

SALISBURY

UNIVERSITY



Student Code of Conduct, Policies and Procedures 2008-2009



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Publication Information

The information in this publication applies to the academic year 2008-2009 and is accurate and current, to the extent possible, as of August 2008. The University reserves the right to change programs of study, academic requirements, teaching staff, the calendar and other matters described herein without prior notice, in accordance with established procedures. **For the most updated version of Salisbury University's Code of Conduct, please refer to the University's Web site, www.salisbury.edu.**

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EEO/Affirmative Action Statement

Salisbury University has a strong institutional commitment to diversity and is an Equal Opportunity/Affirmative Action employer, providing equal employment and educational opportunities to all those qualified, without regard to race, color, religion, national origin, sex, age, marital status, disability or sexual orientation. The University adheres to the EEO/AA policies set forth by federal and Maryland laws.

Salisbury University values diversity among our students, faculty and staff and believes that interactions with those holding varying perspectives, backgrounds and beliefs contribute to a well-rounded educational experience and promotes personal and professional development. Understanding and acceptance of others is of ever-increasing importance in today's world.

Preamble

The mission of Salisbury University is to empower students with the knowledge, skills and core values that contribute to active citizenship, gainful employment and life-long learning in a democratic society and interdependent world. The achievement of the University's educational goals is a responsibility that must be shared by all. Therefore, Salisbury University expects and requires of all its students full cooperation in developing and maintaining a campus community in which high standards of courtesy and integrity are practiced by every member of the University community. Allegiance to these standards requires each member of the Salisbury University community to refrain from any behavior that serves to compromise the educational mission of the institution. Moreover, members of Salisbury University are discouraged from any behaviors that threaten the basic rights and privileges afforded to each member of the community as well as the respect every individual deserves. Choosing to join the University community obligates each member to

live by the institution's Code of Conduct and to uphold community standards in the greater Salisbury community and beyond.

General Policies and Procedures

ABSENCE NOTIFICATION

In the case of an extreme emergency or prolonged illness, the Vice President of Student Affairs Office notifies class instructors of the dates of a student's absence from class. Faculty establish their own attendance policy. Notification of absence is a service to students and faculty; it is not an official excuse from classes and work missed.

ADDRESS OF RECORD

Students are responsible for maintaining and updating current local, campus and permanent addresses with the University Registrar and, in the case of on-campus students, for regularly checking their University mailbox for mail. Mail sent to a student's address in the Registrar's records or to a campus or local address shall constitute proper notification. IT-issued e-mail accounts are the primary form of communication; therefore, students are also expected to maintain and regularly check their IT-issued e-mail accounts.

DISCRIMINATION AND HARASSMENT

Federal and state laws prohibit discrimination and/or harassment on the basis of race, gender and other impermissible criteria. These laws affect students, faculty and staff. Information about a student's rights under federal anti-discrimination and/or harassment statutes may be obtained from the Student Affairs or President's office. The following individuals are also available to receive complaints or to provide information regarding compliance with the conditions set forth in this legislation.

Complaints Against Students

Edwin A. Cowell, Dean of Students, Guerrieri Center 212, 410-543-6080

Dr. Ellen Neufeldt, Vice President of Student Affairs, Guerrieri Center 212, 410-543-6080

Dr. Dane Foust, Associate Vice President of Student Affairs, Guerrieri Center 212, 410-543-6080

Complaints Against Faculty

Dr. Maarten Pereboom, Dean Fulton School of Liberal Arts, 410-543-6450

Dr. Karen Olmstead, 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

Salisbury University has a medical/emotional emergency protocol that is put into effect should a student attempt suicide, pose an imminent danger to self or others or be unable to function in the University environment. Anyone with knowledge of such circumstances should contact the University Police, at 410-543-6222, who will alert the counselor or professional staff on call. Information about a student receiving services at Student Counseling Services, Student Health Services and/or Disability Support Services can only be shared with the informed consent and written permission of the student, except in rare circumstances in accordance with professional ethical standards and relevant laws. When a student has been deemed an imminent threat to self or others, the student's rights to privacy cannot be guaranteed and may constitute the sharing of information on a need to know basis.

When the University's medical/emotional emergency protocol is initiated, a student may not attend classes, activities or return to the

University environment until he or she has been given clearance to do so in accordance to the Policy on Mental Health outlined here.

PARENTAL NOTIFICATION

Salisbury University reserves the right to notify parents under FERPA (Family Education Rights Privacy Act) regarding alcohol and drug offenses.

POLICY ON MENTAL HEALTH

The purpose of this Policy on Mental Health is to protect the health, safety and welfare of all members of the Salisbury University community. Toward that end, when students demonstrate or are identified as having a physical or psychological condition that renders them a danger to self or others or unable to function in the University environment, the University reserves the right to pursue appropriate action. Such action may include but is not limited to:

1. Requiring that the student undergo a professional assessment by a licensed mental health care provider.
2. Recommending or requiring compliance with a treatment plan recommended by a licensed mental health care provider as a condition to remain in the university environment or as a condition to return to the University community.
3. Referring the student to the University judicial process to determine if the behavior violates the Student Code of Conduct, Policies and Procedures.
4. Referring the student to the Dean of Students, Associate Vice President for Student Affairs, or designee for involuntary administrative withdrawal.

If it becomes necessary to initiate an involuntary administrative withdrawal in accordance with the medical/psychological protocol, students will normally be restricted from returning to the University for no less than two semesters. Students may petition for earlier reentry if they obtain documentation from a licensed mental health care provider indicating that the student has taken reasonable steps to resolve their concerns. Students who are considered for reentry prior to two semesters will do so under stated conditions and will be required to provide appropriate documentation from a licensed

mental health care provider regarding the student's readiness to participate in the University environment.

The student and documentation must also be evaluated by a member of the University's Student Counseling Services staff. The staff will assist in determining the student's readiness to return to the University environment and make recommendations for additional treatment as appropriate, prior to the student being recommended for readmission.

Students may appeal administrative decisions rendered through this Policy on Mental Health.

