
Complaints Against Faculty

Dr. Connie Richards, Interim Dean Fulton
School of Liberal Arts, 410-543-6450

Dr. Michael Folkoff, Interim Dean Henson
School of Science and Technology,
410-543-6425

Dr. Richard Hoffman, Interim Dean Perdue
School of Business, 410-543-6316

Dr. Dennis Pataniczek, Dean Seidel School
of Education and Professional Studies,
410-543-6335

Complaints Against Staff

Fair Practice Officer, Holloway Hall,
410-548-3316

MEDICAL AND EMOTIONAL EMERGENCIES PROTOCOL

The University has a medical/emotional emergency procedure (contact Student Affairs Office for more information), which will be put into effect should a student attempt suicide, make a threat or gesture of suicide, harm or attempt to harm himself or herself or others, or undergo severe emotional or psychological distress. Anyone with knowledge of such circumstances should contact the Dean of Students, 410-543-6080; Residence Life Staff, 410-543-6040; or University Police, 410-543-6222, to alert the counselor or professional staff on call.

If a student is confined to or brought to the Counseling Center or Student Health Center because of a suicide threat (verbal or physical), gesture or attempt, or because of severe emotional or psychological distress, personal belongings that are brought to the Center by or for the student are subject to search and/or confiscation by professional staff involved in the care of the student or police personnel.

When the University medical/emotional emergency procedures are initiated, a student may not attend classes or activities or return to a residence hall until he or she has been given clearance to do so by the Associate Vice President of Student Affairs, Dean of Students, or Vice President of Student Affairs or designee. Failure to comply with the provisions of the University medical/emotional emergency procedure may result in judicial action.

Student Code of Conduct

The Code of Conduct applies to all currently enrolled students. Student hosts are responsible for their guests and, therefore, should inform them of University policies.

Sanctions may be imposed against a student or student organization for the violation of any University policies that occur on campus. Sanctions also may be imposed against a student or student organization for violation of any University policies that occur off campus when the alleged conduct would impair, interfere with or obstruct the missions, processes or functions of the University, or when the alleged conduct would, if true, endanger the health, safety or welfare of the student or others, or would endanger any University property or adversely affect the University's integrity.

Unless otherwise stated, sanctions for violations of the code of conduct range from a warning to dismissal or expulsion for individuals, and from a warning to suspension or termination for organizations. Acting as an accomplice, aiding or abetting may result in disciplinary action.

The following policies, regulations and statutes have particular relevance for students. This is not an exhaustive list either of University regulations or of applicable local, state and federal law.

► Summary

- Jurisdiction
- Alcoholic Beverage Policy
- Computer Use Policy
- Conduct Infringing on Others
- Acts of Destruction/Violence
- Damage to Personal and/or University Property
- Disruptive Behavior
- Drug Policy
- Event-Related Misconduct Policy
- Failure to Comply
- False Information
- Harassment Policy
- Hazing
- Responsibility of Guests
- Sexual Misconduct
- Telephone Misuse
- Theft

Threats of Violence
Violation of Local, State and Federal Law
Weapons, Firearms, Fireworks, Explosives
and Combustibles

JURISDICTION

Salisbury University's jurisdiction shall extend to all behavior by any undergraduate or graduate student and/or student organization that occurs on University property, at University-sponsored activities, on University-sponsored trips or functions, and to off-campus campus conduct detrimental to University interests.

Therefore, **Salisbury University may impose sanctions against a student or student organization for the violation of any student regulations that occur on campus.**

Sanctions also may be imposed against a student or student organization for the violation of any regulations that occur off campus when the alleged conduct would impair, interfere with, or obstruct the missions, processes or functions of the University, or when the alleged conduct would, if true, endanger the health, safety or welfare of the student or others, would endanger any University property or adversely affect the University's integrity.

