual harassment. By way of example, this includes:
 - a. Students
 - b. Employees

- c. Parents
 - d. Any university community member or other individual who is directly involved in, observes, or reasonable believes that sexual harassment may have occurred.
2. Reports can be made to the Title IX coordinator in the following ways:
 - a. In person: Clare Hall 122
 - b. Mail: Karen Candlish, 3200 Cold Spring Road, Indianapolis, Indiana 46222
 - c. Phone: (317) 955-6318
 - d. Email: kcandlish@marian.edu
 3. Making a report to the university and to law enforcement are mutually exclusive events. Making a report to the university does not preclude the individual from filing a report of a crime with law enforcement nor does it extend time limits that may apply in criminal processes. Filing a report with law enforcement is not a prerequisite of making a report with the university. However, individuals may request assistance from the Title IX coordinator or designee to notify law enforcement.

G. Confidentiality and Privacy.

1. The university recognizes the importance of confidentiality and privacy. See the resources section for a list of confidential support, non-confidential support, and medical resources. Information received in connection with the reporting, investigation, and resolution of allegations will be treated as private and will only involve individuals whom the university determines are necessary to conduct an appropriate investigation, to provide assistance and resources to parties, to perform other appropriate university functions, or when the university is required to provide information under the law.
2. If an incident is disclosed or reported to the university and the individual requests that no investigation be conducted or disciplinary action be taken, the Title IX coordinator or designee will explain that the university prohibits retaliation and explain the steps the university will take to prevent and respond to retaliation if the individual participates in a resolution process. The Title IX coordinator or designee will evaluate the request to determine whether the university can honor the request while still providing a safe and nondiscriminatory environment.
3. A decision to proceed despite an individual's request will be made on a case-by-case basis after an individualized review, and the complainant will be notified if such a decision is made. If the university proceeds with an investigation, the complainant is under no obligation to proceed as a part of the investigation.
4. All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.

H. Retaliation.

1. Retaliation is prohibited by university policy and law. The university will not tolerate retaliation in any form against any individual who makes an allegation, files a report, serves as a witness, assists a complainant, or participates in an investigation of discrimination or harassment.
2. Retaliation is a serious violation that can subject the offender to discipline, up to and including termination of employment and/or suspension or dismissal of a student, independent of the merits of the underlying allegation.
3. Allegations of retaliation should be reported to the Title IX coordinator.

I. Investigation and Resolution Options.

1. Initial Assessment

- a. The Title IX coordinator or designee reviews all reports of sexual harassment under this policy for an initial assessment of the reported information. The available resolution options will be guided by the availability of information or evidence suggesting that a policy violation may have occurred; the university's obligation to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the desire of the complainant to participate in an investigation or other resolution.
- b. Upon completion of an initial assessment, the Title IX coordinator or designee will determine the available options for resolution and will communicate the options to the parties.

2. Informal Resolution

- a. Informal resolution may be utilized in some circumstances if the university deems appropriate and both parties agree to it.

3. Investigative Resolution

- a. The Title IX coordinator or designee may resolve a report of sexual harassment through investigative resolution when the alleged sexual harassment, if true, would be prohibited under applicable university policy. In instances when informal resolution is inappropriate, when the party requests, or when the university requires formal investigation, the university will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.

J. Remedies.

1. When the university makes a finding of a policy violation, it will take steps, whether individual or systemic, to stop the alleged sexual harassment, prevent its recurrence, and remedy the discriminatory effects on the complainant and others, as appropriate.
2. Corrective Actions and Sanctions
 - a. When the respondent is a student, potential sanctions include formal reprimand, disciplinary probation, suspension, dismissal, and other appropriate educational sanctions.
 - b. When the Respondent is an employee, corrective actions may be taken pursuant to the Employee Handbook. Disciplinary corrective actions include coaching, development plans, reduction in supervisory duties and leadership responsibilities, changes in salary, termination, and other appropriate corrective actions.
 - c. Student employees may be subject to corrective action and sanctions under student and/or employee policies depending on the nature of the case. For instance, a Student employee who is dismissed from the university may also be subject to termination or other corrective actions.
3. Any corrective actions or sanctions will not take effect until any appeals have been completed.
4. Interim Supportive Measures
 - a. Supportive measures will be made available to both the complainant and respondent whether or not a formal complaint is filed to ensure equal access to the university's education and employment programs and activities. The Title IX coordinator or designee will conduct an individualized assessment and will review requests from complainant and respondent to determine supportive measures that are appropriate and reasonably available at no cost to the complainant or respondent. Supportive measures may include, but are not limited to:
 - (i) No contact directives;
 - (ii) Referral to campus and community resources for victim advocacy, counseling, health

services, legal assistance, immigration assistance, disability services;

(iii) Academic support including extensions of time and other course-related adjustments;

(iv) Modification of work or class schedules;

(v) Change in work or housing locations;

(vi) Change in reporting relationship;

(vii) Consideration of leave requests; and

(viii) Assistance with academic petitions.

- b. During the period of any investigation a respondent can be put on administrative leave if they are an employee of the university. If the respondent is a student of the university, they may be removed from educational activities following an individualized safety and risk analysis determining that the respondent poses an imminent threat to the physical health or safety of anyone due to the allegations made. If a student is removed from educational activities in this way, they have the right to challenge the determination of the safety and risk analysis.
- c. The Title IX coordinator or designee will coordinate the provision of interim supportive measures. Parties will not be required to arrange such measures by themselves but may need to participate in communication with supervisors, faculty, and other university employees with a need to know.
- d. The university will maintain as confidential any supportive measures provided to the complainant or respondent to the extent that maintaining such confidentiality would not impair the ability of the university to provide the supportive measures.

5. Other Remedial Measures

- a. When the university is unable to proceed with investigative resolution, such as lack of information in the report or request by the complainant that an investigation not move forward, the university may take other remedial measures as appropriate to remedy the effects of the alleged sexual harassment and/or prevent its recurrence. Remedial measures may also be implemented when it is determined that inappropriate behavior occurred, but that the behavior did not rise to the level of a policy violation.
- b. Remedial measures may include and are not limited to:
 - (i) Providing training on sexual harassment;
 - (ii) Increasing security in a designated space;
 - (iii) Changing policy or procedure; and
 - (iv) Conducting climate checks.

K. False Allegations.

- 1. It is a violation of this policy for anyone to make a false allegation of sexual harassment in bad faith. Corrective actions or sanctions may be imposed on individuals who in bad faith make false allegations of sexual harassment.
- 2. The absence of a finding of a policy violation is not equivalent to finding that the complainant acted in bad faith.

L. Process Abuse.

1. No member of the university community may:
 - a. Obstruct, prohibit, exert improper influence over, or interfere with any individual making a report, participating in a process, or carrying out a responsibility covered by this policy;
 - b. Make, in bad faith, materially false statements in or related to a process covered by this policy;
 - c. Disrupt or interfere with the orderly conduct of any proceeding conducted under this policy; or
 - d. Fail to comply with any directive, sanction, or corrective action issued pursuant to this policy.

M. Training.

1. All employees are required to take sexual harassment and Title IX training as directed by the university.

Procedure

A. Initial Assessment.

1. Upon receiving a report, the Title IX coordinator or designee will provide information to the complainant on the availability of supportive measures, the right to file a formal complaint, and how to file a formal complaint.
2. The Title IX coordinator or designee reviews all reports of sexual harassment under this policy for an initial assessment of the reported information. Available resolution options will be guided by the availability of information and evidence suggesting that a policy violation may have occurred; the university's obligation to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the availability or desire of the complainant to participate in an investigation or other resolution.
3. Upon completion of an initial assessment, the Title IX coordinator or designee will determine the available options for resolution and will communicate these options to the parties.
4. If the complainant or the university elects to file a formal complaint, the Title IX coordinator will provide written notice to the respondent within ten days including:
 - a. The actual allegations of facts that constitute sexual harassment and any evidence that supports this;
 - b. That there is a presumption of innocence in their favor;
 - c. That all parties are entitled to an advisor of their choice;
 - d. That all parties can inspect and review evidence; and,
 - e. Information regarding any code of conduct provisions that prohibit false statements made in bad faith.