1. Appeals of administrative decisions are considered by the Dean of Students or designee. (In cases where the Dean of Students serves as the administrative hearing officer, the Vice President of Student Affairs or designee will consider student appeals.)
2. The Dean may decide one of the following:
 - That there is no basis for the appeal. The appeal is then dismissed, and the original decision stands.
 - That an incorrect finding was reached. The Dean will then dismiss the decision.
 - That the decision rendered is unfair or inappropriate. The Dean then determines an action fair to the facts of the case. The Dean is not empowered to increase the level of the action, but may refer the case to an appropriate hearing body.

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 may range from a warning to dismissal or expulsion for individuals, and from a warning to suspension or termination for organizations. In addition, students or student organizations may be subject to a restriction of privileges. 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
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Drug Policy
Event-Related Misconduct Policy
Failure to Comply
False Information
Harassment Policy
Hazing
Guest Policy
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 conduct occurring off campus. 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 consumption 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 ones 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.

► Expectations for Greek and Registered Student Organizations

1. Hard alcohol/ liquor, an open bar or free alcohol is not permitted to be served at events sponsored by student organizations.
2. Advertisements for any event that involves alcohol must:
 - a. Be approved in advance by Office of SAOL for student organizations.
 - b. Advertisements should indicate the availability of food and alternative beverages.
 - c. Alcohol availability should not be used as the focal point of the program.
 - d. Advertisements should state that all participants must be of the legal drinking age to purchase or consume alcoholic beverages.
3. University catering is the only permitted third party alcohol vendor for on-campus events that serve alcohol.
 - a. All servers must be TIPS trained with over-all supervision from a TIPS certified on-site staff member.
4. For RSO- or Greek-sponsored events, appropriate safeguards should be preapproved by the Office of SAOL to monitor and limit the

- amount of alcohol served per person (identifying and showing proof of age, tickets, bracelets, etc.).
5. University Police must preapprove all events that involve alcohol. At the discretion of the Office of Student Affairs and University Police, police may be required to monitor the event. The program organizer may be charged the cost of additional security.
 6. All sponsoring groups/event planners are responsible for creating, monitoring, maintaining and supervising a safe and educationally appropriate environment when alcohol is being served.
 7. All event planners must receive information on server liability issues and sign off to indicate that they have read and understand their responsibilities. For RSOs, the Office of SAOL will have the appropriate materials.
 8. Nonalcoholic drinks and food must be included at all campus events where alcohol is being consumed.
 9. No more than the equivalent of one drink per hour may be served, i.e. a three-hour-long event would include a maximum of three drinks per student.
 10. The Office of Student Affairs and/or SAOL reserves the right to limit the time, manner, and place of the event.
 11. Event planners may be held accountable through the University for the behavior of visibly intoxicated participants.
 12. Program sponsors are prohibited from selling or furnishing alcoholic beverages to a minor or a person visibly under the influence of alcoholic beverages.
 13. Any form of drinking contest is prohibited at any University-sponsored event.
 14. Student organizations will not sponsor any activity that includes alcohol that is hosted or marketed by a member of the alcoholic beverage industry. This includes providing free alcoholic beverages, promotional items including names, logos and mascots.
 15. Alcoholic beverages may not be provided as free awards or prizes to individual students or campus organizations.
 16. Open containers are only permitted in designated areas.
 17. RSOs and Greek organizations will appoint an executive officer who will be responsible, in collaboration with the other executives, for overseeing the group's compliance with University policy and state/local law.
 18. RSOs and Greek organizations must demonstrate compliance with any additional policies and/or procedures from any national governing bodies with which they are affiliated.
 19. The University reserves the right to restrict the amount of alcohol served at any function.
 20. A University official (advisor, full-time faculty or staff member) must be present at all times at any events where alcohol is being served on campus.
 21. Student organizations hosting events at off-campus locations must provide the Office of SAOL with a copy of a liquor license and proof of insurance two weeks prior to the event.
 22. A group or individual group members may be subject to judicial action if found in violation of these policies.
 23. Salisbury University assumes no responsibility for organization-sponsored events where alcohol is served.

► Residential Facilities

Additionally, the following provisions apply to possession or consumption of alcoholic 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, on or off campus, 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. 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 are subject to judicial action, including suspension, expulsion or termination. In addition, students engaged in physical altercations are subject to judicial action which will normally result in a sanction of suspension for at least one semester. Students may also be subject to criminal prosecution and/or civil actions as provided by Maryland and federal law.

DAMAGE TO PERSONAL, COMMUNITY 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, community 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, direct involvement in a verbal and/or physical altercation or acting as a bystander.
- 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.

DRUG 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.

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 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.

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, withhold information pertinent to the academic policies of the University, or misrepresent themselves or others through any communication media. 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 different 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.**

GUEST POLICY

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 pen-

etration 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 the Director of Student Health Services (SU's coordinator of sexual misconduct protocol), Student Health Services 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.

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.

firearms, knives or other weapons are prohibited on campus. Pellet, paint and bb guns are also prohibited.

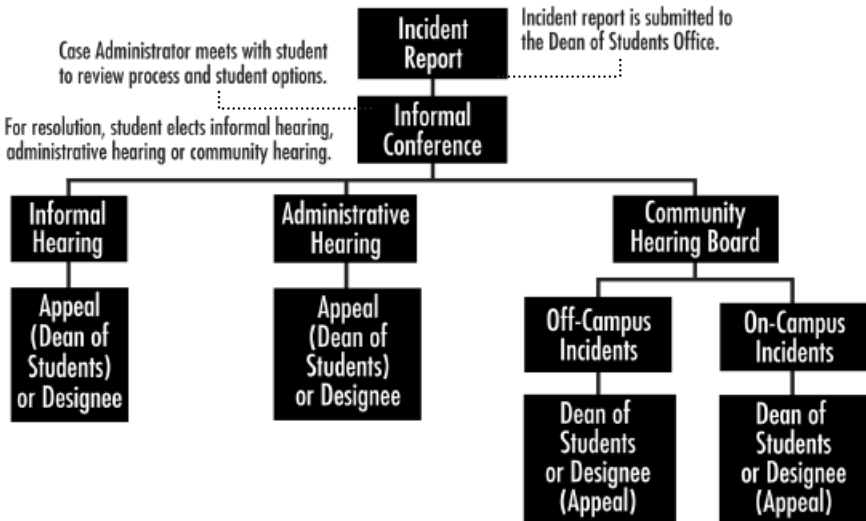
The University reserves the right to confiscate weapons, knives, fireworks and any instruments, toys or other things which reasonably appear to be weapons or other prohibited items listed above, to hold those items for appropriate disposition and to refer the possessor for judicial action. Any student found in possession of the aforementioned items is subject to immediate removal from the University.