ALCOHOLIC BEVERAGE POLICY

Individual Rights and Responsibilities

Salisbury University is interested in the health, safety and well being of every member of the community and insists that those who choose to use alcoholic beverages do so in a responsible and legal fashion. Policies are designed to allow responsible use of alcohol by those of legal age. Students are expected to observe all applicable laws and University policies related to purchase, possession and consumption of alcoholic beverages. Violations of applicable laws and/or policies pertaining to alcohol subject students and/or student organizations on and off campus to disciplinary action and legal penalties.

Through this policy, the University seeks to decrease drinking that poses a high risk of physical, mental or emotional harm. In the short term, high-risk drinking involves over consump-

tion at one event until one no longer has physical or mental control over oneself. Long-term, high-risk drinking is a pattern of behavior where alcohol begins to affect various facets of one's life, including academics, social relationships, and health and personal safety. These types of drinking do not simply affect the drinker but hurt the University community as a whole.

► Community Expectations Violation

It shall be a violation of the alcohol policy to engage in any action while under the influence of alcohol that is disruptive to the community. Such behaviors include, but are not limited to, vomiting in public, public urination, fighting, exhibiting disorderly conduct, damaging property, throwing bottles, blocking or lying across or otherwise preventing or interfering with access to or passage across an entryway or thoroughfare, cursing or shouting at others, participating in progressive drinking games or disrupting classroom or University-sponsored activities.

The following general provisions apply to individual possession or use of alcoholic beverages on University property, on property owned or controlled by the University, and at University-sponsored events:

1. No person who is less than 21 years of age may purchase, possess or consume any type of alcoholic beverage.
2. No person may be in a public area in an intoxicated condition.
3. No person may possess an open container of alcohol in a public area, including, but not limited to, hallways, stairwells and other common areas of residential facilities.
4. No person may provide alcohol to any person who is less than 21 years of age.
5. No person may bring any type of alcoholic beverage into an Alcoholic Beverage Control-licensed facility or area, and no person may take alcoholic beverages out of a Control-licensed facility or area.
6. No person who appears to be intoxicated or is intoxicated may be sold or served alcoholic beverages.
7. No person may drive a vehicle under the influence of alcohol or with a blood alcohol level (as shown by a lawfully administered blood or breath test) in excess of that permitted for drivers by Maryland law.

Additionally, the following provisions apply to possession or consumption of alco-

holic beverages in University residential facilities:

1. Alcohol is not permitted in any individual room in a residence hall unless one of the residents is at least 21 years of age and the alcohol belongs to that resident. Further, alcohol is not permitted in the public areas of residence halls nor may functions with alcohol be scheduled in residence halls.
2. Empty alcohol containers in residence hall facilities may constitute evidence of alcohol consumption or possession, and may, therefore, be subject to inspection and seizure, and residents may be subject to disciplinary action.
3. Common containers of alcohol, including, but not limited to, kegs, pony kegs, beer balls, box wines and containers greater than 750 ml. and mixed alcoholic punch are prohibited in any residential facility, whether the containers are empty or full.
4. A guest may only possess or consume alcohol if the guest is over the age of 21 and is visiting a resident's room where at least one of the assigned student residents is also of legal drinking age (i.e., if a double-occupancy room is occupied by two students under the age of 21, those students shall not permit the consumption, possession or use of alcohol by anyone, including guests, in that room. However, if one of the roommates is over the age of 21, he or she may allow the possession or consumption of alcohol by guests who are over 21).
5. The student's (or a guest's) possession, use or consumption of alcohol shall not infringe upon the privacy, peace or enjoyment of other students or guests in the residence hall.
6. A residence hall student has a duty to know if there is or has been illegal use or possession of alcohol in his or her room. Therefore, the burden of proof shall be on the resident in cases where the resident claims no knowledge of such use.

COMPUTER USE POLICY

Salisbury University considers it an egregious offense for any user of its computer apparatus to attempt to degrade the performance of its system, to seek to penetrate its security, or in any way deprive or attempt to deprive other users of resources or access to the computer.