B. Dismissal of a Complaint.

1. In the event that prior to, or in the course of, an investigation, the university determines that the allegations fail to meet the definition of sexual harassment or did not occur while in the United States and under the university's educational program or activity, the investigation and formal complaint will be dismissed. Formal complaints may still be resolved through an informal resolution process as outlined above or according to procedures set forth in the Code of Student Rights and Responsibilities.
2. The university reserves the right to dismiss the formal complaint and stop the investigation if:

- a. The complainant notifies the Title IX coordinator in writing that they wish to withdraw their formal complaint;
 - b. The respondent is no longer enrolled in or employed by the university; or
 - c. Specific circumstances prevent the school from gathering sufficient evidence to reach a determination about allegations (e.g. lack of participation in the investigative process by parties or witnesses).
3. If the university dismisses the formal complaint for any reason, either party may appeal the decision as outlined in this policy's appeals process.

C. Informal Resolution.

1. Informal resolution may be utilized in some circumstances if a formal complaint is filed.
2. The usage of an informal resolution process is limited in a number of ways:
 - a. Informal resolution is unavailable if the respondent is an employee of the school.
 - b. Informal resolution may only be used if any and all parties to an investigation agree to it.
3. In all cases, the university will inform the parties of the right to end the informal resolution process at any time. If a party chooses to end the informal resolution process, the university will inform the complainant of options, including the option to begin the investigative resolution process.
4. The university will provide a facilitator, mediator, or decision-maker that is free from conflicts of interest and has received special training in order to facilitate resolution of the formal complaint.
5. Informal resolution can take any form that the parties agree upon. The Title IX coordinator or designee will work with the parties to develop a form of resolution that adequately resolves the needs of the parties. This may include:
 - a. **Facilitated Dialogue:** A structured and facilitated conversation between two or more individuals, including, but not limited to the Complainant and the Respondent, which allows for voices to be heard and perspectives to be shared. Depending on stated interests, participants may work towards the development of a shared agreement.
 - b. **Shuttle Mediation:** An indirect version of the facilitated dialogue.
 - c. **Circle of Accountability:** A facilitated interaction between the Respondent and University faculty and/or staff designed to provide accountability, structured support, and the creation of an educational plan.
6. Depending on the form chosen, it may be possible for a complainant to maintain anonymity throughout the informal resolution process.
7. As part of the resolution process, additional measures (including, but not limited to educational programming, training, regular meetings with an appropriate university individual or resource, extensions of no contact orders, or counseling sessions) may be agreed upon.

D. Formal Resolution and Hearings.

1. The Office of Student Affairs may resolve a report of sexual harassment through its formal resolution process when the alleged sexual harassment, if true, would be prohibited under applicable university policy. In instances when informal resolution is inappropriate, when any party requests, or when the university requires formal investigation, the university will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.

2. Investigation

- a. Following the filing of a formal complaint, an investigator will be assigned to the case by the Title IX coordinator. During the investigation, the investigator will seek to meet separately with the complainant, respondent, and any relevant witnesses who may have information relevant to the incident. The investigator may also gather or request other relevant information or evidence when available and appropriate. Both the complainant and respondent will be asked to identify witnesses and provide other relevant information in a timely manner to facilitate prompt resolution of the case.
- b. Although both the complainant and respondent are advised to participate in the investigation process to enable a fair and equitable resolution to any case, neither the complainant nor the respondent are required to participate in the investigation process.
- c. Formal complaints of sexual harassment may be consolidated where the allegations arise out of the same facts or circumstances.
- d. During the investigation process, parties have an equitable right to:
 - (i) Receive notice of the allegations before participating in an interview with sufficient time to prepare for meaningful participation;
 - (ii) A process with reasonably prompt timeframes, with extensions for good cause, as described in the procedure section below;
 - (iii) Present relevant information to the investigator, including evidence and witnesses;
 - (iv) Receive timely and equal access to any relevant information, documentation, and evidence gathered during the investigation;
 - (v) Have an advisor of their choosing, or through appointment by the university, including an attorney, advocate, or other support person who is not a potential witness in the investigation or could otherwise compromise the investigation, who provides support throughout the formal resolution process, including being present for any meetings or hearings; and
 - (vi) Investigators who are adequately trained to resolve cases of alleged sexual harassment, are familiar with applicable policies and procedures, and who do not have a conflict of interest or bias for or against either party.
- e. The university must provide a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings to all parties whose participation is invited or expected with sufficient time for the party to prepare to participate.
- f. The university will not restrict the ability of a complainant or respondent to discuss the allegations under investigation or to gather and present relevant evidence.
- g. Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
- h. Following the completion of the investigation, the investigator will complete an investigative report on the allegations contained in the formal complaint. Before the report is finalized, the investigator will send to each party and their advisors an electronic or hard copy of all evidence that is directly related to the allegations. The university must include all evidence directly related to the allegations, even if the investigator does not intend to rely on that evidence in making a determination of responsibility. The parties then have at least ten days to provide a written response, which the investigator will consider before finalizing the investigative report. The finalized report is then circulated for no less than ten days before a hearing is held.

3. Hearings

- a. All hearings are overseen by a decision maker(s). All decision maker(s) have received special training on how to be impartial and are assigned to cases by the Title IX coordinator to avoid any bias and present an objective analysis of the evidence. In no case is the investigator for a given case also the decision maker(s).
- b. The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the investigation and hearings.
- c. The decision maker(s) will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived it.
- d. Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
- e. Hearings are not legal proceedings and do not follow courtroom procedure or the formal rules of evidence. During any hearings, each party must have an advisor present to ask questions to the other party. This advisor does not need to be licensed to practice law and may be a person of the party's choice or, if they do not have an advisor, the university will provide an advisor for them. Parties need to disclose the name, profession, and their relationship to the advisor at least two weeks prior to any hearing.
- f. Questioning and Cross-Examinations
 - (i) The decision maker(s) may question individual parties and witnesses.
 - (ii) Parties will have the opportunity to cross-examine the party or witness. Parties may never ask questions directly, and questions must be asked to the other party through the use of a party's advisor. All questions asked must be relevant. Any questions determined not to be relevant by the decision maker(s) are not required to be answered.
 - (iii) If a party or witness is absent from the live hearing or refuses to answer cross-examination or other questions, the decision maker(s) may not rely on any statement of that person in reaching a determination of responsibility. The decision maker(s) may not draw an inference about the determination regarding responsibility based solely on a party's or witness' absence from the live hearing or refusal to answer cross-examination or other questions.
- g. If, at any point during the hearing, the decision maker(s) determines that unresolved issues exist that could be clarified through additional investigation time, the decision maker(s) may suspend the hearing and reconvene it in a timely manner that accommodates further investigation.
- h. Hearings may be conducted virtually through the use of technology at the university's discretion. However, if either the complainant or respondent asks to be in separate rooms, the university must grant this request and provide appropriate technology to allow for simultaneous participation.
- i. All hearings will be memorialized through an audio or audiovisual record or transcript of the live hearing. The recording or transcript will be made available for parties to inspect and review following their completion.

4. Resolution

- a. The decision maker(s) will communicate their decision to both parties, concurrently. The decision maker(s) will communicate the decision in writing and orally as soon as possible after the hearing. In all cases, the decision maker(s) will send the parties a final outcome letter within

ten days of the conclusion of the hearing.

- b. The decision maker(s) bases all conclusions by examining all evidence from the investigation and the hearing. Their conclusion is based on the preponderance of the evidence standard: If the evidence indicates that it is more likely than not that the respondent committed the alleged act(s), then Respondent will be found responsible for violating this policy.
- c. The decision maker(s)'s written decision must include the following information:
 - (i) Identification of the allegations potentially constituting sexual harassment;
 - (ii) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - (iii) Findings of fact supporting the determination;
 - (iv) Conclusions regarding the application of the *Code of Student Rights and Responsibilities* to the facts;
 - (v) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctioned imposed upon the respondent, and whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided; and
 - (vi) The procedures and permissible bases for either party to appeal.
- d. If the respondent is found responsible for violating this policy, the decision maker(s) will consult any appropriate individuals in order to determine the corrective actions and/or sanctions to resolve the case. Any such corrective actions and/or sanctions will be outlined in the decision maker(s)'s written decision.