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

JUDICIAL PROCESS



Students found responsible for violation of Salisbury University Code of Conduct have the right to appeal, although grounds for appeal may be limited and must be received in writing. Also, victims of crimes of violence have a right to appeal.

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 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. Dean of Students

The Dean of Students is responsible for the implementation and coordination of the University judicial system. Specific duties include, but are not limited to,:

1. interpretation of judicial system policies and procedures;
2. ruling on questions of judicial system policies and procedures, and appeals;
3. maintenance of accurate records of all judicial cases;

4. filling vacancies on boards by making interim appointments from among the pool of available board members or other eligible members of the University faculty, administration or student body;
5. attendance (or designee) at board hearing in an ex officio and nonvoting capacity;
6. determining the disposition of certain cases for hearing; and
7. conducting administrative hearings in certain cases.

C. University Attorney

The University Attorney may attend judicial hearings which involve serious allegations, complex procedural issues and/or which may result in the suspension or expulsion of a student. The role of the University Attorney is to ensure that due process requirements are met, to assist in the findings of fact and to provide counsel concerning legal questions which arise during the judicial process. The University Attorney's role is neither to bring charges nor present the case nor assist in deliberations.

D. Case Administrators

Upon receipt of a complaint of misconduct, the Dean of Students or designee will assign to a staff member from the Division of Student Affairs the primary responsibility for the investigation and resolution of the complaint. The staff member will hereafter be referred to as the Case Administrator. Case Administrators include, but are not limited to, the Dean of Students, Graduate Assistant for Judicial Affairs, Student Affairs Administrators and Area Directors.

E. Community Hearing Board

The Community Hearing Board hears cases referred to it by the Dean of Students either on appeal or as an original hearing.

Membership to the Community Hearing Board is usually comprised of two faculty, two administrators appointed by the Dean of Students and two students appointed by the University Judicial Administrator with the support of the President of the Student Government Association.

The Community Hearing Board shall usually consist of five members, at least one of whom must be a student. Board decisions shall be made by majority vote.

III. JUDICIAL PROCEDURES

A. Complaints of Misconduct

1. A complaint of misconduct alleging that a violation of University policy has occurred may be made against a student or a student organization by a fellow student, by a member of the faculty, administration or support staff, by a visitor or a guest to the campus community, by campus or local police reports, or by a member of the local community. The Dean of Students may also bring charges against a student or student organization on behalf of the University when such conduct or behavior is in violation of University policy or would otherwise threaten the safety or integrity of the institution.
2. Complaints of misconduct must be in writing and shall be filed with a member of the University Police, Residence Life Staff, the Office of the Dean of Students, or, in the case of a complaint against a student organization, the Office of Student Activities.
3. Complaints should be submitted as soon as possible after the alleged violation of University regulations. If an alleged violation is not reported within four months of the time it becomes known by the complainant, it may be considered untimely unless the appropriate Student Affairs administrator concludes that there has been good cause for the delay and that it is still feasible to hold a fair hearing.
4. When a written complaint of misconduct is received, the appropriate Student Affairs administrator shall determine if the alleged violation is unfounded or frivolous or requires further judicial action.
5. A preponderance of evidence does not require evidence that is beyond a reasonable doubt. Rather it is defined as that degree of proof which will produce a firm belief in the allegation sought to be established. A preponderance of evidence is supported by documentation, oral statements or images that the alleged violation did more than likely occur.

B. Informal Conference

1. If the allegation is not dismissed, the accused student or official representative of the accused student organization shall be directed to appear for an informal conference with

a case administrator. The informal conference is an opportunity for the student to receive information about the judicial process, including options for adjudication, and to discuss the complaint with the case administrator and respond on his or her behalf, or on behalf of a student organization, although a student is not required to make any statement.

2. After the informal conference and any appropriate investigation, the case administrator may dismiss the complaint if unfounded or pursue further judicial action.
3. If a student fails to appear at the informal conference after being properly notified (see Address of Record), the case administrator may further investigate and dismiss the complaint if unfounded, place a hold on an accused student's records (which prevents a student from registering or engaging in other transactions with the University), or prepare written charges pursuant to Section D, below, and notify the student or representative of the student organization (hereafter referred to as the "charged party") that they are required to appear for a hearing.

C. Adjudication Options

1. **If a case of alleged misconduct is not dismissed** after the informal conference, the student or student organization, through its official representative, except as provided below, may elect to resolve the case through one of the following three options:
 - a. **Informal Proceedings:** If the student or student organization chooses not to dispute the facts and executes a written waiver of a hearing, the case will be resolved informally and the case administrator shall assess a sanction and appropriately inform the student.
 - b. **Administrative Hearing:** The student or student organization may elect to resolve the case through a hearing with the case administrator.
 - c. **Community Hearing:** The student or student organization may elect to resolve the case through a committee hearing.

If the case administrator determines that a case cannot be resolved through an informal process, the case administrator can mandate that a hearing take place. The type of hearing must be jointly agreed upon by the case administrator and the charged student (except in cases of Sexual Misconduct where

a modified hearing may be offered for Alleged Violations of Sexual Misconduct Policy). If an agreement cannot be reached, the Dean of Students will decide how the case will be handled.

