

# MARIAN UNIVERSITY

Indianapolis®

## Code of Student Rights and Responsibilities

Revised August 2025

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### Preface

#### Document Overview

The *Code of Student Rights and Responsibilities* (the code) provides members of the Marian University community with information regarding the university's expectations of its students and the student conduct process, which is a system for addressing allegations of violations of the code. In addition to documenting expectations, the code also informs university students of their rights throughout the student conduct process.

#### Responsibility for Policy Knowledge

Marian University students are responsible for knowing the information, policies, and procedures outlined in the *Code of Student Rights and Responsibilities* (code) as well as other university policies including, but not limited to, the [student-athlete handbook](#), [residence and commuter life policies](#), the [housing contract](#) for undergraduate and graduate residential students, and any applicable academic program handbooks.

#### Policy Changes

The university reserves the right to make changes to this code as necessary at any time.

Once the changes are posted online at [marian.edu/current-students](http://marian.edu/current-students), under links of interest, they are in effect. Students are encouraged to check online for the updated versions of all policies and procedures.

## **Section One: Vision, Mission, and Philosophy**

### **Marian University Vision**

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

### **Marian University Mission**

To be a great Catholic university dedicated to achieving excellence in learning, which is achieved through teaching, research, and scholarly activities in the Franciscan and liberal arts traditions.

### **Values Statement**

The core values of student conduct align with Marian University's Franciscan Sponsorship Values.

*Dignity of the Individual:* We strive to reflect in our lives our belief in the presence of God, dwelling among us, loving us unconditionally, and calling us in that love to accept our dignity as human persons endowed with the very life of our Creator. We recognize and affirm the personal gifts and talents of each person. We likewise acknowledge and celebrate the gift of rich diversity present among us. Through collaboration and mutual support, we empower one another and strive to achieve life-giving unity within authentic relationships.

*Peace and Justice:* We strive to reflect in our lives our belief that our individual response to God's initiative is best experienced and fostered in our sharing of ourselves, our gifts, and our talents. We desire to be concretely responsive to the ever-present issues of peace and justice. In this stance, and together with church, religious, and civic communities, we dare to challenge contemporary values and practices which are contrary to the Gospel's wherever they occur. We likewise challenge one another to venture into new creative responses to ever-changing needs among and together with a diversity of God's people.

*Reconciliation:* We strive to reflect in our lives our belief in the unifying effect of the dwelling of the Spirit within us and among us. Keenly aware of the pain, brokenness, and pervading grief in our society—especially on the part of poor, oppressed, and alienated persons—we feel especially called to the ministry of reconciliation in every level of society.

*Responsible Stewardship:* We strive to reflect in our lives our belief that an intimate relationship with our God calls us to responsible stewardship: delight with all creation, reverence for persons, responsible use of the earth's resources, and freely sharing the gifts entrusted to us with those in need and less fortunate.

## **Student Conduct Philosophy**

The Marian University community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life, thoughtful study, and civil discourse. Student conduct 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 based on shared values and principles. At Marian University, student community members are expected to uphold and abide by standards of conduct that form the basis of the code. These standards are embodied within the university's Franciscan Sponsorship Values: dignity of the individual, peace and justice, reconciliation, and responsible stewardship. Marian University 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.

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 student conduct 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. Any sanctions assigned 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 receive a link to the code each semester. Students are responsible for reading and abiding by the provisions of the code.

The following sections describe the jurisdiction of the code, where jurisdiction is defined as the people required to adhere to the code and the situations in which the code will be applied.

### **Person Jurisdiction**

The code applies to individual Marian University students participating in academic programs of the university, including online, associate, undergraduate, graduate, and doctoral. The 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 if the student has a continuing educational interest in the university.

The university retains student 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 or the degree may be revoked.

### **Geographic Jurisdiction**

The code 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:

- any situation where it appears that the student may present a danger or threat to the health or safety of self or others;
- 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
- any situation that is detrimental to the educational mission or interests of the university.

### **Application of Code to Online Behavior**

The code may also be applied to behavior conducted online. Students should be aware that online behavior is not private. Inappropriate online actions or behavior can subject a student to allegations of code violations if evidence of policy violations is posted online. While the university does not regularly search for this information, the university may act 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:

- 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;” or
- disparaging speech posted online about the university or its community members that causes a significant on-campus disruption to university operations or mission.

### **Application of Code to Guests**

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

### **No Reporting Time Limit**

There is no time limit on reporting code violations. The longer someone waits to report an offense, however, the harder it becomes for university officials to obtain information and to make determinations regarding alleged violations.

### **Reporting Misconduct**

Marian University encourages community members to report to university officials all incidents that may involve code violations.

#### *Reporting to Campus Safety*

Reports of crimes, misconduct, concerns, or injuries may be made to the Marian University Police Department in the following ways:

- In person: Paul J. Norman Center, across from Subway
- Online: Using the [CampusShield](#) Submit a Tip feature
- Phone: (317) 955-6789
- Mail: Marian University Police Department, 3200 Cold Spring Road, Indianapolis, Indiana 46222

General reports of misconduct, student injury, or concerns may be shared with the Dean of Students in the following ways:

- In person: Karen Candlish, Dean of Students, Clare Hall, Room 122
- Online: [Report Form](#)
- Email: [deanofstudents@marian.edu](mailto:deanofstudents@marian.edu)
- Phone: (317) 955-6318
- Mail: Karen Candlish, 3200 Cold Spring Road, Indianapolis, Indiana 46222

Reports of bias, discrimination, or harassment of any kind may be made in the following ways:

- In person:
  - For students – Karen Candlish, Dean of Students, Clare Hall, Room 122
  - For employees – Office of Human Resources, Marian Hall
- Online: [Report Form](#)
- Email:
  - For students – [deanofstudents@marian.edu](mailto:deanofstudents@marian.edu)
  - For employees – [hr@marian.edu](mailto:hr@marian.edu)
- Phone:
  - For students – (317) 955-6318
  - For employees – (317) 955-6040
- Mail:
  - For students – Karen Candlish, 3200 Cold Spring Road, Indianapolis, Indiana 46222
  - For employees – Office of Human Resources, 3200 Cold Spring Road, Indianapolis, Indiana 46222

Reports of sexual harassment may be made in the following ways:

- In person: Ruth Rodgers, Clare Hall, Room 125
- Online: [Report Form](#)
- Email: [rrodgers@marian.edu](mailto:rrodgers@marian.edu)
- Phone: (317) 955-6318
- Mail: Ruth Rodgers, 3200 Cold Spring Road, Indianapolis, Indiana 46222

### **Anonymous Reporting**

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 Dean of Students or university police. Anonymous reports may be made using the [CampusShield](#) Submit a Tip feature. Anonymous reports may be made on any of the online reporting forms listed above.

### **Primary Means of Communication**

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

### **Sharing Student Conduct Information**

Student conduct information is part of a student's education record and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions.

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.

The process for sharing hearing results, if necessary, is outlined on page 51.

Student conduct information is part of a student’s education record and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions.

### **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.

Additionally, 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.

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

Alleged violations of federal, state, and local laws may be investigated and addressed under the code. When an offense occurs over which the university has jurisdiction, the university conduct process will typically 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 reduction of charges schedule](#) applies and the university procedure for voluntary withdrawals is subject to the following conditions:

- Respondent must comply with all campus investigation efforts that will not prejudice their defense in a criminal trial;
- Respondent must comply with all interim actions or restrictions imposed during the

leave of absence; and

- Respondent must agree that, 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 university's values, and not in support of the university mission statement. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 8: Formal Conduct Procedures on page 35.

The policies are listed in alphabetical order.