5. Appeals Process

- a. If either party disagrees with the outcome of the decision maker(s)'s determination, they may file a written appeal with the Title IX coordinator within ten days of receiving the decision maker(s)'s written decision.
- b. Appeals may be filed due to:
 - (i) A procedural irregularity that affected the outcome.
 - (ii) New evidence being discovered that was not reasonably available at the time of the determination or dismissal.
 - (iii) A conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter of the investigator(s) or decision maker(s).
- c. The Appeal Decision Maker will examine all evidence in order to determine if the appeal has merit. The Appeal Decision Maker will make an unbiased objective conclusion as to the appeal's merit and issue a written decision describing the result of the appeal and the rationale for the result; and will provide the written decision simultaneously to both parties.

6. Recordkeeping

- a. The university shall maintain all records relating to formal complaints of sexual harassment, as well as all training materials used under this policy, for seven years.

Section Six: Overview of the Conduct Process

This overview gives a general idea of how the university's conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Additionally, it should be noted that Section Four above outlines the procedures for Title IX matters. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The student conduct process and all applicable timelines commence with notice to an administrator of a potential violation of university rules.¹

Definition of terms used in the student conduct process are as follows:

1. Complainant – any person who is reported to have experienced conduct prohibited by the *Code of Student Rights and Responsibilities*, regardless of whether that individual makes a report or participates in the review of that report by the university, and regardless of whether that person is a member of the university community;
 2. Respondent – any member of the university community who is reported to have engaged in conduct prohibited by the *Code of Student Rights and Responsibilities*;
 3. University community – faculty, staff, students, student employees, volunteers, contractors, and visitors;
 4. Witness – person who may offer information regarding the alleged policy violation;
 5. Educational conference – initial meeting of a respondent with an investigator or administrative hearing officer. This meeting includes an overview of the student conduct process and an initial investigation into the alleged policy violation;
 6. Investigator – Marian University staff member whose role is to look into policy violations by interviewing the parties involved. This person then presents the allegations and shares the information that the university has obtained regarding the investigations;
 7. Administrative hearing – An informal hearing, where a hearing officer invokes procedures to determine and administer appropriate sanctions without a formal hearing;
 8. Administrative hearing officer – Marian University staff member who hears reports and determines the findings and sanctions for administrative, or informal, hearings;
 9. Formal hearing – In cases where the alleged policy violation is contested by the respondent, a hearing may be held before a student conduct hearing panel or the dean of students or designee;
 10. Student conduct hearing panel – A representative group of students, faculty, and staff who have been trained to review certain serious or continued incidents of reported student misconduct on behalf of the university. The pool is comprised of at least four students, three faculty, and three staff/administrative members appointed and trained annually by the dean of students or designee.
- A. Notice.** Once notice is received from any source (complainant, resident assistant, third party, online, etc.), the university may proceed with a preliminary investigation and/or may schedule an initial educational conference with the respondent to explain the conduct process to the respondent and gather information.
- B. Preliminary Inquiry and/or Educational Conference.** The university conducts a preliminary inquiry into the nature of the incident, report or notice, the evidence available and the parties involved. The preliminary inquiry may lead to:
1. A determination that there is insufficient evidence to pursue the investigation because the behavior alleged, even if proven, would not violate the *Code of Student Rights and Responsibilities*, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code);
 2. A more comprehensive investigation when it is clear more information must be gathered; or
 3. A formal report of a violation and/or an educational conference with the respondent.

¹ In Title IX related issues, the “administrator” is any “responsible employee” as defined under Title IX and/or campus policy.

When an initial educational conference is held, the possible outcomes include:

1. A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter should be closed and records should so indicate;
2. A decision on the allegation, also known as an informal or administrative resolution to an uncontested allegation (see immediately below);
3. A decision to proceed with additional investigation and/or referral for a formal resolution.

If a decision on the allegation is made, and the finding is that the respondent is not responsible for violating the code, the process will end. If the university finding is that the respondent is in violation, and the respondent accepts this finding within three days, the university considers this an “uncontested allegation.” The administrator conducting the initial educational conference will then determine the sanction(s) for the misconduct, which the respondent may accept or reject. If accepted, the process ends.²

If the student accepts the findings, but rejects the sanction, the university will conduct an administrative hearing on the sanctions only, conducted by a student conduct hearing panel or hearing officer, which recommends a sanction to the dean of students or designee. The sanction is then reviewed and finalized by the dean of students or designee and is subject to appeal (see *Appeal Review Procedures* in Section O) by any party to the misconduct. Once the appeal is decided, the process ends.

If the administrator conducting the educational conference determines that it is more likely than not that the respondent is in violation, and the respondent rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to a formal hearing.

- C. Formal Hearing.** In a contested allegation, additional investigations may then commence and/or a hearing may be held when there is reasonable cause to believe that a policy or policies have been violated. A formal notice of the report will be issued, and a hearing will be held before a student conduct hearing panel, or dean of students or designee. If the finding is that the respondent is not responsible, the process ends. Applicable appeals options are described below.
- D. Review and Finalize Sanction(s).** If the respondent is found in violation, sanctions will be recommended by the student conduct hearing panel or hearing officer to the dean of students or designee, who will review and finalize the sanctions, subject to the university appeals process by any party to the report.

Section Seven: Student Conduct Authority

- A. Authority.** The authority to enact and enforce policies of the university is vested in the president of the university by the Board of Trustees. The responsibility for enforcing these policies may be delegated to any university official the president designates. The dean of students is the principal officer for all non-academic conduct.

At Marian University, the dean of students works collaboratively with the Office of Housing and Residence Life to oversee and manage day-to-day operations of the student conduct process. The dean of students may appoint administrative, investigative, hearing, and appeals officers as deemed necessary to efficiently and effectively supervise the student conduct process. Academic deans are the principal officers for all academic discipline.

- B. Gatekeeping.** No report will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the

² In cases of minor misconduct, both steps in this paragraph can be accomplished in one meeting.

offense, even if that information is merely a credible witness or a complainant's statement. A report wholly unsupported by any information will not be forwarded for a hearing.

C. Conflict Resolution Options. The dean of students or designee has discretion to refer a report for mediation or other forms of appropriate conflict resolution. All parties must agree to mediation and to be bound by the decision with no review/appeal. Any unsuccessful mediation can be forwarded for formal processing and hearing; however, at no time will reports of physical sexual misconduct or violence be mediated as the sole institutional response. The dean of students or designee may also suggest that reports that do not involve a violation of the *Code of Student Rights and Responsibilities* be referred for mediation or other appropriate conflict resolution.

D. The University Student Conduct Hearing Panel. The University Student Conduct Hearing Panel is a representative group of students, faculty, and staff who have been trained to review certain serious or continued incidents of reported student misconduct on behalf of the university. The pool is comprised of at least four students, three faculty, and three staff/administrative members appointed and trained annually by the dean of students or designee.

For each report, a panel will be chosen from the available pool, and is usually comprised of at least one student, one faculty member, and one staff member or administrator. In reports involving discrimination, sexual misconduct, or other sensitive issues, the committee will usually consist of three staff or administrative members. The dean of students or designee serves as the non-voting chair of the committee and assures that university procedures are followed throughout the hearing.

To serve in the panel pool, students must:

1. Be in academic good standing and have completed 15 hours of academic credit at Marian University;
2. Hold a prior-semester and cumulative GPA of at least 2.5; and
3. Be in good social standing throughout the semester in which they serve. Good social standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel. Any history of misconduct could disqualify a student for service.

E. Administrative Hearing Officers. Administrative hearing officers (AHO) are chosen from a pool of trained administrators or staff members selected by the dean of students or designee.

F. Appeals Panels Membership. Three-member appeals panels are drawn from the University Student Conduct Hearing Panel pool, with the only requirement being that they did not serve on the panel for the initial hearing. Appeals panels review appeals requested by any party to a report.

Decisions made and sanctions recommended by the panel or an administrative hearing officer will be final and implemented, pending the normal review process. At the discretion of the dean of students or designee, implementation of sanctions may be stayed pending review.

The dean of students or designee will have final authority to approve all those serving on the panel. In the event of a resignation from the panel, the dean of students or designee will solicit a replacement.

G. Interpretation and Revision of the *Code of Student Rights and Responsibilities*. The dean of students will develop procedural rules for the administration of hearings that are consistent with provisions of the *Code of Student Rights and Responsibilities*. Material deviation from these rules will, generally, only be made as necessary and will include advance notice to the parties involved. The dean may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this code. The dean may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the *Code of Student Rights and Responsibilities* will be referred to the dean of students.