Further violations include, but are not limited to:

- a. Using a computer account that you are not authorized to use.
- b. Misrepresenting yourself as another individual.
- c. Sharing of account passwords with friends, family members or any unauthorized individuals.
- d. Tampering with the operation of Salisbury University computing system including both its equipment and its program.
- e. Denying or interfering with the fair access to shared computing resources and services by all individuals.
- f. Using the campus computing network and facilities to violate the privacy of other individuals.
- g. Using the electronic mail system to send unwanted, abusive, obscene or otherwise harassing communications.
- h. Violating federal and state laws governing copyrighted materials. This includes programs, images, sounds, text and related documentation.
- i. Using computer resources for commercial purposes, personal profit or any non-University related activities.
- j. Using computer resources for illegal or criminal purposes and/or in violation of federal, state and local laws.

The entire policy on the Acceptable Use of Computing Systems at Salisbury University is available on all Salisbury University information servers, posted in all academic computer labs, the Computer Services Customer Support Center, on the Web (<http://helpdesk.salisbury.edu/policies.asp>) and upon request at the Office of Computer Services.

CONDUCT INFRINGING ON OTHERS

Conduct that infringes upon the rights of other individuals is prohibited. Such conduct includes, but is not limited to, acts of destruction and violence, disorderly conduct, public drunkenness, public urination, obscenity, publishing demeaning images of others, nudity and sexual activity in public places. All pranks and careless or irresponsible behaviors which cause or have the potential for causing damage to University or personal property, personal injuries or which infringe upon the rights of others are unacceptable.

able. Such behaviors include, but are not limited to, loud music or noise, water fights, shaving cream battles, food fights and playing outdoor sports indoors.

ACTS OF DESTRUCTION / VIOLENCE

Acts of destruction/violence against the person or property of others or which infringe on the rights and freedom of others will not be tolerated. Similarly, conduct and behavior of any kind that might incite violence, cause serious physical or emotional injury or breach the peace are unacceptable. These prohibitions apply to conduct which is motivated by any reason whatsoever, including, but not limited to reasons related to race, religion, ethnicity, gender, sexual orientation or national origin.

Students committing such acts, including physical altercations, are subject to judicial action, including suspension, expulsion or termination. Individuals committing such acts in or in close proximity to University housing may be subject to additional penalties. Students may also be subject to criminal prosecution and/or civil actions as provided by Maryland and federal law.

DAMAGE TO PERSONAL AND / OR COLLEGE PROPERTY

No student shall destroy, damage or litter, attempt to destroy, damage or litter, or assist another student in destroying, damaging or littering any property of the University or of another individual.

DISRUPTIVE BEHAVIOR

No student shall commit any act which amounts to disruptive behavior as defined in this regulation or knowingly participate with others in conduct which amounts to disruptive behavior.

Disruptive behavior means actions that impede, obstruct or interfere with the educational intent of the University or which are detrimental to University interests, including, but not limited to:

- a. Disrupting the flow or movement of others on campus or at University-sponsored events.
- b. Trespassing or unauthorized entry.

- c. Interfering with the freedom of speech of any member or guest of the University.
 - d. Intentionally disrupting academic activities.
 - e. Engaging in disorderly conduct, including, but not limited to, verbal and/or physical altercations.
 - f. Conducting an activity or acting in such a manner as tends to disturb the peace and order of the campus, the community or the public generally.
 - g. Behaving obscenely or indecent exposure.
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DRUG POLICY

Statement of Policy

The University prohibits the possession, use, consumption, manufacture, sale or distribution of drugs and drug paraphernalia. Any violations of this drug policy may be subject to sanctions of suspension by the University Judicial System and may be reported to all appropriate law enforcement authorities.

Definitions

The term “drugs” broadly includes, without limitation, any stimulant, intoxicant (other than alcohol), nervous system depressant, hallucinogen, or other chemical substance, compound or combination when used to induce an altered state, including any otherwise lawfully available product used for any purpose other than its intended use.