2. **Timeline.** The student or student organization, through its official representative and the case administrator, will normally have up to two working days to decide upon an adjudication option unless the case administrator grants an extension for good cause or the nature of the incident requires immediate action. Once made, the election is irreversible. If the charged party does not inform the case administrator of his or her election, the case will be resolved informally with the sanction chosen by the case administrator.
3. **Level of Seriousness.** Regardless of the method of adjudication, each case is classified as a “less serious” case or a “more serious” case. Less serious cases are those cases in which the alleged offense might be punishable by a penalty less than social probation, including, but not limited to, allegations of violation of residence hall regulations. More serious cases are those cases in which the alleged offense might be punishable by a penalty of removal from the University’s residence halls, probation with loss of privileges, or suspension or another form of separation from the University. Classification of a case’s level of seriousness shall be determined by the Dean of Students.
4. **Appeal.** The right of appeal is assured regardless of the method of adjudication. Upon appeal, the file and material related to the student’s previous violations of University regulations, if any, are forwarded to the appropriate appellate authority. Depending upon the method of adjudication, the grounds for appeal may be limited. (See “Appeals of Judicial Actions.”)

- a. the Dean of Students grants a postponement, or
- b. the judicial committee to which the case has been assigned, or the administrator hearing the case, grants the accused a postponement, or
- c. when a break makes a hearing impractical. A case may not be heard in fewer than two working days unless the student waives in writing the two working days time period.

3. **Authority of the Board.** The Community Hearing Board is empowered to determine responsibility for the charges issued and to assess sanctions if the student is found responsible. Decisions will be reached by a preponderance of evidence.

The case administrator will ordinarily present the information supporting the charge and will assign appropriate sanctions if a finding of responsibility is reached.

4. **Hearing Records.** There shall be a record such as a tape recording or written summary of all hearings. The record shall be the exclusive property of the University. The recorder and the chair will summarize the evidence presented and the findings of the Board including the reasons for the finding and sanction if the student is found responsible. This summary should be filed in the Office of Student Affairs usually within two working days of the hearing.
5. **Case Review and Notification.** The Dean of Students will return to the Board any finding and/or sanction that is inconsistent with University policy or practice. The Dean of Students will notify the student in writing of the decision of the Board usually within two working days after the Board’s summary is filed.
6. **Appeal.** Appeals of Community Hearing decisions will be reviewed by the Dean of Students or designee in accordance with the principles outlined under “of Judicial Actions.”

D. Procedures for Community Hearing and Administrative Hearing

1. **Charges.** If a student or student organization, through its official representative, chooses to resolve a case through a hearing, the case administrator will prepare formal written charges and notify the student.
2. **Timeline.** All charges of violations of University policies will normally be heard within 10 working days of when charges are brought except in unusual cases where

E. Determination of Responsibility and Burden of Proof

The Community Hearing Board will meet in closed session to determine whether or not the charged party has violated the regulation(s) as charged. For a charged party to be found responsible for a violation, a majority opinion by the Board members must conclude that the charge is supported by a preponderance of evidence.

A preponderance of evidence does not require evidence that is beyond a reasonable doubt. Rather it is defined as that degree of proof which will produce a firm belief in the allegation sought to be established. A preponderance of evidence is supported by documentation, oral statements or images that the alleged violation did more than likely occur.

1. **Determination of Sanctions.** Once a finding regarding responsibility is reached, the Board will notify the charged party of the decision. If the charged party is found responsible, the Board will receive information from the case administrator on any previous violations of University regulations by the student, any precedent for similar situations, any additional relevant information concerning the charged party's character and any administration recommendations concerning sanction. The charged party will be given an opportunity during the hearing to make a statement concerning the alleged violation, and if desired, to call character witnesses. The number of character witnesses may be limited by the Board and is usually limited to one. The Board will again meet in closed session to determine an appropriate sanction and will reconvene and announce its decision. The sanction imposed must be agreed to by a majority opinion of the Hearing Board. The sanction imposed is not final until the Dean of Students issues a written decision to the charged student and any appeal procedure is complete.

2. **Appeal.** As soon as possible after written confirmation of the results of the hearing, normally within two working days, the Dean of Students or designee will be available to a student found responsible for a violation to discuss the impact of the decision on the charged party and to review the appeal process. (See the "Appeals of Judicial Action" section in this publication.)

3. **Reinstatement Hearing.** When a Board assigns the sanction of contingent dismissal, another Board will be appointed by the Dean of Students or designee at the appropriate time to determine whether the charged party has met the conditions necessary for reinstatement.

The Board will be given access to all file materials from the original hearing, may require the charged party to make a personal appearance before the committee and may

solicit other information to reach a decision. The same general procedures employed in the original hearing will be followed with the same rights assured for reinstatement.

4. **Administrative Hearing.** In those instances where a student is charged with a violation of a University regulation and elects to have the charges heard in an administrative hearing, the steps outlined under "Procedures for Community Hearing and Administrative Hearing" above shall be followed with appropriate allowances for the difference in structure.

IV. SANCTIONS

The sanctions listed below are categorized as primary and secondary. At least one primary sanction and any combination of primary and secondary sanctions may be imposed for any single violation. A due date will be given with any task, fine and/or restitution penalty. All other sanctions are effective immediately upon completion of the appeal or appeal period, unless the Dean of Students authorizes an exception. Students appealing a sanction of separation must comply with the restrictions noted in the Appeals section.

Primary Sanctions

► Permanent Dismissal*

Involuntary separation of the student from the University without future readmission. The student must leave the campus, usually within 24 hours, and is not eligible to participate in classes or any University-sponsored or related activities. The sanction of dismissal is permanently noted on the student's transcript.

► Contingent Dismissal*

An involuntary separation from the University during which time the student must leave the campus and is not eligible to participate in classes or any sponsored or related activities, with a date determined by a committee or administrative officer when the student may petition for reinstatement. In such instances, the student must first satisfy the committee or administrative officer by his/her conduct and record that he/she is in fact entitled to reinstate-

ment. During the period of separation, the student is not permitted on campus without prior written consent from the Dean of Students or designee. The sanction of contingent dismissal is noted on the student's transcript but is removed if the student is reinstated to good standing at the University.