**Abuse of the Conduct Process.** Abuse, interference, or failure to comply with university processes, which include academic conduct hearings. Behaviors that would constitute a violation include, but are not limited to:

- Falsification, distortion, or misrepresentation of information;
- Failure to provide, destroying, or concealing information during an investigation of an alleged policy violation;
- Attempting to discourage an individual's proper participation in, or use of, the student conduct process;
- Verbal, written, or physical harassment or intimidation of a member of a student conduct investigation or hearing panel prior to, during, or following a student conduct proceeding. Examples include but are not limited to: phone calls, text messages, emails, social media contact, messages of any kind through any means, including through third parties, as well as staring, following, walking up and down the area outside residence, etc.;
- Failing to comply with the sanctions imposed by the student conduct process; or
- Influencing, or attempting to influence, another person to abuse the student conduct process.

**Academic Dishonesty.** Acts of academic dishonesty as outlined in Section Nine: Academic Conduct Procedures on page 53;

**Alcohol.** Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and university policy (additional information is included in Appendix A on page 57);



**Animals.** Animals, with the exception of service animals and those listed in the housing policies and contracts, are not permitted on campus;

**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;

**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;

**Collusion.** Action or inaction with at least one other person to violate the code;

**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;

**Election Tampering.** Tampering with the election of any university-affiliated registered student organization;

**Damage and Destruction.** Intentional and unauthorized damage to or destruction of university property or the personal property of another;

**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;

**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;

**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;

**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;

**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;

**Drugs.** Use, possession, or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted the university's drug policy (additional information is included in Appendix B on page 58);

**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;

**Failure to Intervene.** Complicity with or failure of any student or organized student organization to appropriately address known or obvious violations of the code or law;

**Falsification.** Knowingly furnishing or possessing false or forged materials such as the creation or misuse of documents, accounts, records, identification, or financial instruments;

**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;

**Fire Safety.** Violation of local, state, federal, or campus fire policies including, but not limited to:

- Intentionally or recklessly causing a fire which damages university or personal property or which causes injury;
- Failure to evacuate a university-controlled building during a fire alarm;
- Improper use of university fire safety equipment; or
- 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;

**Gambling.** Gambling as prohibited by the laws of the State of Indiana (may include raffles, lotteries, sports pools, and online betting activities);

**Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person;

**Hazing.** Any intentional, knowing, or reckless act committed by a person against another

person that is committed during an initiation into, an affiliation with, or the maintenance of membership in a student organization and causes or creates a risk of physical or psychological injury (additional information is included in Appendix C on page 59);

**Health and Safety.** Creation of health or safety hazards, such as dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, throwing items from or at windows, etc., which includes failure to comply with university medical records or immunization policies and university policies related to community health and safety;

**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;

**Intimidation.** Implied threats or acts that cause a reasonable fear of harm in another person;

**Other Policies.** Violating other published university policies or rules, including all housing and residence life policies.

**Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over the counter medications;

**Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts;

**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 the code;

**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;

**Sexual Misconduct.** Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, or sexual exploitation (additional information included in Section 5: Title IX Policy on page 12);

**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;

**Stolen Property.** Knowingly taking or maintaining possession of already stolen property.

**Taking of Property.** Intentional and unauthorized taking of university property or the personal property of another;

**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;

**Tobacco.** Smoking or tobacco use, including electronic cigarettes and similar devices, in any area of campus;

**Trademark.** Unauthorized use or misuse of university or organizational names and images;

**Trust.** Violations of positions of trust within the community;

**Unauthorized Means of 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;

**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;

**Violations of Law.** Evidence of violation of local, state, or federal laws, when substantiated through the university's student conduct process;

**Weapons.** Possession, use, or distribution of explosives, firearms, weapons, or other dangerous objects, including the storage of any item that falls in the category of weapon in a vehicle parked on university property. Examples include, but are not limited to, fireworks, air guns, BB guns, paintball guns, tasers, facsimile weapons, pellet guns, arrows, axes, machetes, nun chucks, throwing stars, or knives;

**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 outside on a bike rack.

## **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 community members 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. Compliance with Title IX is guided by the United States Department of Education and is subject to change based on the presidential administration leading the federal Department of Education.

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 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 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 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.

## **Definitions**

The following terms and definitions apply to this policy. The list is in alphabetical order.

**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.

**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 and clear permission regarding willingness to engage in and the conditions of sexual activity.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Consent may be withdrawn at any time.
- Previous relationships or prior consent cannot imply consent to future sexual acts; this includes “blanket” consent, defined as permission in advance for any or all actions at a later time or place.
- 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, by alcohol or other drug use, unconsciousness, etc.
- Substantial impairment is a state when an individual cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (for example, to understand the “who, what, when, where, why, or how” of their sexual interaction).
- This also covers individuals whose substantial impairment results from other physical or mental conditions including disability, sleep, involuntary physical restraint, or from the consumption of alcohol or other drugs.
- Being impaired by alcohol or other drugs will never function as a defense for any behavior that violates this policy.
- It is the obligation of the person initiating sexual activity to obtain consent.
- 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.
- Force is defined as violence, compulsion, or constraint; physically exerted by any means upon or against a person.
- 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.
- A person who does not want to consent to sex is not required to resist or verbally object.
- 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).

- Consent may not be given by an individual who has not reached the legal age of consent under applicable law.

**Decision Maker.** The administrator who oversees any hearing or appeal which takes place as part of the formal resolution process.

**Formal Complaint.** A complaint filed by the complainant or the university that triggers the university's full investigation and hearing process under Title IX.

**Investigator.** An individual assigned by the Title IX coordinator to investigate the alleged sexual harassment and oversee the investigative hearing.

**Respondent.** Any member of the university community who is reported to have engaged in conduct prohibited by this policy.

**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.

**Sexual Harassment.** The following acts constitute sexual harassment under this policy:

- A university employee conditioning the provision of an aid, benefit, or university service on an individual's participation in unwelcome sexual conduct;
- 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 university's education program or activity; or
- 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.
- Dating violence, as defined as violence committed by a person
  - who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - The length of the relationship.
    - The type of relationship.

- The frequency of interaction between the persons involved in the relationship.
- Sexual assault, as defined as any nonconsensual sexual act, including when the victim lacks capacity to consent.
- Stalking, as defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to
  - fear for their safety or the safety of others; or
  - suffer substantial emotional distress.

## **Scope**

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.

## **Person Jurisdiction**

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.

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.

## **Geographic Jurisdiction**

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.

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.

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.

## **Policy Maintenance**

This policy is managed by the dean of students and the Title IX coordinator or their designees. The policy and the associated procedures will be reviewed annually and revised as needed by the dean of students and the Title IX coordinator or their designees.

## **Resources for Pregnant and Parenting Students**

Title IX prohibits discrimination on the basis of sex, which includes discrimination based on pregnancy or parenting status, in the university's educational programs and activities.

Under Title IX, the university is required to provide reasonable accommodations to pregnant and parenting students. If you need adjustments like schedule changes, physical accommodations, or other assistance, start here:

- [Student Accommodations Form](#)
- After submitting your request, the Title IX coordinator or designee will reach out to discuss your needs and connect you with the right support.

## **Employee Duty to Report**

All university employees, except those exempted by legal privilege of confidentiality or expressly identified as a confidential resource, have an obligation to report incidents of sexual harassment.

See the [mandatory reporting policy](#) on the university's website for additional information.

## **Reporting Allegations of Sexual Harassment**

Any person may report sexual harassment.<sup>1</sup>

Reports can be made to the Title IX coordinator in the following ways:

- In person: Ruth Rodgers, Clare Hall, Room 125
- Online: [Report Form](#)
- Email: [rrodgers@marian.edu](mailto:rrodgers@marian.edu)
- Phone: (317) 955-6318
- Mail: Ruth Rodgers, 3200 Cold Spring Road, Indianapolis, Indiana 46222

In most cases, making a report to the university and to law enforcement are separate actions.

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<sup>1</sup> By way of example, this includes students, employees, parents, family members, or any university community member or other individual who is directly involved in, observes, or reasonably believes that sexual harassment may have occurred.

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.

The exception to the separation of university and law enforcement reporting is when reports are made to the Marian University Police Department. Because Marian University Police Department employees are university employees, reporting a crime with law enforcement in the Marian University Police Department constitutes making a report to the university.