The *Code of Student Rights and Responsibilities* will be updated annually under the direction of the dean of students and will undergo a comprehensive revision process every three to five years.

Section Eight: Formal Conduct Procedures

A. University as Convener. Marian University is the convener of every action under this code. Within that action, there are several roles. The respondent is the person who is reported to have violated the code. The complainant, who may be a student, employee, visitor, or guest, may choose to be present and participate in the process as fully as the respondent. There are witnesses, who may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the information that the university has obtained regarding the allegations.

B. Group Violations. A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s) take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit; and:

1. have received the consent or encouragement of the organization or of the organization's leaders or officers; or
2. were known or should have been known to the membership or its officers.

Investigations and reviews of a reported student group or organization misconduct follow the same general student conduct procedures. In any such action, individual determinations of responsibility will be made and sanctions may be assigned collectively and/or individually. These sanctions will be proportionate to the involvement of each individual and the organization.

C. Amnesty:

1. For Reporting Parties

The university provides amnesty to reporting parties who may be hesitant to report to university officials because they fear that they themselves may be accused of policy violations, such as underage drinking, at the time of the incident.

2. For Those Who Offer Assistance

A bystander is a witness or participant to an act of potential harm or misconduct who acts to stop, intervene, or protect in the situation. Members of the Marian University community are encouraged to find ways to successfully intervene to support and help each other. To encourage students to offer help and assistance to others, Marian University pursues a policy of amnesty for minor violations when students offer help to others in need (see Appendix C: Lifeline-Good Neighbor Policy).

Appropriate ways for bystanders to address situations may include:

- a. Intervening or confronting the violation in an effort to stop it;
- b. Contacting the appropriate staff members to address the violation; or
- c. Leaving the area where the violation was occurring (where a risk of serious harm exists, merely leaving will not be appropriate).

At the discretion of the dean of students or designee, and in keeping with Indiana Lifeline Law, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings will result.

3. For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the university may be offered amnesty for their minor violations. Educational options will be explored, but if offered amnesty, no conduct proceedings will result.

Abuse of amnesty requests can result in a decision by the dean of students or designee not to extend amnesty to the same person repeatedly.

4. **Safe Harbor**

Marian University believes that students who have a drug or addiction problem deserve help. If any university student brings their own use, addiction, or dependency to the attention of university officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct proceeding will not be pursued.

A written action plan may be used to track the student's cooperation with the Safe Harbor program, and the student will be expected to sign releases that allow for effective monitoring of compliance. Failure to follow the action plan will nullify the Safe Harbor protection and student conduct processes will be initiated.

D. Reporting of Alleged Violation(s). Any member of the Marian University community, visitor, or guest may report a policy violation(s) by any student for misconduct under this code to the dean of students, university police, or housing and residence life.

The university, through the dean of students or designee, may act on reports of a potential violation whether a formal report is made or not. All reports can be submitted by a complainant or a third party, and should be submitted as soon as possible after the event occurs. The university has the right to pursue an allegation or report of misconduct on its own behalf and to serve as convener of the subsequent conduct process.

Once a determination is made that reasonable cause exists for the designated conduct administrator to refer a report for a conduct meeting, notice will be given to the respondent. Notice will be in writing and may be delivered by one or more of the following methods: in person by the designated conduct administrator; 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, emailed, and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

1. Include the alleged violation and notification of where to locate the *Code of Student Rights and Responsibilities* and university procedures for resolution of the report; and
2. Direct the respondent to contact the conduct administrator or designee within a specified period of time to respond to the report. This time period will generally be no less than two business days from the date of delivery of the letter of notice.

A meeting with the dean of students, director of housing and residence life, or designee may be arranged to explain the nature of the report and the conduct process. At this meeting, the respondent may indicate, either verbally or in writing, to the dean of students, director of housing and residence life, or designee, whether they admit or deny the allegations of the report.

The dean of students or designee will assume responsibility for the investigation of the alleged violation as described in the section below.

E. Investigation. The dean of students or designee will appoint an investigator(s) for allegations under this code.³ The investigator(s) will take the following steps, if not already completed by the dean of students or designee:

1. Initiate any necessary remedial actions on behalf of the complainant (if any);

³ For any report that falls under Title IX (e.g. sexual misconduct) or involves any other form of discrimination, the conduct administrator or designee will work under the direction of the Title IX coordinator.

2. Determine the identity and contact information of the complainant, whether that person is the initiator of the report, the alleged victim, or a university proxy or representative;
3. Conduct an immediate preliminary investigation to identify an initial list of all policies that may have been violated and to review the history of the parties, the context of the incident(s), any potential patterns, and the nature of the report;
 - a. If the complainant is reluctant to pursue the report, determine whether the report should still be pursued and whether sufficient independent evidence could support the report without the participation of the complainant;
 - b. Notify the complainant of whether the university intends to pursue the report regardless of their involvement, and inform the complainant of their rights in the process and option to become involved if they so choose;
 - c. Preliminary investigation usually takes between one to seven business days to complete;
4. If indicated by the preliminary investigation and authorized by the Title IX coordinator, dean of students, or designee, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the respondent violated university policy, and to determine what specific policy violations should serve as the basis for the report;
 - a. If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action;
 - b. A comprehensive investigation usually takes between one day and two weeks;
5. Meet with the complainant to finalize the complainant's statement, which will be drawn up by the investigator or designee as a result of this meeting;
6. Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the respondent, who may be given notice of the interview prior to or at the time of the interview;
 - a. Prepare the notice of alleged policy violation(s) on the basis of the reasonable cause determination, which may be delivered prior to, during, or after the respondent is interviewed, at the discretion of the investigator(s);
7. Interview all relevant witnesses, summarize the information they are able to share, and have each witness sign the summary to verify its accuracy;
8. Obtain all documentary evidence and information that is available;
9. Obtain all physical evidence that is available;
10. Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
11. Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
12. Present the investigation report and findings to the respondent, who may:
 - a. accept the findings,
 - b. accept the findings in part and reject them in part, or
 - c. may reject all findings;
13. Share the findings and update the complainant on the status of the investigation and the outcome.

F. Findings. The following options (one through three) describe how to proceed depending on whether the respondent is found responsible and whether the respondent accepts or rejects the findings and/or the sanctions either in whole or in part.

1. **The Respondent is Found Not Responsible.** Where the respondent is found not responsible for the alleged violation(s), the investigation will be closed. The complainant, if any, may request

that the dean of students, Title IX coordinator, or designee, as applicable, review the investigation file to possibly re-open the investigation or convene a hearing. The decision to re-open an investigation or convene a hearing rests solely in the discretion of the Title IX coordinator, the dean of students, or designee in these cases, and is granted only on the basis of extraordinary cause.

2. **The Respondent Accepts a Finding of Responsible.**
 - a. **The Respondent Accepts a Finding of Responsible and Accepts the Recommended Sanctions.** Should the respondent accept the finding that they violated university policy, the investigator will recommend appropriate sanctions for the violation, having consulted with the dean of students, Title IX coordinator, or designee, as appropriate. In cases involving discrimination, recommended sanctions will act to end the discrimination, prevent its recurrence, and remedy its effects on the complainant and the university community. If the respondent accepts these recommended sanctions, the sanctions are implemented by the dean of students or designee, and the process ends. **There will be a three-day period for review between the date of acceptance and when the resolution becomes final. Should the respondent decide to reject the sanctions within that time period, Option 2B, below, will apply.** This outcome is not subject to appeal after the three-day period for review.
 - b. **The Respondent Accepts a Finding of Responsible and Rejects the Sanctions Recommended.** If the respondent accepts the finding of responsible, but rejects the recommended sanctions, there will be an administrative hearing on the sanctions, only. Administrative hearing procedures are detailed below.
3. **Respondent Rejects the Findings Completely or in Part**
 - a. **Respondent Rejects the Findings Completely.** Where the respondent rejects the finding that they violated university policy, a formal hearing will be convened within seven business days, barring exigent circumstances.

At the hearing, the investigator(s) will present their report to the panel, and the panel will hear from the parties and any necessary witnesses. The investigation report will be considered by the panel, which renders an independent and objective finding. Full panel procedures are detailed below.