▶ **Suspension***

An involuntary separation from the University for a period determined by the appropriate committee or administrative officer during which time the student must leave the campus, usually within 24 hours, and is not eligible to participate in classes or any University-sponsored or related activities. The student is not permitted to return to the campus without prior written consent from the Dean of Students or designee. At the end of the period of suspension, the student is automatically eligible for readmission provided there is no other encumbrance upon his/her return and the stated conditions for return have been met. The sanction of suspension is noted on the student's transcript but is removed once the period of suspension has been completed.

▶ **Disciplinary Probation***

A specified period during which a student or student organization will face severe disciplinary sanctions, most likely suspension or expulsion, for any subsequent violations occurring during the probationary period.

▶ **Probation with Restricted Privileges***

Enrollment but exclusion from participation in University, fraternal, and/or other student extracurricular or social activity for a specified period of time. Such probation also constitutes a warning that further misconduct or violation of University regulations during the period of probation will be referred to the appropriate committee or administrative officer and will most likely result in the student's separation from the University.

▶ **Suspension from University Housing***

Continued enrollment in the University but with the loss of privilege to reside in campus housing, usually within 24 hours, for a specified period of time. During any period of suspension from housing, the student may also be prohibit-

ed from being present in the residence hall(s). Students removed from campus housing may also be subject to removal from the University.

▶ **Probation***

Continued enrollment but under stated conditions. Probation constitutes a warning that further misconduct or violation of regulations during the period of probation will be referred to the appropriate committee or administrative officer and may result in more severe sanctions, including the student's separation from the University.

▶ **Warning**

An oral or written notification confirming that a violation of University regulations has occurred and that future violations may result in a more severe sanction.

▶ **Withholding a Degree**

When charges of misconduct cannot be adjudicated by the date of graduation, Salisbury University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct and/or the completion of all sanction imposed, if any.

Secondary Sanctions

▶ **Loss or Restriction of Privileges**

Limitation or removal of social or personal privileges including, but not limited to, loss or restriction of computer privileges, entertainment of guests in the private areas of a residence hall, participation in social activities sponsored by the University or a residence hall, and/or the right to operate an automobile on campus, provided the penalty is consistent with the offense committed.

▶ **Chemical Assessment**

Requiring a student to complete a Chemical Assessment and to follow through with the recommendations of a qualified Counselor.

▶ **Educational Requirements**

Requiring a student to complete a specific educational requirement directly related to the violation committed.

► Task/Community Service

Requiring a student to participate in assigned tasks that are appropriate to the regulation violated or behavior displayed.

► Restitution

Requiring a student to reimburse the University, appropriate individual or organization for damage, personal injury or misappropriation. A monetary assessment in the amount of pecuniary damage or loss occurring as a result of misconduct. In the case of damage to University property the student will be billed a minimum of \$25.

► Fines

A monetary assessment not connected with pecuniary damage or loss. Fines may be imposed as a result of violations including, but not limited to:

1. Failure to satisfactorily complete sanctions by the imposed date will normally result in a \$25 fine.
2. Off-campus misconduct (individual or student organization) detrimental to University interests. In such cases, fines will range from \$50-\$200.
3. Students found responsible for an alcohol-related violation that does not put themselves or someone else's health or safety at risk will normally be assessed a fine of \$75.
4. Students found responsible for an alcohol-related violation in which the student put themselves or someone else's health or safety at risk will normally be assessed a fine of \$150. Such offenses include, but are not limited to, DUIs, providing alcohol to minors, medical response, vomiting, blacking out/passing out, causing an injury to themselves or others, and engaging in risky behavior.
5. Violations relating to drugs or drug paraphernalia (see "Drug Policy" section for definitions) will normally result in a fine of \$150.

****These sanctions may be administered even though the student may not currently be on probation, has not previously been placed on probation or has not otherwise been disciplined.***

► Interim Suspension

The President has empowered the Dean of Students to suspend a student in extraordinary circumstances pending a full hearing before the appropriate judicial body or administrator. Such action is authorized when it is necessary to preserve the educational process or the health or safety of the student or of other members of the University community. In such instances, the student will be afforded an opportunity to confer informally with the Dean of Students or designee and an opportunity to show why his/her continued presence does not pose a threat sufficient to impose the suspension. A full hearing will be scheduled for the student within 10 working days or as soon as the student's condition permits. When the sanction of interim suspension is imposed, the student must leave the campus immediately and may not participate in academic, extracurricular or other activities of the University except as may be authorized by the Dean of Students or designee. During the period of interim suspension, a student is not permitted on the campus without prior written consent from the Dean of Students or designee. (See also "Medical and Emotional Emergencies Protocol.")

Policy on Student Organizations

► Procedures

The judicial process for student organizations will generally follow the procedures outlined for individual students. The process may be modified in certain cases involving student organizations.

University recognized organizations which include, but are not limited to, Greek organizations, athletic or club sports, and/or other student interest organizations may have its members sanctioned according to the aforementioned sanctions, and as an organization may have one of the following sanctions imposed:

Suspension: The withdrawal, for a specified period of time, of the charter or privileges of a group found in violation of University regulations, including the inability to use University facilities, publicize events or participate in University-sponsored activities. Such suspensions may include conditions for the reinstatement of the organizational privileges.

Suspension of a charter or organization may result (when specified) in the complete suspension of the activities of the group. Violation of the conditions of the group's suspension may result in revocation of the charter or dissolution of the group or organization.

Revocation of Charter: The permanent cancellation of the charter or privileges of a group that violated University, Student Government or Office of Student Activities policies and/or terms of previous disciplinary action.