Reports made to the university are not shared with law enforcement unless there is a significant risk to the safety of the campus community.

### **Confidentiality and Privacy**

The university recognizes the importance of confidentiality and privacy. See the [provided resources document](#) in addition to the resources section on page 62 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.

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.

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.

All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.

### **Supportive Measures**

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 the 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:

- No contact directives;
- Referral to campus and community resources for victim advocacy, counseling, health services, legal assistance, immigration assistance, disability services;
- Academic support including extensions of time and other course-related adjustments;
- Modification of work or class schedules;
- Change in work or housing locations;
- Change in reporting relationship;
- Consideration of leave requests; and
- Assistance with academic petitions.

During the period of any investigation a respondent who is a university employee can be placed on administrative leave. If the respondent is a student, 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.

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.

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.

Students impacted by sexual harassment are encouraged to use [counseling and consultation services](#), listed in the resources section on page 62. Employees impacted by sexual harassment are encouraged to utilize the Employee Assistance Program (EAP). Contact Human Resources for more information about EAP. Additional resources are [included here](#).

## **Retaliation**

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.

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.

Allegations of retaliation should be reported to the Title IX coordinator.

## **Investigation and Resolution Options**

### *Initial Assessment*

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 resolution process.

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.

### *Informal Resolution*

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

### *Investigative Resolution*

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.

## **Remedies**

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.

### *Corrective Actions and Sanctions*

When the respondent is a student, potential sanctions include formal reprimand, disciplinary probation, suspension, dismissal, and other appropriate educational sanctions.

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.

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.

Any corrective actions or sanctions will not take effect until any appeals have been completed.

### *Other Remedial Measures*

When the university is unable to proceed with investigative resolution, due to reasons such as the lack of information in the report or a 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.

Remedial measures may include and are not limited to:

- Providing training on sexual harassment;
- Increasing security in a designated space;
- Changing policy or procedure; and
- Conducting campus climate surveys or climate checks within a specified group.

### **False Allegations**

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.

The absence of a policy violation finding is not equivalent to finding that the complainant acted in bad faith.

## **Process Abuse**

No member of the university community may:

- 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;
- Make, in bad faith, materially false statements in or related to a process covered by this policy;
- Disrupt or interfere with the orderly conduct of any proceeding conducted under this policy; or
- Fail to comply with any directive, sanction, or corrective action issued pursuant to this policy.

## **Training**

As required by federal law, all employees are required to take sexual harassment and Title IX training as directed by the university.

## **Procedure**

### **Initial Assessment**

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.

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.

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.

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:

- The actual allegations of facts that constitute sexual harassment and any supporting

evidence;

- That there is a presumption of innocence in their favor;
- That all parties are entitled to an advisor of their choice;
- That all parties can inspect and review evidence; and,
- Code of conduct provisions that prohibit false statements made in bad faith.

### **Emergency Removal**

The university may determine to remove a respondent from the university on an emergency basis. The university will only do this after undertaking an individualized safety and risk analysis which results in a determination that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the respondent.

If the university determines that emergency removal is appropriate, the respondent will receive notice of the removal, outlining the reasons for removal.

The respondent can challenge the decision immediately following the removal.

### **Dismissal of a Complaint**

If before or during 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.

The university reserves the right to dismiss the formal complaint and stop the investigation if:

- The complainant notifies the Title IX coordinator in writing that they wish to withdraw their formal complaint;
- The respondent is no longer enrolled in or employed by the university; or
- Specific circumstances prevent the university from gathering sufficient evidence to reach a determination about allegations (e.g. lack of participation in the investigative process by parties or witnesses).

If the university dismisses the formal complaint for any reason, either party may appeal the decision as outlined in this policy's appeals process.

## **Informal Resolution**

Informal resolution may be utilized in some circumstances if a formal complaint is filed.

The usage of an informal resolution process is limited in a number of ways:

- Informal resolution is unavailable if the respondent is an employee of the university.
- Informal resolution may only be used if any and all parties to an investigation agree to it.

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.

The university will provide a facilitator, mediator, or decision-maker that is free from conflicts of interest and has received special training to facilitate resolution of the formal complaint.

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:

- **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.
- **Shuttle Mediation:** An indirect version of the facilitated dialogue with the complainant and the respondent in separate physical spaces with a mediator that moves between the two parties.
- **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. The complainant may also be present if desired.

Depending on the form chosen, it may be possible for a complainant to maintain anonymity throughout the informal resolution process.

As part of the resolution process, additional measures may be agreed upon. Additional measures include, but are not limited to educational programming, training, regular meetings with an appropriate university individual or resource, extensions of no contact orders, or counseling sessions.



## **Formal Resolution and Hearings**

The Title IX coordinator or designee 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.

### *Investigation*

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.

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.

Formal complaints of sexual harassment may be consolidated where the allegations arise out of the same facts or circumstances.

During the investigation process, the complainant and respondent have an equitable right to:

- Receive notice of the allegations before participating in an interview with sufficient time to prepare for meaningful participation;
- A process with reasonably prompt timeframes, with extensions for good cause, as described in the procedure section below;
- Present relevant information to the investigator, including evidence and witnesses;
- Receive timely and equal access to any relevant information, documentation, and evidence gathered during the investigation;
- 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
- 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.

The university must provide 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.

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.

Credibility determinations during an investigation may not be based on a person's status as a complainant, respondent, or witness.

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 determining 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.

### *Hearings*

All hearings are overseen by a single decision maker or multiple decision makers (decision maker). The decision maker receives special training on how to be impartial and is 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. Additionally, the Title IX coordinator is not the decision maker for any case.

The respondent is presumed not responsible for the alleged policy violations until a determination regarding responsibility is made at the end of the investigation and hearings.

The decision maker 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.

Credibility determinations during a hearing may not be based on a person's status as a complainant, respondent, or witness.

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. If an advisor is a licensed attorney, they may only

serve as an advisor for purposes of a hearing and may not provide legal representation at the hearing, which is not a formal legal proceeding.

If a party does 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.

### *Questioning, Cross-Examinations, and Evidence*

The decision maker may question individual parties and witnesses.

Parties will have the opportunity to cross-examine, defined as asking questions of, the other party or witnesses. Parties may never ask questions directly, and questions must be asked to the other party through the party's advisor. All questions asked must be relevant, as determined by the decision maker. Any questions determined not to be relevant by the decision maker will not be asked.

The decision maker may not draw an inference about the determination regarding responsibility based solely on the absence of a party or witness from the hearing or refusal to answer cross-examination or other questions.

If, at any point during the hearing, the decision maker determines that unresolved issues exist that could be clarified through additional investigation, the decision maker may suspend the hearing and reconvene it in a timely manner that accommodates further investigation.

Hearings may be conducted virtually using 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.

All hearings will be memorialized through a live audio or audiovisual record or transcript. The recording or transcript will be made available for parties to inspect and review following their completion.

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. The following may be considered, if relevance is demonstrated:

- Pattern, repeat, or predatory behavior by the respondent;
- Evidence regarding the complainant's prior sexual history, if:
  - The respondent contends that someone other than the respondent committed the

alleged misconduct, or

- Where the questions or evidence concern incidents between the complainant and the respondent and are offered to prove consent.

If possible, the parties will be notified in advance if any such information is deemed relevant and will be admitted in the hearing.

### *Resolution*

The decision maker will communicate their decision to both parties concurrently. The decision maker will communicate the decision in writing and orally as soon as possible after the hearing. In all cases, the decision maker will send the parties an outcome letter within ten days of the conclusion of the hearing.

The decision maker bases all conclusions by examining all evidence from the investigation and the hearing. The decision maker's 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 behavior and that the behavior would violate university policy, then respondent will be found responsible for violating the policy.

The decision maker's written decision must include the following information:

- Identification of the allegations potentially constituting sexual harassment;
- 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;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the code to the facts;
- A statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanction 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
- The procedures and permissible bases for either party to appeal.