If the panel finds the respondent not responsible for all violations, the dean of students or designee will timely inform the parties of this determination and the rationale for the decision in writing. This determination is subject to appeal by any party to the report. Appeal review procedures are outlined below.

If the panel finds a violation, it will recommend a sanction to the dean of students or designee, who will confer with the Title IX coordinator or deputy coordinators as necessary, and render a decision within seven days of the hearing and timely notify the parties orally, as well as in writing. An appeal of sanction(s) may be filed by any party to the report as detailed below.

- b. **Respondent Accepts the Findings in Part and Rejects in Part.** Where the respondent rejects in part the finding that they violated university policy, there will be a panel hearing solely on the disputed allegations within seven days, barring exigent circumstances. For all findings holding a respondent responsible for a violation, the university will follow the sanctioning process detailed below. If the panel finds the respondent not responsible on any of the contested allegations, the process will move to the sanctioning phase on only the uncontested allegations, as detailed below.

G. Interim Suspension. Under the *Code of Student Rights and Responsibilities*, the dean of students or designee may impose restrictions, including separating a student from the community, pending the scheduling of a hearing on alleged policy violation(s) when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve university property, or to prevent disruption of, or interference with, the normal operations of the university. A student who receives an interim suspension may request a meeting with the dean of students or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the university may still proceed with the scheduling of a hearing.

During an interim suspension, a student may be denied access to university housing, the university campus, facilities, or events. As determined appropriate by the dean of students or designee, this restriction may include classes or all other university activities or privileges for which the student might otherwise be eligible. At the discretion of the dean of students or designee and with the approval of, and in collaboration with, the appropriate academic dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent.

H. Notice of Hearing. Once a determination is made that reasonable cause exists for the dean of students or designee to refer a report for a hearing, notice will be given to the respondent. Notice will be in writing and may be delivered by one or more of the following methods: in person by the dean of students 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, emailed, and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

1. Include the alleged violation and notification of where to locate the *Code of Student Rights and Responsibilities* and university procedures for resolution of the report; and
2. Direct the respondent to contact the dean of students or designee within a specified period of time to respond to the report. This time period will generally be no less than two days⁴ from the date of delivery of the letter of notice.

A meeting with the dean of students or designee may be arranged to explain the nature of the report and the conduct process. At this meeting, the respondent may indicate, either verbally or in writing, whether they admit to or deny the allegations of the report.

I. Hearing Options and Preparation. The following sections describe the university's conduct hearing processes. Except in a report involving failure to comply with the summons of the dean of students or designee, no student may be found to have violated the *Code of Student Rights and Responsibilities* solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the report will be presented to, and considered by, the dean of students or designee, administrative hearing officer or panel presiding over the hearing.

Where the respondent admits to violating the *Code of Student Rights and Responsibilities*, the dean of students, designee or administrative hearing officer may invoke administrative hearing procedures to determine and administer appropriate sanctions without a formal hearing. This process is also known as an *administrative hearing*. In administrative hearings, reports will be heard and determinations will be made by an administrative hearing officer.

Where the respondent denies violating the *Code of Student Rights and Responsibilities*, the dean of students or designee has the discretion to arrange either an administrative or a formal hearing to resolve any misconduct allegation.

⁴ "Day", used throughout this document, refers to normal business days when the university is in operation.

The formal hearing process is known as a student conduct panel hearing. At the discretion of the dean of students or designee, a request by one or more of the parties to the report for an administrative hearing may also be considered. Students who deny a violation for which a panel hearing will be held will be given a minimum of five business days to prepare for a formal hearing unless all parties wish to proceed more quickly. Preparation for a formal hearing is summarized in the following guidelines:

1. Notice of the time, date, and location of the hearing will be in writing and may be delivered by one or more of the following methods: in person by the dean of students 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, emailed, and/or received in-person, such notice will be presumptively delivered.
2. If there is a complainant of the conduct in question, the initial complainant may serve as the complainant at the hearing or may elect to have the university administration serve as complainant. Where there is no complainant, the university administration will serve as complainant.
3. If a respondent fails to respond to notice from the dean of students or designee, the dean of students or designee may initiate a report against the student for failure to comply with the directives of a university official and give notice of this offense. Unless the student responds to this notice within two university business days by answering the original notice, an administrative hearing may be scheduled and held on the student's behalf and the student may be administratively withdrawn from attending classes or a disciplinary hold may be placed on their university account, deeming them ineligible to register for courses or university housing until such time as the student responds to the initial report.
4. At least three business days before any scheduled formal hearing, the following will occur:
 - a. If requested, the respondent will deliver to the dean of students or designee a written response to the report;
 - b. The respondent will deliver to the dean of students or designee a written list of all witnesses they wish the university to call at the hearing;
 - c. The respondent will deliver to the dean of students or designee all physical evidence they intend to use or need to have present at the hearing and will indicate who has possession or custody of such evidence, if known;
 - d. The complainant will deliver to the dean of students or designee a written list of all witnesses they wish the university to call at the hearing;
 - e. The complainant will deliver to the dean of students or designee all items of physical evidence they intend to use or need to have present at the hearing and will indicate who has possession or custody of such evidence, if known; and
 - f. The complainant and the respondent will notify the dean of students or designee of the names of any advisors/advocates who may be accompanying the parties at the hearing.
 - i. The dean of students or designee will ensure that the hearing information and any other available written documentation is shared with the complainant and the respondent at least two business days before any scheduled hearing. In addition, the parties will be given a list of the names of all the panelists in advance. Should either party object to any panelist, they must raise all objections, in writing, to the dean of students or designee immediately. Hearing officers will only be unseated if the dean of students or designee concludes that their bias precludes an impartial hearing of the report. Additionally, any panel or administrative hearing officer who feels they cannot make an objective determination must recuse themselves from the proceedings.

J. Special Hearing Provisions for Sexual Misconduct, Discrimination, and Other Reports of a Sensitive Nature. All hearings under this section will be conducted by a three-member administrative panel drawn from the Equity Dispute Resolution Panel (EDRP) pool. For sexual misconduct, discrimination, and other reports of a sensitive nature, whether the initial complainant is serving as the complainant to the hearing or

as a witness, alternative testimony options may be provided, such as placing a privacy screen in the hearing room or allowing the complainant to testify from another room via Skype, a closed circuit television, or similar technology. While these options are intended to help make the complainant more comfortable, they are not intended to work to the disadvantage of the respondent.

The past sexual history or sexual character of a party will not be admissible by the other parties in hearings unless such information is determined to be highly relevant by the panel chair. All such information sought to be admitted by a party or the university will be presumed irrelevant until a showing of relevance is made, in advance of the hearing, to the chair. Demonstration of pattern, repeat, or predatory behavior by the respondent will always be relevant. The parties will be notified in advance if any such information is deemed relevant and will be admitted in the hearing.

The complainant in any report alleging sexual misconduct will be notified in writing of the outcome of a hearing, any sanctions assigned, and the rationale for the decision; have the right to a review if the appeal criteria is met; and be kept apprised of the status of the investigation and any appeal requests by the respondent.

- K. Hearing Procedures.** The dean of students or designee may serve as a non-voting chair of the panel or appoint one panelist as the chair for the hearing. The complainant and the respondent have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a party cannot attend the hearing, it is that party's responsibility to notify the dean of students or designee no less than three days prior to the scheduled hearing to arrange for another date, time, and location.
1. Except in cases of grave or unforeseen circumstances, if the respondent fails to give the required minimum three-day notice, or if the respondent fails to appear, the hearing will proceed as scheduled. If the complainant fails to appear, the report may be dropped unless the university chooses to pursue the allegation on its own behalf, as determined by the dean of students or designee.