V. APPEALS OF JUDICIAL ACTION

Students may appeal judicial decisions in accordance with the following provisions:

1. Students are entitled to no more than one appeal review.
2. Students electing to appeal a judicial decision must file a written appeal, including the reasons for the appeal, with the Dean of Students and/or Office of Student Affairs, within five working days of being given notice of the results of the original hearing.
3. Appeals must be in writing and must state specific grounds for the appeal. Grounds for appeal are limited to the following:
 - a) the sanction(s) imposed are grossly disproportionate to the offense;
 - b) specified procedural errors or errors in interpretation of University regulations were so substantial as effectively to deny the student a fair hearing;
 - c) new and significant evidence became available and could not have been discovered by a properly diligent student before or during the original hearing; or
 - d) the finding is unsupported by any evidence.
4. The appeal review will be assigned to the appropriate board or administrator by the Dean of Students.
5. The appeal body will review all documentation associated with the case and determine whether sufficient grounds exist to reconsider the case. If sufficient grounds do not exist, the finding(s) and sanction(s) from the original hearing will stand and no further appeal will be provided. If sufficient grounds exist to reopen the case, the appeal body may elect to hear the case in part, or in total and is not bound by the finding(s) or sanction(s) of the

original hearing body.

6. Appeals of suspension or expulsion will be directed to the Dean of Students or designee.

► Student Status Pending Final Action

Disciplinary actions which are appealed are held in abeyance pending action by the appellate hearing body. The University reserves the right to temporarily remove a student from the residence halls and/or the campus pending judicial action in cases where the continued presence of the accused may constitute a real and present danger to people and/or property or is disruptive to the conduct of University business.

► Refunds

Students who are dismissed or suspended from the University for disciplinary reasons shall not be entitled to any refund of tuition or fees. Similarly, students whose housing or boarding contracts are terminated for disciplinary reasons are not eligible for refunds.

► Disciplinary Records

Disciplinary records are retained in the Office of Student Affairs for a period of five years from the date of final action on each case, after which they are destroyed. Exceptions to this policy are cases which result in the suspension or expulsion of a student, the files of which are retained permanently. Students of senior standing with judicial sanctions of probation or less who have maintained good disciplinary standing for at least one year prior to their final semester may request to have their disciplinary records expunged.

Procedures for Appeal by Charged Party

► 1. Appeals of Informal Resolutions

- a. Appeals of informal processes decisions are considered by the Dean of Students or designee.
- b. The Appeal Body may decide one of the following:
 - There is no basis for the appeal. The appeal is then dismissed, and the original decision stands.
 - An incorrect finding of responsibility was reached. The Appeal Body will then dismiss the case.

- The sanction administered is unfair or inappropriate. The Appeal Body then determines a penalty fair to the facts of the case. The Dean is not empowered to increase the level of the sanction, but may refer the case to an appropriate hearing body.

► 2. Appeals of Administrative Hearings

- Appeals of administrative hearings decisions are considered by the Dean of Students or designee. (In cases where the Dean of Students serves as the administrative hearing officer, the Vice President of Student Affairs or designee will consider student appeals.)
- The Appeal Body may decide one of the following:
 - There is no basis for the appeal. The appeal is then dismissed, and the original decision stands.
 - An incorrect finding of responsibility was reached. The Appeal Body will then dismiss the case.
 - The sanction administered is unfair or inappropriate. The Appeal Body then determines a penalty fair to the facts of the case. The Dean is not empowered to increase the level of the sanction, but may refer the case to an appropriate hearing body.

► 3. Appeals of Community Hearing Board

- Appeals of Community Board decisions will be considered by the Dean of Students or by an appointed committee.
- The committee is empowered to determine one of the following:
 - The appeal is without merit. A decision of no merit in an appeal by the accused is a final action.
 - The appeal has merit.
 - The finding of responsibility should be reviewed.
 - The sanction should be reviewed.
- If the committee decides that the appeal has merit, then the appeal is considered by the Dean of Students or designee. The Dean of Students or designee may:
 - Reverse a finding of responsibility;
 - Order a rehearing before a new hearing board;

- Modify the sanction to be fair to the facts of the case; and/or
 - Uphold the decision(s) of the original hearing body.
- The Dean of Students or designee may not increase the level of the sanction.

► 4. Continued Enrollment During Appeal

- Students appealing judicial action involving involuntary separation from the University may not take part in any University function including scheduled classes while the appeal is pending without the written permission of the Dean of Students. Where appropriate, the Dean of Students may also restrict a student from parts of the University or specific functions or activities during the appeal period.
- In those cases where the committee or administrator (with the concurrence of the Dean of Students) determines that the continued presence of the student constitutes a risk to the educational process, the University, to him/herself, or to others, class attendance may also be prohibited.

Policy on Student Academic Integrity

For the most updated version of the **Policy on Academic Integrity and University grievance procedures**, please refer to the **University's Web site, www.salisbury.edu**.

► Introduction

Integrity is a principle which permeates all the activities of the University and which guides the behavior of faculty, students and staff. The spirit of academic integrity denotes adherence to the precept that "one's work is one's own." The process by which integrity is upheld assumes clear communication of University expectations, standards and policies and clear communication of students' and faculty's rights and responsibilities.

► Scope

This policy is intended to foster student academic integrity and to address cases of student academic misconduct which may include, but is not limited to, the following:

DEFINITIONS

Lying

Communicating untruths or withholding information as part of an investigation, or in order to gain an academic or employment advantage.

Cheating

The act of wrongfully using or attempting to use unauthorized materials, information, study aids or the ideas or work of another in order to gain an advantage. It includes, but is not limited to:

- Giving unauthorized aid to another student or receiving unauthorized aid from another person on tests, quizzes, assignments or projects;
- Using or consulting unauthorized materials or using unauthorized equipment or devices on test, quizzes, assignments or projects;
- Altering or falsifying any information on tests, quizzes, assignments or projects;

- Using any material portion of a paper or project to fulfill the requirements of more than one course unless the student has received prior faculty permission to do so;
- Working on any project, test, quiz or assignment outside of the time constraints imposed;
- Submitting an altered project or assignment to an instructor for grading;
- Failing to adhere to an instructor's specific directions with respect to the terms of academic integrity or academic honesty;
- Other acts generally recognized as dishonorable or dishonest which bear upon academic endeavors.

Plagiarism

Plagiarism occurs when a student intentionally or unintentionally deceives or disregards proper scholarly procedures; presents information, ideas or phrasing of another as if they were his/her own; and/or does not give appropriate attribution to the original source. Proper scholarly procedures require that all quoted material be identified by quotation marks or indentation on the page, and the source of information and ideas, if from another, must be identified and be attributed to that source, moreover students are responsible for learning proper scholarly procedures.