If the respondent is found responsible for violating this policy, the decision maker will consult any appropriate individuals 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 written decision.

### *Appeals Process*

If either party disagrees with the outcome of the decision maker's determination, they may file a written appeal with the Title IX coordinator within ten days of receiving the decision maker's written decision.

Appeals may be filed due to:

- A procedural irregularity that affected the outcome;
- New evidence being discovered that was not reasonably available at the time of the determination or dismissal and could affect the outcome; or
- A conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent specifically that affected the outcome of the matter for the Title IX coordinator, investigator, or decision maker.

The appellate decision maker will examine all evidence to determine if the appeal has merit. The appellate 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.

### *Recordkeeping*

The university shall maintain all records relating to formal complaints of sexual harassment and 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 Five on page 12 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.<sup>2</sup>

### **Definitions**

Definition of terms used in the student conduct process are as follows, listed in alphabetical order:

**Administrative hearing.** An informal hearing, where a hearing officer invokes procedures to determine and administer appropriate sanctions without a formal hearing.

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<sup>2</sup> In Title IX related issues, the "administrator" is any "responsible employee" as defined under Title IX and/or campus policy.

**Administrative hearing officer.** Marian University staff member who hears reports and determines the findings and sanctions for administrative, or informal, hearings.

**Complainant.** Any person who is reported to have experienced conduct prohibited by the code, 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.

**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.

**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.

**Investigator.** Marian University staff member whose role is to look into policy violations by interviewing the parties involved or collecting information about a particular incident by other means, such as reviewing security camera footage. This person then presents the allegations and shares the information that the university has obtained regarding the investigation.

**Preliminary inquiry.** Process by which the university looks into the nature of a reported incident to determine the evidence available, and the parties involved.

**Respondent.** Any member of the university community who is reported to have engaged in conduct prohibited by the code.

**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 members appointed and trained annually by the dean of students or designee.

**University community.** Faculty, staff, students, student employees, volunteers, contractors, and visitors.

**Witness.** Person who may offer information regarding the alleged policy violation.

## **Notice**

Once notice is received from any source, such as, but not limited to, the complainant, a resident assistant, third party, or an online reporting form, the university may proceed with a preliminary inquiry and/or may schedule an initial educational conference with the respondent to explain the conduct process to the respondent and gather information.

## **Preliminary Inquiry and/or Educational Conference**

The university conducts a preliminary inquiry into the nature of the reported incident, the evidence available, and the parties involved.

The preliminary inquiry may lead to:

- A determination that there is insufficient evidence to pursue the investigation because the behavior alleged, even if proven, would not violate the code, such as for reasons of mistaken identity or for allegations of behavior that falls outside of the code;
- A more comprehensive investigation when more information must be gathered; or
- An educational conference, administrative hearing, or formal hearing with the respondent, depending on the severity of the allegations or the sufficiency of the evidence available after the preliminary inquiry.

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

- A decision not to pursue the allegation based on insufficient evidence. The matter is closed and the process will end;
- A decision on the allegation when the respondent does not contest the allegation and connected policy violations. This effectively shifts the meeting from an educational conference to an administrative hearing; or
- A decision to proceed with additional investigation or referral for a formal hearing.

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 sanctions for the misconduct, which the respondent may accept or reject. If accepted, the process ends.<sup>3</sup>

If the student accepts the findings but rejects the sanctions after an educational conference, the university will conduct an administrative hearing on the sanctions only, conducted by the administrative 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 by any party to the misconduct. Once the appeal is decided, the process ends. The appeals process can be found on page 51.

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.

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<sup>3</sup> In cases of minor misconduct, both steps in this paragraph may be accomplished in one meeting.

## **Formal Hearing**

In a contested allegation, additional investigations may commence, if necessary, and/or a hearing may be held when there is reasonable cause to believe that 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 the dean of students or designee. The use of a student conduct hearing panel in place of a single hearing officer will be determined by the dean of students or designee, depending on the severity of the allegations and possible sanctions. If the finding is that the respondent is not responsible, the process ends. Applicable appeals options are described on page 51.

## **Review and Finalize Sanctions**

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**

### **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 Residential and Commuter Life to manage day-to-day operations of the student conduct process. The dean of students may appoint administrative, investigative, hearing, and appeals officers to efficiently and effectively supervise the student conduct process.

Academic deans are the principal officers for all academic discipline, described in Section 9 on page 53.

### **Gatekeeping**

Allegations of student misconduct will be managed through the student conduct process when 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 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.

### **Evidence Standard for the Student Conduct Process**

The university student conduct process 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 behavior and that the behavior would violate university policy, then respondent will be found responsible for violating the policy.

### **Informal Resolution Options**

The dean of students or designee has discretion to refer a report for mediation or other forms of informal resolution. All parties must agree to an informal resolution and to be bound by the decision with no review or appeal.

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 party of other options, including the option to begin the formal resolution process.

Any unsuccessful informal resolution can be forwarded for a formal resolution process.

The dean of students or designee may also suggest that reports that do not involve a violation of the code be referred for informal resolution.

The university will provide a facilitator, mediator, or decision-maker that is free from conflicts of interest and has received training to facilitate the informal resolution process.

Informal resolution can take any form that the parties agree upon. The dean of students or designee will work with the parties to develop a form of resolution that adequately resolves the needs of the parties. This may include:

- **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.
- **Shuttle Mediation:** An indirect version of the facilitated dialogue with the complainant and the respondent in separate physical spaces with a mediator that moves between the two parties.
- **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. The complainant may also be present if desired.

Depending on the form chosen, it may be possible for a party to maintain anonymity throughout the informal resolution process.

As part of the resolution process, additional measures may be agreed upon. Additional measures include, but are not limited to educational programming, training, regular meetings with an appropriate university individual or resource, extensions of no contact

orders, or counseling sessions.

### **Student Conduct Hearing Panel**

The 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 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. In reports involving discrimination, sexual misconduct, or other sensitive issues, the panel will usually consist of three faculty or staff members. The dean of students or designee serves as the non-voting chair of the panel and assures that university procedures are followed throughout the hearing.

To serve in the panel pool, students must:

- Be in academic good standing and have completed 15 hours of academic credit at Marian University;
- Hold a prior-semester and cumulative GPA of at least 2.5; and
- Be in good social standing throughout the semester in which they serve.<sup>4</sup>

### **Administrative Hearing Officers**

Administrative hearing officers are chosen from a pool of trained staff members selected by the dean of students or designee. All professional staff members in the Office of Residential and Commuter Life serve as administrative hearing officers.

### **Appellate Panel**

Three-member appellate panels are drawn from the student conduct hearing panel pool, with the only requirement being that they did not serve on the panel for the initial hearing. Appellate panels review appeals requested by any party to a report.

Decisions made and sanctions recommended by the appellate panel or an administrative appellate 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 held pending review of the appeal.

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

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<sup>4</sup> 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.

designate a replacement panel member.

### **Code Interpretation and Revision**

The dean of students or designee will develop procedural rules for the administration of hearings that are consistent with the provisions of the code. Material deviation from these rules will, generally, only be made as necessary and will include advance notice to the parties involved.

The dean of students or designee may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in the code. The dean of students or designee may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the code will be referred to the dean of students or designee.

The code will be updated annually under the direction of the dean of students or designee and will undergo a comprehensive revision process every three to five years.

## **Section Eight: Formal Conduct Procedures**

### **Student Conduct Process Roles**

The university convenes every action under this code. Within that action, there are several roles:

- **Respondent.** Any member of the university community who is reported to have engaged in conduct prohibited by the code.
- **Complainant.** Any person who is reported to have experienced conduct prohibited by the code, 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.
- **Witness.** Person who may offer information regarding the alleged policy violation.
- **Investigator.** Marian University staff member whose role is to look into policy violations by interviewing the parties involved or collecting information about a particular incident by other means, such as reviewing security camera footage. This person then presents the allegations and shares the information that the university has obtained regarding the investigation.