The term “drug paraphernalia” broadly includes any material, product, instrument or item used to create, manufacture, distribute, use or otherwise manipulate any drug and includes, but is not limited to, hypodermic needles, syringes, bongs or pipes.

Prohibited Activities

Specific violations of this standard include, but are not limited to:

- a. The possession, use, consumption, manufacture, sale or distribution of any drug or drug paraphernalia;
- b. The delivery, transfer, or intent to deliver, transfer or manufacture any drug or drug paraphernalia;
- c. A violation of any applicable local, state or federal law relating to drugs or drug paraphernalia; or

d. The sale, delivery or transfer of a prescription or prescription drug.

be supported by a finding of mitigating circumstances signed by the University's Vice President of Student Affairs and maintained thereafter with the student's disciplinary file.

EVENT-RELATED MISCONDUCT POLICY

This policy is in response to Board of Regents Policy V-8.0 on Event-Related Student Misconduct, as amended February 10, 2006. **At SU, this policy applies to any misconduct that results in harm to persons or property or otherwise poses a threat to the stability of the campus or campus community, such as rioting, assault, theft, vandalism, fire setting or breach of the peace, and occurs at institution-sponsored events held on or off campus, including athletic events.**

Such misconduct is a violation of the Code of Conduct.

The sanction to be imposed upon any student who is documented for an alleged violation or convicted in any state or federal court, or found responsible in any campus judicial proceeding, ordinarily shall be suspension or expulsion, which shall be noted on the student's transcript. Before such sanction is imposed, the student shall be entitled to a hearing under the "Procedural Due Process" procedures applied to the campus judicial system and found in this student handbook. While the student will have access to normal campus judicial proceedings and policies, in order to avoid suspension or dismissal, the student will have to demonstrate specific mitigating or extenuating circumstances that warrant a lesser charge or penalty.

Students suspended in accordance with this provision shall not be admitted to any other institution in the University System of Maryland for the duration of the suspension. Students expelled in accordance with this provision shall not be admitted to any other System institution for a period of at least one year from the effective date of the expulsion.

In such instances where a student's action threatens the educational process or the health or safety of students or other members of the University community, the Vice President of Student Affairs may impose an immediate sanction of contingent suspension from the University.

Any decision to impose a sanction less than suspension or expulsion under this policy must

FAILURE TO COMPLY

Failure to comply with a disciplinary sanction imposed in accordance with this code or with the directions of University or law enforcement officials in the performance of their duties will constitute a violation subject to disciplinary actions. Furthermore, students failing to cooperate with law enforcement officials in performance of their duties will be in violation of this policy.

FALSE INFORMATION

Students may not knowingly furnish false or misleading information to a University or law enforcement official, or withhold information pertinent to the academic policies of the University. Other actions or behaviors noted as a violation of this policy include: possession of false ID, using a false ID to obtain University services, using a false ID to obtain alcohol and failure to provide identification when requested to do so by a University law enforcement official.

HARASSMENT POLICY

Unwanted contact or communication, or behavior, by any means that threatens to injure or endangers the health, safety or welfare of another person is unacceptable. Harassment includes conduct that has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offensive environment. Prohibited conduct also includes, but is not limited to, stalking (repeated conduct directed toward another person including following that person or acts that harass that person), contacting witnesses or any other party to an incident to intimidate them or to get them to change their testimony, and unwanted obscene, abusive or repetitive telephone calls, telephones messages, electronic mail, instant messages using electronic mail programs, or similar communications with intent to harass, as well as the intentional or unintentional contribution to creating an intimidating,

hostile or offensive environment through graffiti, damage to property or any other form of indirect destruction.

Bias-Related Harassment

Bias-related behavior includes any action that discriminates against, ridicules, humiliates or otherwise creates a hostile environment for another individual or group because of race, color, religion, national origin, gender, age, marital status, disability or sexual orientation.