- Plagiarism: presenting as one's own work, whether literally or in paraphrase, the work of another.
- Illicit collaboration with other individuals in the completion of course assignments.
- The use of fraudulent methods in laboratory, studio, fieldwork or computer work.

PROCEDURES FOR HANDLING CASES OF ACADEMIC MISCONDUCT

Academic Policies Committee

Under this policy the Academic Policies Committee serves to review appeals of faculty-imposed sanctions, hears cases referred by faculty members where the sanction may include dismissal from a major or program, suspension or expulsion from the University, and handle cases of repeat offenders.

► Reviews by Committee

In all matters referred to the Academic Policies Committee, the committee will review all documentation submitted in the case and will then have the following options:

1. to render a written decision based on evidence submitted and/or,
2. to initiate an investigation and/or,
3. to initiate a formal hearing. In all cases where suspension or expulsion is recommended, a hearing will be granted.

► Investigation

If it is determined that an investigation should be undertaken, written notice shall be sent to all parties that the case will be investigated through a series of interviews for the purpose of collecting additional information and evidence necessary for an informed and reasoned judgment to be rendered. The investigation, conducted by the Academic Policies Committee, may include interviews with the parties in the case and with any witnesses to the events and a review of any pertinent documents or any other actions deemed appropriate.

► Authority of Committee

The Academic Policies Committee, and not an individual faculty member or department committee, will handle cases of academic misconduct under three conditions:

1. If it is determined that misconduct warrants a sanction greater than an issuance of an F in the course, the faculty member or departmental committee must refer the case in writing to the Academic Policies Committee. Additional sanctions can include, but are not limited to, dismissal from a major, dismissal from a program, suspension from the University or expulsion from the University. A copy of all such referrals must be sent to the student and to the Dean of Students. The written materials must include a letter endorsing the recommended sanction signed by the Chair of the department or program involved and a letter of endorsement signed by the Dean of the school.
2. Repeat offenses as reported to the Dean of Students will be automatically referred to the Academic Policies Committee, which will decide on any additional sanctions beyond

those imposed by individual faculty members or departmental committees, up to and including expulsion from the University, and/or an F on the transcript identified as an “academic dishonesty F.”

3. All appeals as described below.

Faculty Action

Individual faculty members have the right and responsibility to deal directly with any cases of academic misconduct that arise in their courses. If a faculty member believes a student has committed an act of academic misconduct, the faculty member will advise the student in a timely fashion of the accusation and will allow the student an opportunity to question or respond to the charge before implementing a sanction. The faculty member may check with the Dean of Students to ascertain whether there is a prior history of academic misconduct, and what an appropriate sanction might be.

Individual faculty members reserve the right to impose any sanction they deem appropriate, and which reflects the seriousness of the act or may delegate authority only for determining a sanction to a duly designated standing departmental committee. The departmental committee may elect, but is not required, to meet with the student and faculty member for the sole purpose of determining an appropriate sanction.

Course-based sanctions include:

- warning issued
- reduction in grade recorded for the test, assignment, etc.
- issuance of an F on test, assignment, etc.
- issuance of an F in the course and removal from the course
- other

If a sanction is issued, the faculty member or departmental committee must complete an Academic Integrity Violation Incident Report in a timely manner. Copies of the Academic Integrity Violation Incident Report are sent to the Dean of Students and to the student as an official notification of the sanction. The faculty member and departmental committee (when appropriate) have the responsibility to retain any materials or documents that may be pertinent to the case until its final resolution.

Student Appeal of Faculty Action

The student's right to appeal is outlined in the following procedures. Students are entitled to the assistance of an advocate. An advocate assists the student in the preparation and presentation of the case. The advocate may be selected by the student or, at the request of the student, appointed by the Dean of Students. In all cases, the advocate must be a member of the University faculty, staff or student body.

The appeal process must be in accordance with the following provisions:

1. A student appeal, including the grounds for the appeal, is submitted in writing to the Dean of Students in the Office of the Vice President of Student Affairs within five working days of receiving the Academic Integrity Violation Incident Report.
2. The student's written appeal ordinarily will be forwarded to the Academic Policies Committee by the Dean of Students within five working days of its filing. In the event the Academic Policies Committee is not available, the Dean of Students will forward the appeal to the Provost, who will create an ad hoc committee to handle the review. (All further references in this policy to the Academic Policies Committee include the ad hoc committee where appropriate.)
3. The student is strongly encouraged to continue coursework pending the results of the appeal.

Hearing

If a hearing is to be held, written notice of the time, date and location shall be sent to all parties. The hearing shall be conducted as follows:

1. The hearing shall be held at a reasonable time when all parties are available or have an opportunity to be present.
2. The parties shall be entitled to make opening and closing statements.
3. The parties shall be entitled to present evidence through witnesses and documents, and shall be entitled to question witnesses. At the discretion of the Chair, direct questioning by a party or a witness, including an opposing party, may not be permitted; rather, the parties may be required to convey their

questions to the Chair, who will then convey them to the witness.