### **Group Violations**

A student group or organization and its officers and membership may be held collectively and individually responsible when the organization or its members violate the code at organization-sponsored or co-sponsored events, whether sponsorship is formal or informal; and:

- When the actions received the consent or encouragement of the organization or of the

organization's leaders or officers; or

- When the actions were known or should have been known to the organization members 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.

## **Amnesty**

### *For Complainants or Reporters*

The university provides amnesty to complainants or reporters who may be hesitant to report misconduct 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. Educational options may 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.

### *For Bystanders Offering Assistance*

A bystander is a witness to or participant in an act of potential harm or misconduct who acts to stop, intervene, or protect in the situation.

Appropriate ways for bystanders to address situations may include:

- Directly address the concerning behavior;
- Delegate response to the concerning behavior to another party, such as a university employee or the Marian University Police Department; or
- Distract the person who is engaging in concerning behavior.

The university offers training on bystander intervention to students, faculty, and staff. To schedule training for your group or to find information about upcoming training, contact [studentactivities@marian.edu](mailto:studentactivities@marian.edu).

Members of the university community are encouraged to find ways to safely intervene to support and help each other. To encourage students to help others, and in line with the [Indiana Lifeline Law](#), the university offers amnesty for minor violations when students offer assistance to others in need.

If a student contacts the Marian University Police Department in a timely manner to assist a

person who may require medical treatment, they will not be penalized if they have been drinking or aware of underage drinking.

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.

If someone is injured, contact the Marian University Police Department (MUPD) immediately at 317.955.6789. MUPD officers are trained as medical first responders and are best prepared to assess an injury.

In non-emergency settings, if students are concerned about choices a friend is making regarding alcohol or 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
Dean of Students	317.955.6190

### *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.

### **Supportive Measures**

Supportive measures will be made available to both the complainant and respondent as needed throughout a student conduct process to ensure equal access to the university's education and employment programs and activities.

The dean of students or designee will conduct an individualized assessment and will review requests from the 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:

- No contact directives;
- Referral to campus and community resources for victim advocacy, counseling, health

services, legal assistance, immigration assistance, disability services;

- Academic support including extensions of time and other course-related adjustments;
- Modification of work or class schedules;
- Change in work or housing locations;
- Change in reporting relationship;
- Consideration of leave requests; and
- Assistance with academic petitions.

The dean of students 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.

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.

### **Reporting Alleged Violations**

Any member of the Marian University community, visitor, or guest may report policy violations by any student to the dean of students or designee, the Marian University Police Department (MUPD), or the Office of Residential and Commuter Life. Reports may be made in person or electronically via email. Allegations of bias, discrimination, or harassment of any kind may be reported [using an online form](#).

The university, through the dean of students or designee, may act on reports of a potential violation whether a formal report is made. All reports can be submitted by a complainant or a reporter, and reports 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 the convener of the subsequent conduct process.

### **Conduct Administrator Assignment**

After receiving a report of student misconduct with policy violation implications, the dean of students or designee will assign a conduct administrator to oversee the student conduct process for the report.

Typically, the conduct administrator assigned is the residential and commuter life professional staff member who oversees the residential space where the alleged misconduct occurred. At times, a different conduct administrator is assigned to the case. A decision to change the conduct

administrator may be based on the following factors:

- The severity of the alleged misconduct and/or policy violations;
- The severity of the sanctions typically assigned for the alleged policy violations;
- The residential assignment of the parties;
- Previous conduct history of the parties; or
- Potential bias issues.

### **Preliminary Inquiry**

The assigned conduct administrator conducts a preliminary inquiry into the nature of the reported incident, the evidence available, and the parties involved.

The conduct administrator will take the following steps during a preliminary inquiry:

- 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;
- Identify an initial list of all policies that may have been violated and review the history of the parties, the context of the incident(s), any potential patterns, and the nature of the report;
- 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;
- 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;

The preliminary inquiry may lead to:

- A determination that there is insufficient evidence to pursue the investigation because the behavior alleged, even if proven, would not violate the code;<sup>5</sup>
- A more comprehensive investigation when more information must be gathered; or
- An educational conference, administrative hearing, or formal hearing with the respondent, depending on the severity of the allegations or the sufficiency of the evidence

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<sup>5</sup> Reasons why this may happen include, but are not limited to, mistaken identity or for allegations of behavior that falls outside of the code.

available after the preliminary inquiry.

## **Notice**

Once a determination is made that reasonable cause exists to refer a report to the student conduct process, notice will be given to the respondent.

Notice will be delivered electronically using the university's student conduct administration system, Maxient, to the student's university email address. Subsequent notice, if required, may be mailed to the local or permanent address of the student as indicated in official university records or left at the student's assigned residential space. Once emailed, mailed, or received in-person, the notice will be presumed to be delivered.

The notice will:

- Include the alleged violation and notification of where to locate the code and university procedures for resolution of the report; and
- Direct the respondent to contact the conduct administrator or designee within a specified period to respond to the report. This period will generally be no less than two days from the date of delivery of notice.<sup>6</sup>

If an investigation is required, the conduct administrator will assume responsibility for the investigation of the alleged violation as described in the section below.

## **Educational Conference**

An educational conference with the conduct administrator 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 conduct administrator whether they admit or deny the allegations of the report.

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

- A decision not to pursue the allegation based on insufficient evidence. The matter is closed and the process will end;
- A decision on the allegation when the respondent does not contest the allegation and connected policy violations. This effectively shifts the meeting from an educational conference to an administrative hearing; or
- A decision to proceed with additional investigation or referral for a formal hearing.

If a decision on the allegation is made during an educational conference, and the finding is that

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<sup>6</sup> Days refers to business days when the university is in operation.



the respondent is not responsible for violating the code, the process will end.

If the university finding during an educational conference is that the respondent is in violation based on a preponderance of the evidence, and the respondent accepts this finding within three days, the university considers this an uncontested allegation. The conduct administrator who held the educational conference will then determine the sanctions for the misconduct, which the respondent may accept or reject. If accepted, the process ends.<sup>7</sup>

If the student accepts the findings during the educational conference but rejects the sanctions after an educational conference, the university will conduct an administrative hearing on the sanctions only, conducted by the conduct administrator.

The sanction is then reviewed and finalized by the dean of students or designee and is subject to appeal by any party to the misconduct. Once the appeal is decided, the process ends. The appeals process can be found on page 51.

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 investigation and/or a formal hearing.

## **Investigation**

If an investigation is required, the conduct administrator will assume responsibility for the investigation of the alleged violation, unless the dean of students or designee determines that a third party investigator is warranted, based on the severity of the allegations or the potential sanctions for related policy violations.<sup>8</sup>

Before beginning an investigation, the investigator will take the following steps, if not already completed during the preliminary inquiry:

- Initiate any necessary supportive measures on behalf of the complainant or the respondent;
- If indicated by the preliminary inquiry 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;

If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action.

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<sup>7</sup> In cases of minor misconduct, both steps in this paragraph may be accomplished in one meeting.

<sup>8</sup> 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 or dean of students or designee.

During the investigation, the investigator will:

- Develop a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for the complainant, the respondent, and all witnesses, who may be given notice of the interview prior to or during the interview;
- Meet with the complainant, finalizing the complainant's statement;
- Prepare the notice of alleged policy violations based on a reasonable cause determination, which may be delivered prior to or during the respondent's interview, at the discretion of the investigator;
- Interview all relevant witnesses, summarize the information shared, and have each witness sign the summary to verify its accuracy;
- Obtain all documentary evidence and information that is available;
- Obtain all physical evidence that is available;
- Make a finding, based on a preponderance of the evidence;<sup>9</sup>
- Present the investigation report and findings to the respondent, who may:
  - accept the findings,
  - accept the findings in part and reject them in part, or
  - reject all findings;
- Share the findings and update the complainant on the status of the investigation and the outcome.

## Findings

The following options 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.