The dean of students or designee and the panel will conduct panel hearings according to the following guidelines:

1. Hearings will be closed to the public.
2. Admission to the hearing of persons other than the parties involved will be at the discretion of the panel chair and the dean of students or designee.
3. In hearings involving more than one respondent, the standard procedure will be to hear the reports jointly; however, the dean of students or designee may permit the hearing pertinent to each respondent to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each respondent.
4. The complainant and respondent have the right to an advisor of their own choosing. Advisors are typically chosen *only* from within the current university community, and any member of the panel pool who is not empaneled in the report, has specific training and experience in the conduct process, and is available to serve as an advisor to a party. The dean of students or designee can arrange to pair available panelists with the parties on request. [In the rare instance where civil or criminal court proceedings currently involve a party to the report or at the discretion of the dean of students or designee, legal counsel may be permitted to serve as an advisor.] This advisor may not make a presentation or represent either party during the hearing.
5. The complainant, the respondent, the panel, and the dean of students or designee will have the privilege of questioning all present witnesses and questioning all present parties (directly or through the chair, at the discretion of the chair). Unduly repetitive witnesses can be limited at the discretion of the chair or the dean of students or designee.

6. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the panel and the dean of students or designee. Formal rules of evidence are not observed. The dean of students or designee may limit the number of character witnesses presented or may accept written affidavits of character instead.
7. All procedural questions are subject to the final decision of the dean of students or designee.
8. After a panel hearing, the panel will deliberate and determine, by majority vote, whether it is more likely than not that the respondent has violated the *Code of Student Rights and Responsibilities*. The dean of students or designee will be present and available as a resource during all deliberations. Once a finding is determined, if the finding is that of a policy violation, the panel will determine appropriate sanction(s). The dean of students or designee is responsible for informing the panel of applicable precedent and any previous conduct violations or other relevant pattern information about the respondent. The panel chair will prepare a written deliberation report and deliver it to the dean of students or designee, detailing the recommended finding, how each member voted, the information cited by the panel in support of its recommendation, and any information the panel excluded from its consideration and why. This report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the dean of students or designee within two days of the end of deliberations.
9. The dean of students or designee will consider the recommendations of the panel, may make appropriate modifications to the panel's report, and will then render a decision and inform the respondent and complainant (if applicable by law or university policy) of the final determination within seven business days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person by the dean of students or designee; mailed to the local or permanent address of the party as indicated in official university records; or emailed to the party's university-issued email account. Once mailed, emailed, and/or received in-person, such notice will be presumptively delivered.
10. There will be a single verbatim record, such as an audio recording, for all panel hearings. Deliberations will not be recorded. The record will be the property of the university and maintained according to the university's record retention policy.

L. Conduct Sanctions. One or more of following sanctions may be imposed upon any student for any single violation of the *Code of Student Rights and Responsibilities*. This includes all university policies, e.g. housing and residence life; athletic; academic; IT acceptable use, etc. On inquiry, the dean of students or designee may—as permitted by law or with consent of the student—release information regarding conduct records and sanctions to employers, licensing agencies, certifying boards, graduate programs, government background inspectors, and transfer institutions.

1. *Warning:* A written notice will be sent to the student(s) who violated university policies 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. *Restitution:* Compensation for damage caused to the university or any person's property. This is not a fine but, rather, a repayment for property destroyed, damaged (such as actual repair costs, including labor and materials), consumed, or stolen.
3. *Fines:* Reasonable fines may be imposed. Fines may be the following: fines in increments of \$25 to \$350 for alcohol-related policy violations; actual repair costs, including labor and materials, for damages; \$25 per hour of service not completed for non-compliance with discretionary sanctions; labor costs and expenses for failure to return a reserved space to proper condition. See the Office of Student Success and Engagement for additional fine information.
4. *Community/University Service Requirements:* For a student or organization to complete a specific supervised university/community service, for the number of hours specified.

5. *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.
6. *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 dean of students or designee (or university police when applicable).
7. *Behavioral Requirement*: This includes required activities such as, but not limited to, seeking academic or personal counseling or substance abuse screening, at a cost to the student; writing a letter of apology, etc.
8. *Educational Program*: Requirement to attend, present, market/design, 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. A reflection paper regarding the violation/topic may be assigned.
9. *Restriction of Visitation Privileges*: May be levied on residential or non-residential students. The parameters of the restriction will be specified.
10. *University Housing Probation*: The student is put on official notice that, should further violations of housing and residence life or university policies occur during a specified probationary period, the student may immediately be removed from university housing. Regular probationary meetings may also be imposed.
11. *University Housing Reassignment*: The student is assigned to another university housing facility. Housing and residence life personnel will decide on the reassignment details.
12. *University Housing Suspension*: The student is removed from university housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to university housing may be specified. Under this sanction, a student is required to vacate university 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 housing and residence life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for university housing, the student must gain permission from the director of housing and residence life or designee.
13. *University Housing Expulsion*: The student's privilege to live in or visit any university housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
14. *University Probation*: The student is put on official notice that, should further violations of university policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
15. *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 dean of students or designee and terms of this conduct sanction may include, but are not limited to, the following:
 - a. Ineligibility to hold any office in any student organization recognized by the university or hold an elected or appointed office at the university; or
 - b. Ineligibility to represent the university to anyone outside the university community in any way including, but not limited to: 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.

16. *University 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 the campus, including university housing, within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the dean of students or designee. This sanction may be enforced with a trespass action as necessary.
17. *University 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. This action may be enforced with a trespass action as necessary. Under this sanction, a student is required to vacate university housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the dean of students, director of housing and residence life, or designee. This sanction will be noted as a conduct expulsion on the student's official academic transcript.
18. *Other Sanctions*: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the dean of students or designee.

The following sanctions may be imposed upon groups or organizations found to have violated the *Code of Student Rights and Responsibilities*:

1. One or more of the sanctions listed above, or
2. Deactivation, de-recognition, or loss of all privileges (including university registration) for a specified period of time.

M. Notification of Outcomes. The outcome of a campus hearing is part of the education record of the 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, the university will inform the complainant (or, if applicable, the next of kin) 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 respondent's name, the violation committed, and the sanctions assigned (if applicable). In cases of sex offenses, only, the rationale for the outcome will also be shared with all parties to the report.

In cases where the university concludes that a student violated a policy that would constitute a "crime of violence" or forcible 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:

1. Arson
2. Assault offenses
3. Burglary
4. Criminal Homicide—manslaughter by negligence
5. Criminal Homicide—murder and non-negligent manslaughter
6. Destruction/damage/vandalism of property
7. Kidnapping/abduction
8. Robbery
9. Forcible sex acts

Students who bring any Title IX-related reports against any member of the campus community will be informed in writing of the outcome of the report and any sanctions or responsive actions implemented.

N. Parental Notification. The university reserves the right to notify the parents or guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The university may also notify parents or guardians of non-dependent students who are under the age of 21 of alcohol or other drug violations. The university will attempt to contact the parents or guardians of a student to inform

them of situations in which there is a health or safety risk. The university also reserves the right to designate which university employees have a legitimate educational interest in individual conduct reports pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share information accordingly.

- O. Appeal and Final Review.** Responding parties or reporting parties may petition the dean of students or designee for a review of a decision or sanction(s) within three business days of issuance of an administrative hearing officer's or conduct hearing panel's written decision to include recommended sanctions. All requests for review must be in writing and delivered to the dean of students or designee. Any student who misses their initial hearing may not request a review of the initial decision.

If the dean of students or designee determines that a request for appeal is eligible to be reviewed, every opportunity will be taken, where possible, to return the report to the original administrative hearing officer or panel for reconsideration; full re-hearings should rarely be needed. The original administrative hearing officer or panel may support or change a decision and/or increase, decrease, or modify a sanction. When the dean of students or designee does not remand for reconsideration, the dean may support or change a decision and/or increase, decrease, or modify a sanction, but will be deferential to the original decision-maker, making changes to the finding only where there is clear error or to a sanction only if a compelling justification to do so exists, and only when a unanimous decision is reached.

In cases where the sanction of separation (suspension or expulsion) is possible or at the discretion of the dean of students or designee, the dean of students or designee will serve as the voting chair of a three-member appeals panel. In all other cases, the dean of students or designee will serve as the non-voting advisor to the panel with responsibility for training the panel, conducting preliminary investigations, and ensuring a fair process for the complainant and respondent.

Reviews will only be considered for one or more of the following purposes:

1. A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
2. To consider new information, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
3. The sanctions fall outside the range of sanctions, if any, the university has designated for this offense. If no range of sanctions is specified, sanctions may be appealed on the basis that they are disproportionate to the severity of the violation(s).

Except as required to explain the basis of new information unavailable at the time of a hearing, review of a formal hearing will be limited to the verbatim record of the initial hearing and all supporting documents. Review of an informal hearing will be limited to the written record of the hearing and all supporting documents.