Sexual Harassment

Sexual harassment is prohibited at Salisbury University and in its programs, activities and functions. For the purpose of this policy, sexual harassment is defined as unwelcome 1) sexual advances, or 2) requests for sexual favors, or 3) other behavior of a sexual nature where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a University-sponsored program or activity, or
- Submission to or rejection of such conduct by an individual is or may be used as the basis for academic, employment or other decision affecting that individual, or
- Such conduct unreasonably interferes with an individual's academic and/or work performance, participation in sponsored programs or activities, or creates an intimidating, hostile or offensive working, educational or residential environment provided by the University.

Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context and duration of the questioned behavior. Unwelcome conduct of a sexual nature can form the basis of a sexual harassment claim if a reasonable person, similarly situated, would consider it so severe or pervasive as to interfere with academic, educational or employment performance or participation in a University program or activity or residential environment.

Sexual harassment can occur when one person has power or authority over another; however, it may also occur between individuals of equal status or rank within the University. Sexual harassment may occur between males and females and between persons of the same sex. Harassment between individuals of differ-

ent genders does not constitute sexual harassment where the difference in gender is the sole reason for the complainant's identifying the conduct as "sexual in nature."

It is a violation of University policy for any member of the community to make an intentionally false accusation of sexual harassment. Students, faculty, staff or guests who believe that they have been subjected to harassment by another member of the University community should contact the Office of Student Affairs.

HAZING

Hazing is defined as any intentional or unintentional action taken or situation created, **whether on or off campus**, to produce mental or physical discomfort, embarrassment, harassment or ridicule for the purpose of initiation, admission or as a perceived condition of continued membership into any student organizations including, sports clubs, athletic teams, and fraternities or sororities that operate under the sanction of Salisbury University. Such activities and situations may include but are not limited to:

- Any activity that causes or requires the student to perform a task that involves violation of the University code of conduct, or local, state or federal law.
- Any activity requiring the consumption of food, alcohol, liquid, drugs or other substances.
- Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, required calisthenics, exercise or other games requiring physical exertion, or other activity that subjects the student to a risk of harm or that adversely affects the mental or physical health or safety of the student.
- Any activity that intimidates or threatens a student with ostracism, that subjects a student to mental stress, embarrassment, shame or humiliation, or that adversely affects the mental health or dignity of the students, or discourages the student from remaining in school.
- Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
- **The express or implied consent of the victim will not be a defense.**

RESPONSIBILITY OF GUESTS

All guests are expected to abide by University regulations. Students are responsible for the behavior of their guests and may therefore receive sanctions from warning to dismissal for violations committed by their guests. The student's responsibility also includes restitution for damage to University facilities or other restitution that is necessary. The University may also restrict student guests from campus grounds or University activities, particularly when guests' conduct is deemed to be a threat to the health, safety, or welfare of Salisbury University students or others, or would endanger any University property.

SEXUAL MISCONDUCT

Sexual misconduct includes sexual intercourse, sexual contact, sodomy or object penetration of the anus or vagina without the victim's consent. Any person who is deemed mentally or physically incapacitated cannot give consent. Alcohol intoxication or being under the influence of another drug or substance may produce such a state of mental or physical incapacitation.

Sexual contact without the victim's consent includes, but is not limited to, any intentional touching by the accused, either directly or through the clothing, of the victim's genitals, breasts, thighs or buttocks. It also includes touching or fondling of the accused or a third party by the victim when the victim is forced to do so against his or her will. Violation of this section is punishable under University policy by sanctions ranging from probation to dismissal.

Sodomy, object-penetration or sexual intercourse without consent (whether by acquaintance or stranger) is prohibited and is punishable under University policy by either contingent or permanent dismissal.

Because of the serious nature of acts of sexual misconduct, the judicial procedures may be modified to ensure that such cases are pursued with sensitivity as well as fairness. University regulations specifically prohibit the harassment, abuse, threat or intimidation of any witnesses or party to an incident (see "Harassment Policy"). As a matter of policy, the institution encourages the accuser in these cases to also pursue appropriate remedies in the state judicial system.