### *The Respondent is Found Not Responsible for Policy Violation*

Where the respondent is found not responsible for the policy violations, the investigation will be closed. The complainant may request that the dean of students or designee review the

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<sup>9</sup> If the evidence indicates that it is more likely than not that the respondent committed the alleged behavior and that the behavior would violate university policy, then respondent will be found responsible for violating the policy.

investigation file to possibly re-open the investigation or convene a hearing. The decision to re-open an investigation or convene a hearing will be made by the dean of students or designee in these cases only for extraordinary cause.

### *The Respondent Accepts a Finding of Policy Violation*

#### The Respondent Accepts a Finding of Policy Violation and Accepts the Recommended Sanctions

When the respondent accepts the finding that they violated university policy, the conduct administrator will recommend appropriate sanctions for the violation.

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 reject the sanctions within that period, the finding is treated as accepting the policy violations but rejecting the sanctions.**

#### The Respondent Accepts a Finding of Policy Violation and Rejects the Sanctions Recommended

If the respondent accepts the finding that they violated university policy but rejects the recommended sanctions, there will be an administrative hearing on the sanctions only. Administrative hearing procedures are detailed starting on page 45.

### *Respondent Rejects the Findings Completely or in Part*

#### Respondent Rejects the Findings Completely

Where the respondent rejects the finding that they violated university policy, a formal hearing will be held within seven business days, barring extraordinary circumstances.

At the hearing, the investigator will present their report to a student conduct hearing 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 on page 47.

If the panel finds the respondent not responsible for all violations, the dean of students or designee will 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 on page 51.

If the panel finds a policy violation, it will recommend a sanction to the dean of students or designee and render a decision within seven days of the hearing. The dean of students or designee will notify the parties. An appeal may be filed by any party to the report as detailed on page 51.

### Respondent Accepts the Findings in Part and Rejects in Part

When the respondent rejects in part the finding that they violated university policy, there will be a panel hearing on the disputed allegations within seven days, barring extraordinary circumstances.

For all findings holding a respondent responsible for a policy violation, the university will follow the sanctioning process detailed on page 49. 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.

### **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 violations, when a student:

- Represents a threat of serious harm to others,
- Faces 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 immediately request a review of the decision by the dean of students or designee. Regardless of the outcome of this review, the university may proceed with scheduling 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, alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent.

### **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 delivered electronically using the university's student conduct administration

system, Maxient, to the student's university email address. Additional notice may be delivered in person by the dean of students or designee or mailed to the local or permanent address of the student as indicated in official university records. Once emailed, mailed, or received in-person, the notice will be presumed to be delivered.

The notice will:

- Include the alleged violation and notification of where to locate the code and university procedures for resolution of the report; and
- Direct the respondent to contact the dean of students or designee within a specified period to respond to the report. This period will generally be no less than two days from the date of delivery of the letter of notice.

### **Hearing Options and Preparation**

The following sections describe the university's formal 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 solely because 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 the student conduct hearing panel.

Where the respondent admits to violating the code, the conduct administrator may invoke administrative hearing procedures to determine and administer appropriate sanctions without a formal hearing. In administrative hearings, reports will be heard, and determinations will be made by a single administrative hearing officer.

Where the respondent denies violating the code, the conduct administrator has the discretion to arrange either an administrative or a formal hearing to resolve any misconduct allegations. A decision to hold a formal hearing instead of an administrative hearing will be made based on the severity of the alleged misconduct, the severity of sanctions typically assigned for the alleged policy violations, and the previous conduct history of the parties.

The formal hearing process uses 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 days to prepare for a formal hearing unless all parties wish to proceed more quickly.

Preparation for a formal hearing includes:

- 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.

- If there is a complainant, the initial complainant may serve as the complainant at the hearing or may elect to have the university serve as the complainant. Where there is no complainant, the university will serve as complainant.
- 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 respondent for failure to comply with the directives of a university official and give notice of this offense. Unless the respondent replies to this notice within two days by answering the original notice, an administrative hearing may be scheduled and held on the respondent's behalf. The respondent 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 respondent replies to the initial report.

At least three days before a formal hearing, the following will occur:

- If requested, the respondent will deliver to the dean of students or designee a written response to the report;
- 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;
- 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;
- 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;
- 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
- 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.

At least two days before a formal hearing, the following will occur:

- The dean of students or designee will ensure that the hearing information and any other available written documentation is shared with the parties.
- The parties will be given a list of the names of all the student conduct hearing panelists. 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. Any panel or administrative hearing officer who feels they cannot make an objective determination must recuse themselves from the proceedings.

### **Special Hearing Provisions for Discrimination, Harassment, and Other Reports of a Sensitive Nature**

In reports involving discrimination, harassment, or other sensitive issues, the student conduct hearing panel will consist of three faculty or staff members. The dean of students or designee will serve as the non-voting chair of the panel and assures that university procedures are followed throughout the hearing.

Whether the complainant is serving as the complainant during the hearing or as a witness, alternative testimony options may be provided, such as placing a privacy screen in the hearing room or conducting the hearing virtually via Webex. While these options are intended to help make the complainant more comfortable, they are not intended to work to the disadvantage to the respondent.

### **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 hearing to arrange for another date, time, and location.

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 dismissed unless the university chooses to pursue the allegation on its own behalf, as determined by the dean of students or designee.

The panel hearing will be conducted according to the following guidelines:

- Hearings will be closed to the public.
- Admission to the hearing of people other than the parties involved will be at the discretion of the panel chair and the dean of students or designee.
- 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.
- The complainant and respondent have the right to an advisor of their choice. Advisors are

typically chosen from within the current university community, and any member of the panel pool who is not serving on the panel for 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.

Hearings are not legal proceedings and do not follow courtroom procedure or the formal rules of evidence. An advisor does not need to be licensed to practice law and may be a person of the party's choice. If an advisor is a licensed attorney, they may only serve as an advisor for purposes of a hearing and may not provide legal representation at the hearing, which is not a formal legal proceeding.

- The complainant, the respondent, the panel, and the dean of students or designee will have the privilege of asking relevant questions of all present witnesses and all present parties. All questions will be asked through the chair, and the chair will make determinations as to the relevance of the questions prior to asking them. Repetitive witnesses can be limited at the discretion of the chair or the dean of students or designee.
- Pertinent records, exhibits, and written statements may be accepted as information for consideration by the panel and the dean of students or designee. The dean of students or designee may limit the number of character witnesses presented or may accept written affidavits of character instead.
- All procedural questions are subject to the final decision of the dean of students or designee.
- There will be a single verbatim record, such as an audio or video 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.

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. The dean of students or designee will be present and available as a resource during all deliberations.

If the panel determines the respondent violated the code, the panel will determine appropriate sanctions. 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 findings, 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.



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 parties of the final determination within seven days of the hearing.

Notice of the panel's decision and sanctions assigned will be delivered electronically using the university's student conduct administration system, Maxient, to the student's university email address. Additional notice may be delivered in person by the dean of students or designee or mailed to the local or permanent address of the student as indicated in official university records. Once emailed, mailed, or received in-person, the notice will be presumed to be delivered.

## **Conduct Sanctions**

One or more of following sanctions may be imposed upon any student for any single violation of the code or other university policy.

*Formal or Final Warning:* A written notice will be sent to the respondent. It specifies that the respondent's behavior violates the code and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the university.

*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, consumed, or stolen. Restitution considers actual repair costs, including labor and materials.

*Fines:* Reasonable fines may be imposed.<sup>10</sup>

*Community/University Service Requirements:* For a student or organization to complete a specific supervised university or community service, for the number of hours specified.

*Loss of Privileges:* The student will be denied specified privileges for a designated period.

*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.

*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.

*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

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<sup>10</sup> Fines may be the following: fines in increments of \$25 to \$350 for alcohol-related policy violations; \$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.

reflection paper regarding the violation/topic may be assigned.

*Restriction of Visitation Privileges:* May be assigned to residential or non-residential students. The parameters of the restriction will be specified.