- P. Failure to Complete Conduct Sanctions.** All students, as members of the university community, are expected to comply with conduct sanctions within the timeframe specified by the dean of students, designee, or administrative hearing officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions, up to and including suspension from the university. In such situations, residential students will be required to vacate university housing within 24 hours of notification by the dean of students or designee, though this deadline may be extended upon application to, and at the discretion of, the dean of students, director of housing and residence life, or designee. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved, a decision that will be made by the dean of students or designee.
- Q. Disciplinary Records.** All conduct records are maintained by the university for seven years from the time of their creation except those that fall under Title IX, which are maintained indefinitely. Other than

university expulsion and certain types of suspension, conduct sanctions will not be made a part of the student's permanent academic record, but will become a part of the student's private conduct record. Upon application to, and approval of the dean of students or designee, private conduct records may be expunged* one year after final disposition of reports for which sanctions imposed did not include university housing expulsion, university housing suspension, university suspension, or university expulsion.

*Expungement is not destruction of the file. A letter is inserted into the file noting that it is expunged. Upon subpoena or an authorized document request asking for expunged records, the file contents could potentially be disclosed, if law permits.

Section Nine: Academic Conduct Procedures

The search for truth, the transmission of knowledge, and the facilitation of moral development are the avowed goals of institutions of higher education around the world. These goals cannot be achieved unless those who participate in their achievement are honorable persons with a common desire for the highest level of academic integrity. Members of the Marian University community are expected to maintain the highest level of honesty in every phase of their academic lives and to help create and promote an ethical atmosphere in which the goals of the university can be fully realized. Students must understand that by accepting admission to Marian University, they have agreed to abide by all the provisions of this code. Their willingness to respect and comply with this code should depend less on an expectation of punishment for violations than on their intellectual and moral integrity. The university has a positive obligation to protect this commitment by stating its code of academic integrity clearly and by taking decisive and responsible action when this code is violated. All Marian University students are responsible for knowing and avoiding the following types of academically dishonest behaviors. Student behaviors, as evidence of student intentions, will be used to establish the occurrence of academic dishonesty.

A. Academically Dishonest Behaviors

1. **Plagiarism.** Representing the words or ideas of another as one's own in any academic exercise. Examples include, but are not limited to, failing to enclose a direct quotation from a reference source within quotation marks and/or paraphrasing the words or ideas of another person without proper citation or documentation.
2. **Multiple Submissions.** Submitting the same assignment in two or more courses without the prior permission of the respective instructors. Examples include, but are not limited to, submitting the same or essentially the same term paper for credit in two classes without obtaining instructors' permission, and/or giving the same or essentially the same speech for credit in two classes without obtaining both instructors' permission.
3. **Fabrication.** Falsifying or inventing information or citations in an academic exercise. Examples include, but are not limited to, making up fake data for a laboratory assignment and/or padding a bibliography with references not consulted, cited, or taken into account in the text.
4. **Misuse of Materials.** Abusing or unauthorized possessing of academic materials from the library or any other campus location. Examples include, but are not limited to, taking a book from the library without checking it out, removing pages from a book or magazine in the library, and/or possessing unauthorized exam materials.
5. **Misrepresentation.** Presenting false excuses or using deception to receive a higher grade or to avoid fulfilling the specific requirements of an assignment or course. Examples include, but are not limited to, giving a false excuse to miss a test or assignment, and/or obtaining unauthorized help from another person in the preparation of any graded work.
6. **Facilitation of Academic Dishonesty.** Helping another student violate any provision of this code. Examples include, but are not limited to, allowing another student to copy from a paper during an

exam, informing another student of the contents of an exam before they take it, writing a paper for another student who subsequently submits it for course credit, and/or transmitting a false excuse for another student to a faculty member.

B. Charges, Procedures, and Sanctions. Suspected violations of this code will lead to the following disciplinary procedures that are designed to emphasize fairness, consistency, and education. Sanctions resulting from these procedures will be imposed to minimize the occurrence of future violations, produce a better understanding of the value of academic integrity, and promote personal development.

1. If a faculty member detects questionable academic behavior that is not a clear violation of the code, corrective action may be taken. If the student complies, the case may be closed.
2. If a faculty member determines that a student has violated the code, the faculty member will consult with the assistant provost for records of previous official disciplinary action for violation of the code. If the student has a previous official record of violation of the code, the case is automatically heard by an Academic Integrity Panel (AIP) (see Section C).
3. If no record of previous official disciplinary action exists, the faculty member must notify the student in a written memorandum within one week of discovering the violation. The faculty member may formally impose one of the following sanctions:
 - a. Loss of credit on the assignment, paper, or test; or
 - b. Failure in the course.
4. If the student accepts the sanction, the faculty member then informs the assistant provost and the dean of their school of the sanction in a memorandum which becomes the official record of disciplinary action for violation of the code. Included in the memorandum are the name of the violator, the course in which the violation took place, the date of occurrence and discovery of the violation, and the nature, evidence, and copies of documents relevant to the violation. The case is considered closed.
5. If the student disagrees with the sanction, and has no previous record, the student may ask for a review of the sanction. Within one week of the original notification, the student will consult with the instructor concerning the sanction. The student will document the meeting by means of a memorandum of record which contains the date of the meeting, the results, and signatures of the student and the instructor. If, at this meeting, consensus is reached concerning the violation and sanction, the faculty member then informs the assistant provost and the dean of their school as stated in Section B, 4 above. The case is considered closed.
6. If no resolution has been achieved following the meeting between the student and faculty member, the student may file a written appeal with the dean of the school that oversees the course within one week. The appeal must include documentation of the original sanction by the faculty member, the memorandum of record of the meeting between the student and the faculty member, and a statement indicating what is requested concerning the sanction and the rationale behind the request. The dean or designee will attempt to resolve the disputed violation and sanction in a manner acceptable to both parties. If a resolution is reached, the dean or designee will document the resolution in an official record of action as in Section B, 4 above and submit the documentation to the assistant provost. The case is considered closed.
7. In the unlikely event that the matter is unresolved, the student may submit a written appeal to the assistant provost. In addition to all of the documentation required in the initial appeal, a statement signed by the student, faculty member, and the dean or designee concerning the lack of consensus must also accompany the written appeal. This appeal will be heard by an Academic Integrity Panel as described in Section C below.

C. Academic Integrity Panel (AIP) Policies and Procedures

1. **Purpose.** The purpose of the AIP is to determine if a violation occurred, determine the fairness of the original sanction, and/or impose one of the following sanctions:
 - a. *University 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 the campus, including university housing, within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the dean of students or designee. This sanction may be enforced with a trespass action as necessary.
 - b. *University 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. This action may be enforced with a trespass action as necessary. Under this sanction, a student is required to vacate university housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the dean of students, director of housing and residence life, or designee. This sanction will be noted as a conduct expulsion on the student's official academic transcript.
 2. **Composition.** The panel is an ad hoc committee consisting of three faculty members and the provost or designee. A list of impartial candidates will be presented to both parties by the assistant provost.
 3. **Hearing.** The panel will hear the evidence with both the faculty member and the student present. The student may choose to have an authorized advisor present during panel proceedings. Authorized advisors are limited to Marian University employees. The provost or designee will facilitate the meeting. A recorder will be present to record the deliberations. Both the student and the faculty member are given the opportunity to present their case uninterrupted by the other party. The panel will have access to the student's file and to any witnesses that it wishes to hear and may choose to complete deliberations in more than one meeting. The judgment reached and the sanction(s) imposed by the panel will be determined by majority vote. The sanction will be commensurate with the seriousness of the violation and the student's previous record of academic integrity. The decisions of the AIP are final.
- D. Records.** All reports of violation of the code will be submitted to the assistant provost and maintained in a confidential file in that office.
1. No notation pertaining to academic dishonesty will appear in the student's files elsewhere except:
 - a. When knowledge of the violation may need to be recorded in department files for faculty recommendations for professional credentials; or
 - b. In the Office of Admission in cases where students may re-apply for admission to the university.
 2. Official transcripts will contain no indication of disciplinary action taken as a result of academic dishonesty.
 3. Files pertaining to cases of academic dishonesty will be destroyed after graduation or five years of inactivity.
- E.** Additional academic policies and procedures regarding scholastic performance, requirements, and graduation can be found in the course catalog at marian.edu/academics/course-catalog-and-schedule-of-classes.