Victims or anyone with knowledge of sexual misconduct should contact Jennifer Berkman (SU's coordinator of sexual misconduct protocol) or the Dean of Students.

TELEPHONE MISUSE

It is unlawful for any person to make use of personal or public telephone facilities or equipment:

1. for an anonymous call or calls in a manner reasonably expected to annoy, abuse, torment, harass or embarrass one or more persons;
 2. for repeated calls, if with intent to annoy, abuse, torment, harass or embarrass one or more persons; or
 3. for any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent.
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THEFT

Theft is defined as the unauthorized taking, misappropriation, use or possession of property that belongs to another person, the University or entity.

THREATS OF VIOLENCE

Salisbury University is committed to providing a learning and working environment that provides the highest possible sense of safety and security for all members of the University community. Conduct, including threats (verbal or other) to kill or cause harm, or comments that can be construed as threatening constitute a violation of this policy. Prohibited conduct also can include threats which might have been meant to be humorous or exaggerated by the speaker, but whose intent is not apparent to a reasonable person, or threats not necessarily directed at a named individual.

VIOLATIONS OF LOCAL, STATE OR FEDERAL LAW

Violations of local, state or federal law may also constitute violation of University policy. Further, conduct leading to arrest, indictment or conviction for violation of local, state or federal

law may also result in disciplinary action by the University if the Dean of Students, or his/her designee, determines that such disciplinary action is necessary for the protection of other members of the University community, for the safeguarding of the educational community, to prevent the disruption of any lawful activity carried on by the University, or conducted under the auspices of, or with the permission of, the University on property under the control of the University. Such activities include, but are not restricted to, the conduct of classes, laboratories, cultural events, and recreational, extracurricular and athletic programs; the maintenance and protection of University property and of the property of members of the University community and their guests; the maintenance of vehicular and pedestrian traffic on campus; and the performance of assigned duties by members of the faculty and staff.

In the event that the Dean of Students or his/her designee determines that disciplinary action is necessary for the reasons stated above, the case may be referred for action through the University judicial process, and, if the student is found responsible, a sanction ranging from warning to dismissal may be imposed.

The University reserves the right and responsibility to initiate its own disciplinary proceedings without awaiting court action or the conclusion thereof.

WEAPONS, FIREARMS, FIREWORKS, EXPLOSIVES AND COMBUSTIBLES

Weapons, firearms, fireworks and explosives are prohibited on campus. Gasoline (other than that used legally in motor vehicles) and all other combustible liquids are also prohibited. The possession of fireworks or the exploding of fireworks in the residence halls or elsewhere on the campus is prohibited.

Toy, counterfeit, replica or blank-firing firearms, knives or other weapons are prohibited on campus. Pellet, paint and bb guns are also prohibited.

The University reserves the right to confiscate weapons, knives, fireworks and any instruments, toys or other things which reasonably appear to be weapons or other pro-

hibited items listed above, to hold those items for appropriate disposition and to refer the possessor for judicial action. Any student found in possession of the aforementioned items is subject to immediate removal from the University.

Administration of University Code of Conduct

I. BASIC POLICY

The judicial process at Salisbury University exists to provide a living and learning environment which reflects the values of the institution. Through it, SU seeks to guide students living on and off campus toward the development of personal responsibility, respect for others and mature behavioral standards. While the University's judicial system may have some similarities with the legal system established in the broader community, it is essentially educative and administrative in nature and is not governed by narrow legalisms or the same restrictions found in criminal or civil proceedings.

II. JUDICIAL AUTHORITIES

A. Authority of the President

The authority for discipline is vested in the President by action of the Board of Regents. The President has empowered the Dean of Students and/or designees, Community Hearing Board, the Appeals Committee, and the Provost or designee to adjudicate charges of alleged misconduct by students and to levy fair sanctions as provided in these procedures. The Dean of Students reserves at all times the right to designate other persons or to appoint special committees as necessary to aid in the judicial function.

B. University Judicial Administrator

The University Judicial Administrator is responsible for the implementation and coordi-