*University Housing Probation:* The student is put on official notice that, should further violations of residential and commuter 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.

*University Housing Reassignment:* The student is assigned to another university housing facility. Residential and Commuter Life personnel will decide on the reassignment details.

*University Housing Suspension:* The student is removed from university housing for a specified period 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 residential and commuter 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 residential and commuter life or designee.

*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.

*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.

*Eligibility Restriction:* The student is deemed "not in disciplinary good standing" with the university for a specified period. Specific limitations or exceptions may be granted by the dean of students or designee, and the terms of this conduct sanction may include, but are not limited to:

- Ineligibility to hold any office in any student organization recognized by the university or hold an elected or appointed office at the university; or
- Ineligibility to represent the university to anyone outside the university community in any way including, but not limited to: participating in a 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.

*University Suspension:* The student is separated from the university for a specified period, 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 trespass action as necessary.

*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 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 or designee. This sanction will be noted as a conduct expulsion on the student's official academic transcript.

*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:

- One or more of the sanctions listed above, or
- Deactivation, de-recognition, or loss of all privileges for a specified period.

### **Sharing Outcomes with Complainants or Third Parties**

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 in writing of the 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: arson, assault offenses, burglary, criminal homicide, destruction of property, abduction, robbery, and forcible sex acts.

Students who bring any Title IX 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.

### **Appeal and Final Review**

Any party may petition the dean of students or designee for a review of a decision or sanctions within three days of the notification of the hearing determination and assigned 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 request reconsideration, the dean or designee 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.

In cases where the sanctions of suspension or expulsion are 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.

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

- A procedural error or omission occurred that significantly impacted the outcome of the hearing;<sup>11</sup>
- 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 in the request for appeal.
- 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 violations.

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.

### **Failure to Complete Sanctions**

All students, as members of the university community, are expected to comply with sanctions within the timeframe specified by the dean of students or designee or conduct administrator.

Failure to follow through on sanctions by the date specified, whether by refusal, neglect, or any

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<sup>11</sup> Including, but not limited to, substantiated bias or material deviation from established procedures.

other reason, may result in additional sanctions, up to and including suspension from the university. A suspension for this reason will only be lifted when compliance with conduct sanctions is satisfactorily achieved, determined by the dean of students or designee.

## **Disciplinary Records**

All conduct records and records created under the Title IX policy are maintained by the university for seven years from the time of their creation.

Other than university expulsion and certain types of suspension, conduct sanctions will not be 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.<sup>12</sup>

## **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.

## **Academically Dishonest Behaviors**

**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.

**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.

**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 considered in the text.

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<sup>12</sup> 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.

**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.

**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.

**Facilitation of Academic Dishonesty.** Helping another student to 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.

### **Procedures for Addressing Allegations of Academic Misconduct**

Suspected violations of this policy 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.

If an instructor 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.

If an instructor determines that a student has violated the code, the instructor 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.

If no record of previous official disciplinary action exists, the instructor must notify the student in a written memorandum within one week of discovering the violation. The instructor may formally impose one of the following sanctions:

- Loss of credit on the assignment, paper, or test; or
- Failure in the course.

If the student accepts the sanction, the instructor 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 student's name, 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.

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 instructor then informs the assistant provost and the dean of their school. The case is considered closed.

If no resolution is achieved during the meeting between the student and instructor, 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 instructor, the memorandum of record of the meeting between the student and the instructor, 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 and submit the documentation to the assistant provost. The case is considered closed.

In the event that the matter is unresolved, the student may submit a written appeal to the assistant provost. In addition to all the documentation required in the initial appeal, a statement signed by the student, instructor, 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.

## **Academic Integrity Panel Policies and Procedures**

### **Purpose**

The purpose of the academic integrity panel (panel) is to determine if a violation occurred, determine the fairness of the original sanction, and/or impose one of the following sanctions:

*University Suspension.* The student is separated from the university for a specified period, 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.

*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 or designee. This sanction will be noted as a conduct expulsion on the student's

official academic transcript.

### **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.

### **Hearing**

The panel will hear the evidence with both the instructor 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 instructor 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 panel are final.

### **Records**

All reports of violation of the code will be submitted to the assistant provost and maintained in a confidential file in that office.

No notation pertaining to academic dishonesty will appear in the student's files elsewhere except:

- When knowledge of the violation may need to be recorded in department files for faculty recommendations for professional credentials; or
- In the Office of Admission in cases where students may re-apply for admission to the university.

Official transcripts will contain no indication of disciplinary action taken because of academic dishonesty.

Files pertaining to cases of academic dishonesty will be destroyed after graduation or five years of inactivity.

Additional academic policies and procedures regarding scholastic performance, requirements, and graduation can be found in the [course catalog](#).



## **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 code may be modified by the dean of students or designee upon request by student success and engagement or academic affairs during the academic year. 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. Once made, they will be available on the [Marian University website](#) and are 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.

### **General Guidelines**

Alcohol is permitted on the Marian University campus only under the following circumstances:

- At officially scheduled, catered events which have been scheduled through university events and engagement;
- In designated areas during tailgating events or other campus events as announced by the chief of university police; and
- In designated residential living spaces where all residents of the private room and all present are 21 years of age or older.

Any person who is intoxicated, knowingly distributing alcohol to a person under the age of 21, or 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.

Illegal purchase, consumption, or possession of alcoholic beverages by any student under 21 years of age is prohibited wherever it may occur.

Adverse behavior because of alcohol consumption, including disruption, disorderly conduct, and public intoxication is a violation of the code.

The sale of alcoholic beverages by any person without a license is strictly prohibited.

Students hosting parties where minors are allowed to consume alcohol, alcohol is provided to minors, alcohol is provided in excess to others, or alcohol is otherwise distributed in violation of the law are subject to sanctions outlined in the code up to and including suspension or expulsion

from the university.

Drinking games and other behaviors designed for the purpose of rapid and/or excessive consumption of alcohol are prohibited.

Student possession of bulk alcohol containers, such as kegs, is prohibited.

### **Alcohol Possession and Consumption in Residential Units**

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.

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.

Consumption and possession of alcohol may be permitted in Drew Hall and University Hall where residents and their guests are of legal age to possess or consume alcoholic beverages. No person under the age of 21 may be present when possession or consumption of alcoholic beverages occurs within the residence halls, apartments, or houses.

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.

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. Use of alcoholic beverages will not be permitted in lobbies, study lounges, athletic areas, the dining hall, or any area other than the private student rooms. When the door of a private room is propped open, it is to be considered a public area.

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.

Student health and well-being is of primary concern to the university. See the amnesty policy and the safe harbor policy on page 36.

### **Appendix B: Drug Policy**

The illegal or abusive use of 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 drugs. In keeping with this commitment, it is the policy of the university that the illegal or abusive use of drugs is always prohibited. 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.

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 always prohibited.

Controlled substances include, but are not limited to, marijuana, inhalants, 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.

Possession or manufacture of drug paraphernalia is also a violation of this policy. Drug paraphernalia is defined as items that are used for any of the following purposes:

- To introduce into a person's body a drug, marijuana, or any controlled substance;
- To test the strength, effectiveness or purity of a drug, marijuana, or any controlled substance; or
- To enhance, or perceive to enhance, the physiological effect of a drug, marijuana, or any controlled substance.

Students may be accountable to both civil authorities and the university for acts that constitute violations of law and university drug policy. Student conduct actions 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 receiving federal financial aid may be declared ineligible for future federal student aid. Students should contact the [Office of Financial Aid](#) to understand the full policy.

The university may notify a student's parent or legal guardians of drug violations.

Student health and well-being is of primary concern to the university. 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. See the amnesty policy and the safe harbor policy on page 36.