Section Ten: Interpretation and Revision

Any question of interpretation or application of the code shall be referred to the dean of students, in consultation with the provost and assistant provost, for final determination.

The code shall be reviewed every year under the direction of the dean of students.

The Marian University *Code of Student Rights and Responsibilities* may be modified by the dean of students upon request by student success and engagement or academic affairs during the academic year. All modifications will be in consultation with the provost. Modifications to the code will be made during the academic year to comply with federal, state, or local law. Any modifications of the code during the academic year shall be made in writing, will be made available in the Office of Student Success and Engagement, and on the Marian University website, and shall become effective upon publication.

Appendix A: Alcohol Policy

When students choose to consume alcoholic beverages, Marian University encourages responsible practices and behavior in accordance with campus policies, and the laws of the State of Indiana and the City of Indianapolis. On- and off-campus violations of university policy and local and state laws related to alcohol will result in disciplinary action.

A. General Guidelines

1. Alcohol is permitted on the Marian University campus only at (a) officially scheduled, catered events which have been scheduled through the Office of Conferences and Events; (b) in designated areas during tailgating events or other campus events as announced by the chief of university police; and (c) in designated residential living spaces where all residents of the private room and all present are 21 years of age or older.
2. Any person who is (a) intoxicated; (b) knowingly distributing alcohol to a person under the age of 21 or (c) under the age of 21 and found in possession of or consuming alcohol on campus property may face civil, criminal, and/or university disciplinary action.
3. Illegal purchase, consumption, or possession of alcoholic beverages by any student under 21 years of age is prohibited wherever it may occur.
4. Adverse behavior as a result of alcohol consumption, including disruption, disorderly conduct, and public intoxication shall be a violation of the code.
5. The sale of alcoholic beverages by any person without a license is strictly prohibited.
6. Students hosting parties where (a) minors are allowed to consume alcohol, (b) alcohol is provided to minors, (c) provided in excess to others, or (d) otherwise distributed in violation of the law are subject to sanctions outlined in the *Code of Student Rights and Responsibilities* up to and including suspension or expulsion from the university.
7. Drinking games and other behaviors designed for the purpose of rapid and/or excessive consumption of alcohol are prohibited.
8. Bulk alcohol containers (kegs and other bulk containers, etc.) are prohibited.

B. Residential Units

1. With respect to the service, possession, or consumption of alcoholic beverages on the Marian University campus, state statutes and city ordinances will be enforced in addition to the following regulations: residents who are of legal age to possess or consume alcoholic beverages, who reside in university-operated employee apartments/houses or university apartment/house units, and their guests of legal age may possess and consume such alcoholic beverages in the privacy of their residences.
2. Alcoholic beverages are prohibited from all substance-free living environments, regardless of a student's age. This includes but is not limited to Doyle Hall, Clare Hall, and the Dorothy Day House for Peace and Justice.

3. Consumption and possession of alcohol may be permitted in some residence halls (Drew Hall and University Hall) where residents and their guests are of legal age to possess or consume alcoholic beverages. Such use of alcoholic beverages will not be permitted in the public lounges, study lounges, recreation areas, dining rooms, or any area other than the private student rooms.
4. In rooming situations in Drew Hall and University Hall where one resident is over the age of 21 and the other resident is not yet 21 years of age, possession or consumption of alcoholic beverages is prohibited. This applies to student guests in addition to residents.
5. Alcoholic beverages are prohibited in all public areas of the residence halls. All areas in a residence hall except for private rooms are considered public areas. When the door of a private room is propped open, it is to be considered a public area.
6. No student under the age of 21 may be present where possession or consumption of alcoholic beverages is occurring within the residence halls, apartments, or houses.
7. Alcoholic beverage containers (cans, bottles, kegs, etc.) are not allowed in substance free living environments for any purpose. This includes empty or decorative containers.

Disciplinary actions for any student or guest found in violation of the alcohol policy may result in any of the sanctions noted within the code. The university will notify parent(s)/legal guardians(s) of alcohol violations under certain circumstances.

Student health and well-being is of primary concern to the university. Please see the Lifeline-Good Neighbor Policy in Appendix C regarding emergency assistance and support.

The university encourages students who are experiencing substance abuse problems to seek assistance from resources available to them on campus, as well as from agencies and self-help groups available in the community. A list of these resources is available from the Office of Health and Wellness and Counseling and Consultation Services located in Clare Hall.

Appendix B: Drug Policy

The illegal or abusive use of alcohol and other drugs by members of the campus community jeopardizes the safety of the individual and the community and is contrary to the academic learning process. Marian University is committed to having a campus that is free of the illegal or abusive use of alcohol and other drugs. In keeping with this commitment, it is the policy of the university that the illegal or abusive use of alcohol and other drugs is prohibited at all times. In order to inform all university students of their responsibilities as set forth in the Drug-Free Schools and Communities Act Amendments of 1989, the following information is provided:

2. The use, abuse, possession, sale, distribution, manufacture, or transfer of narcotics, illegal drugs as defined by state or federal law, or any controlled substance is prohibited at all times. Controlled substances include, but are not limited to, marijuana, hash oil, hashish, inhalants, and abuse of over-the-counter drugs and prescription drugs, and/or the use of over-the-counter drugs or prescription drugs, or any other immediate precursor to be used to manufacture any other illegal drug, including without limitation, methamphetamine.
3. Possession or manufacture of drug paraphernalia which is to be used for any one of the following purposes: (a) to introduce into a person's body a drug, marijuana, or any controlled substance, (b) to test the strength, effectiveness or purity of a drug, marijuana, or any controlled substance, or (c) enhances, or is perceived to enhance, the physiological effect of a drug, marijuana, or any controlled substance, is also a violation of this policy.

Conduct sanctions the university may employ for violations of the university drug and alcohol policies include dismissal, suspension, probation, restitution, suspension from university housing, forfeiture of financial assistance, or such other sanctions as deemed appropriate by the university. Students may be accountable to both civil

authorities and the university for acts that constitute violations of law and university policy. Student conduct action at the university will normally proceed *during* pending criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

Students need to be aware that any student convicted of a state or federal drug violation that occurred while enrolled and while receiving federal financial aid may be declared ineligible for future federal student aid for up to one year. Individuals convicted of both possession and selling may face a longer period of ineligibility. Students should contact the Office of Financial Aid to understand the full policy.

The university will notify parent(s)/legal guardians(s) of drug violations. The university encourages students who are experiencing substance abuse problems to seek assistance from resources available to them on campus, as well as from agencies and self-help groups available in the community. A list of these resources is available from the Student Health Center or Counseling and Consultation Services located in Clare Hall.

Appendix C: Lifeline-Good Neighbor Policy

If someone is injured, contact campus safety immediately at 317.955.6789.

Campus safety officers are trained as medical first responders and are best prepared to assess an injury. If a student contacts campus safety in a timely manner in order to assist a person who may require medical treatment, they will not be penalized if they have been drinking or aware of underage drinking. The Indiana Lifeline law was developed to protect those who are attempting to provide needed assistance. Please see the Indiana Lifeline website to further understand this law: indianalifeline.org.

In non-emergency settings, if students are concerned about choices a friend is making regarding alcohol or other drugs; or other types of concerning behaviors, please talk to staff that are here to assist you:

Area Coordinators in the Residence Halls	317.955.6318
Counselors in Counseling and Consultation Services	317.955.6150
Student Health Center	317.955.6154
Office of the Dean of Students	317.955.6318
MHA Indy Crisis Line	317.251.7575

Appendix D: Tobacco-Free Campus Policy

Marian University is a tobacco-free campus. This includes all tobacco products, as well as all forms of smoking, including e-cigarettes.

Information on smoking cessation programs is available in the Office of Human Resources and the Office of Health and Wellness.

The responsibility for carrying out this policy is placed upon all members of the university community. Each member of the community is responsible to inform visitors and guests of the policy and procedures.

All community members and guests will be treated with dignity and respect, however persistent violators should be reported to human resources (faculty, staff, or contractors) or the dean of students (students). Violations of this policy will be evaluated as an employment performance issue for employees and as a student conduct issue for students.