### **Appendix C: Hazing Policy**

Hazing is defined as any intentional, knowing, or reckless act committed by a person,

whether individually or with other persons, against another person, regardless of the willingness of such other person to participate, that:

- Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in a student organization; and
- Causes or creates a risk, above the reasonable risk encountered in the course of participation in the university or organization, of physical or psychological injury, including:
  - Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
  - Causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement to a small space, extreme calisthenics, or other similar activity;
  - Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
  - Causing, coercing, or otherwise inducing another person to perform sexual acts;
  - Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
  - Any activity against another person that includes a criminal violation of local, state, or federal law; and
  - Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, or federal law.

Student organization is defined as an organization at the university, such as a club, society, association, athletic team, club sports team, band, or student government, in which two or more of the members are university students, whether or not the organization is established or recognized by the university.

Hazing is prohibited at Marian University. The university is committed to preventing hazing from occurring on campus. Students and employees are encouraged to engage in Green Dot bystander intervention training offered by the university to build bystander intervention skills to stop hazing before it occurs.

The following reporting methods may be used to report hazing allegations:

- In person: Karen Candlish, Dean of Students, Clare Hall, Room 122
- Online: [Report Form](#)

- Email: [deanofstudents@marian.edu](mailto:deanofstudents@marian.edu)
- Phone: (317) 955-6318
- Mail: Karen Candlish, 3200 Cold Spring Road, Indianapolis, Indiana 46222

#### **Appendix D: Free Expression Policy**

Marian University is called to boldly serve the world by providing an education which transforms the hearts and minds of students through the integration of knowledge and faith. Marian University, through the Catholic and Franciscan tradition, provides the life-changing opportunity of education to students of every race, faith, ideology, gender, and economic status in order to promote human progress.

Marian University champions understanding, encountering, and sharing the diverse traditions that members of our community claim as their own. This dialogue of life promotes civil discourse, reconciliation, peacemaking, and enhances intellectual growth.

Marian University recognizes its responsibility to prepare transformational leaders for service to the world. The university's commitment to the principles of free inquiry and free expression advances its educational mission, upholds its liberal arts tradition, and recognizes our shared responsibility to engage with one another in respectful discourse, dialogue, and debate.

Accordingly, Marian University adopts the following policies related to free expression:

- Marian University is committed to free inquiry, discussion, and the free expression of ideas and opinions.
- Members of the university community are free to challenge and peacefully protest speakers and to criticize views expressed on campus; however, they may not obstruct or otherwise interfere with the freedom of others to hear from speakers or to otherwise participate in a campus event.
- Speech and expression may be restricted when it violates the law; incites violence against individuals, groups, or property; violates the university's policies against harassment and discrimination; falsely defames others; or unjustifiably invades substantial privacy or confidentiality interests.
- The university reserves the right to regulate the time, place, and manner of expression to protect public health, safety, and welfare, and to ensure that it does not disrupt the educational, research, outreach, and business functions of the institution, or the normal or scheduled uses of university property.
- Members of the university community are called to observe high standards of integrity and mutual respect in discussion and debate. Physical violence, specific or implied threats of physical violence, intimidation, and the destruction of property are strictly prohibited.
- The following restrictions apply to all free speech and assembly activities on campus.

Activities must not violate the [university policy regarding the use of campus facilities](#). Additionally, such activities must not:

- Interfere with or substantially disrupt classes in session or other scheduled programs or events;
- Interfere with or substantially disrupt the normal or scheduled use of university property or the functioning of the university;
- Interfere with or obstruct the flow of pedestrian or vehicular traffic;
- Employ unreasonable sound amplification or create unreasonable noise disruptive of normal university business or activities; or
- Constitute a genuine threat or harassment.

### **Appendix E: 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 Health Center. The responsibility for carrying out this policy is placed upon all members of the university community. Each member of the community is responsible for informing visitors and guests of the policy.

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

### **Appendix F: University and Community Resources**

#### **On-Campus Confidential Resources**

*Counseling and Consultation Services*  
Clare Hall, Room  
[ccs@marian.edu](mailto:ccs@marian.edu)  
(317) 955-6150

[Counseling and consultation services](#) are available to current university students and provide free and confidential individual therapy, group therapy, crisis management, consultation, and referral services. Services are offered both in person and via teletherapy. Office hours are Monday through Friday, 8 a.m.-noon and 1-4:30 p.m. For emergency services on weekends and after business hours, call (317) 955-6789 and ask for the counselor on call.

### *Health Center*

Clare Hall, Room 126

[healthservices@marian.edu](mailto:healthservices@marian.edu)

(317) 955-6154

The [Health Center](#) is available to all students during the school year. An appointment is preferred. Additional off-campus health resources can be [found here](#).

### *University Chaplain*

Father Rick Martignetti

Oldenburg Hall, Room 128

[fatherrick@marian.edu](mailto:fatherrick@marian.edu)

The university chaplain, as a member of the clergy, is considered a confidential resource on campus. Other university ministry staff are also available but are not confidential and are considered mandatory reporters.

## **Law Enforcement Resources**

### *Marian University Police Department (MUPD)*

Paul J. Norman Center

(317) 955-6789

The [Marian University Police Department](#) is open 24 hours a day, seven days a week, 365 days a year. Officers have attended the Indiana Law Enforcement Academy and have jurisdiction throughout Indiana.

While MUPD officers are mandatory reporters, reporting to law enforcement is separate from reporting to the university; you can choose to file a report to the university, MUPD, both, or neither.

### *Indianapolis Metropolitan Police Department (IMPD)*

50 N. Alabama Street

9-1-1 (Emergency)

(317) 327-3811 (Non-Emergency)

The [Indianapolis Metropolitan Police Department](#) provides police services to Marion County. They are committed to the enforcement of laws to protect life and property, while also respecting individual rights, human dignity, and community values.

### *IMPD Victim Assistance Unit*

50 N. Alabama Street

(317) 327-3331

The [Victim Assistance Unit](#) is a 24-hour crisis intervention with IMPD. The Indianapolis Victim

Assistance Unit helps anyone who has experienced or witnessed a physical, emotional, or personal loss because of a criminal act. They may provide on-scene crisis intervention, emotional support, community referrals, and help navigating and understanding the criminal justice system. The Victim Assistance Unit helps with a wide variety of cases, including domestic violence, assaults, and sex offenses.

### **Additional Off-Campus Local Resources**

*Firefly Children and Family Alliance*

[advocacy@fireflyin.org](mailto:advocacy@fireflyin.org)

(317) 644-7992

Marion County 24/7 crisis line: (833) 338-7277

[Firefly](#) offers free and confidential services for those in the Indianapolis community who are survivors of domestic violence, sexual assault, human trafficking, and stalking at any point or stage in their journey or relationship.

Some of their services include phone, virtual, or face-to-face meetings; emotional support and safe place to discuss feelings and needs; assistance with protective orders; court advocacy and accompaniment as well as guidance through the criminal justice system; community resource referrals; and support groups. Services are free, confidential, voluntary, and offer flexible support to students.

### *Centers of Hope*

Center of Hope locations can be found at certain hospitals in Indianapolis and provide specialized sexual assault treatment. They provide caring, private, and trauma-informed treatment from medical professionals and can help you understand your rights and next steps. They provide forensic exams, also known as rape kits, and are provided free of cost to the survivor.

Centers of Hope (COH) are in the emergency rooms of the hospitals listed below. Survivors should tell the front desk staff that they are seeking the Center of Hope, and they will connect the survivor. Remember, you have the right to have an advocate with you during the process, and the Center of Hope can help you call for one.

Hospitals in Indianapolis that have a Center of Hope: \

- Eskenazi: 720 Eskenazi Avenue (~3 miles from campus)
- IU Heath Methodist: 1701 N Senate Blvd (~4 miles from campus)
- Ascension St Vincent: 2001 W 86th Street (~8 miles from campus)
- Community North: 7250 Clearvista Drive (~12 miles from campus)
- Community East: 1500 N Ritter Ave (~11 miles from campus)
- Community South: 1402 E County Line Rd (~20 miles from campus)
- Franciscan Health (St. Francis): 8111 S Emerson Ave (~17 miles from campus)