4. The parties shall be entitled to each have an advocate to assist in the preparation and presentation of the case.
5. No one may be represented by an attorney at the hearing, unless the student is facing or is likely to face criminal charges relating to the alleged academic misconduct. If so, both the student and the faculty member may elect to have counsel assist them. Counsel for the hearing body may also be present. Legal counsel may not give opening or closing statements, present documents, or question witnesses.
6. The hearing shall be closed with attendance limited to individuals directly connected with the case as determined by the Chair.
7. Formal rules of evidence need not be followed at the hearing. The hearing body may receive such evidence as a reasonable person would consider reliable in making important decisions. If a question arises about the authenticity of a document or the reasonableness, relevance or redundancy of evidence, the Chair of the Academic Policies Committee (or administrator hearing the case) shall be the final decision maker on the admissibility of the evidence.
8. The parties may request, in writing, that the committee contact specified persons to appear at the hearing to testify on behalf of the parties. The request must be made at least five working days before the scheduled hearing in order to allow ample time for the hearing body to make the requests.
9. The Chair of the Academic Policies Committee (or administrator hearing the case) shall be responsible for conducting the hearing in an efficient and decorous manner and shall rule on all disputes related to the procedures used throughout the proceedings. Reasonable limits may be set on the length and nature of the opening and closing statements, the evidence presented and on the duration of the hearing. At any time, the Chair (or administrator hearing the case) may seek the advice of legal counsel.
10. The party that has imposed or recommended sanctions under this policy has the burden to prove by a preponderance of the evidence that a violation of this policy did occur.
11. Since the University lacks full judicial authority, such as the power to subpoena or

place witnesses under oath, a student's due process rights cannot be coextensive with or identical to the rights afforded the accused in a civil or criminal legal proceeding. The procedures outlined are designed, however, to assure fundamental fairness and to protect students from arbitrary or capricious disciplinary action. Deviations from these procedures shall not necessarily invalidate a hearing or the results of a hearing unless significant prejudice results.

Findings

After it has completed its review, the Academic Policies Committee shall issue written findings of fact and conclusions, usually within three to five days, and shall provide a copy of the findings along with the sanction to be imposed to the student, faculty member and Dean of Students.

Appeals from the Academic Policies Committee Findings

For sanctions of written warning, imposition of an F and/or dismissal from a course, the decision of the committee is final and no further appeal will be allowed. For more severe sanctions, an additional appeal of the committee's findings will be allowed. Appeals must be filed within five working days of receiving notice of the committee's decision. The written appeal must be filed with the Provost and should set forth all of the reasons that support reversal of the committee's findings. It will be handled as follows:

- 1) When the committee recommends the sanction of dismissal from a major or program, the Provost will review the written appeal and the documentation associated with the case. The Provost has the discretion to take any action necessary to thoroughly complete a review, and then will issue a decision, which will be binding and final.
- 2) When the committee recommends the sanction of suspension or expulsion from the University, the University President or designee will review the appeal, take all necessary action and make the final, binding decision. In all cases, the decision will be conveyed in writing to the student, the faculty member, the Dean of Students and the Academic Policies Committee.

Impact of F Grade for Academic Misconduct

If the sanction imposed is an F in the course, the student ordinarily shall not be permitted to withdraw from the course even if the sanction was imposed prior to the last day of the University schedule adjustment period. The imposed F shall stand for the course, unless the student successfully appeals the sanction. A course grade of F received for academic integrity violation(s) will remain in the student's GPA and on the transcript. The course can be repeated, but both grades will be calculated in the GPA and remain on the transcript. A student who has received a course grade of F for academic integrity violation(s) will not be allowed to graduate with University honors.

► University System of Maryland Policy

In accordance with Board of Regents policy, students expelled or suspended for reasons of academic dishonesty by any institution in the University System of Maryland shall not be admissible to any other System institution if expelled, or during any period of suspension.

Original Version Approved by the Faculty Senate, March 13, 2001

Revisions Approved by the Academic Policies Committee, May 11, 2004

Revisions Approved by the Faculty Senate, May 11, 2004

Revisions Approved by the Office of the Maryland Attorney General, June 17, 2004

Revisions Approved by the Provost, June 18, 2004

Student Academic Grievance

(Document revised: May 1999, March 2001, October 2002, May 2005)

Introduction

Salisbury University has established the Grievance Policy to give students a forum in which to express concerns related to matters involving discipline, unlawful discrimination, or the interpretation or application of University policies. The policy provides a method for aggrieved individuals from all sectors of campus life, including students, employees and faculty, to express substantive complaints about University faculty or administrators and have them resolved by disinterested parties in a timely fashion.

The following matters are not covered by these grievance procedures:

- Claims involving discriminatory harassment
- Claims relating only to alleged violations of policies which were promulgated exclusively by the University System of Maryland, actions of the Board of Regents or actions of the Chancellor of the System, over which SU has no jurisdiction
- Retrenchment appeals
- Student disciplinary matters including alleged violations of academic integrity
- Grievances against University police officers that could result in the imposition of any discipline against the officer(s)
- **Grievances filed by students:** Formal student grievances are filed in accordance with the procedures outlined below.

► Jurisdictional Disputes

If a dispute arises over the jurisdiction of the committee assigned to decide the matter, the jurisdictional dispute shall be resolved as follows: for a grievance filed by faculty, it shall be resolved by the President of the Salisbury University Faculty Senate; for a grievance filed by a student, it shall be resolved by the Office of the Vice President of Student Affairs.

Student Grievances

► Informal Resolution

All members of the University community are encouraged to attempt to resolve differences between themselves and others in an informal manner. This may entail only a conversation in which the views of both parties are aired in a mutually satisfactory manner or a conversation using a neutral third party for mediation. If an informal resolution cannot be achieved, the grievant may elect to not proceed with the complaint or may begin the formal grievance procedure that follows. Nothing in this policy is to be construed to inhibit or prevent the grievant from reconsidering an informal resolution once the formal grievance procedures have begun.

► Formal Grievance

Timeline for Initiating a Formal Grievance

- Grievances must be filed within 30 working days of the date on which the grievant knew or should have known of the action that led to the grievance. For faculty, the applicable period for "working days" is the contract year, approximately mid-August until mid-June. For students, the applicable period includes the fall and spring semesters of the academic year.

Requirements for Formal Grievances -

A formal grievance must set forth in writing a chronology of events leading up to the grievance, the names of people with knowledge of the event, pertinent dates, a description of the actions taken against the grievant which led to the dissatisfaction and a proposed resolution to the situation. If known, information about relevant University policies should be provided. Further, if the grievance is pursued through successive steps described in the following, the grievant must include each prior written grievance as well as the written response from the person or committee to whom the grievance was submitted.

Responses to Formal Grievances -

Faculty, staff and committees who receive written formal grievances must respond to the grievant in writing. The written response should address the specific issues raised in the grievance and include information pertinent to the decision. The formal committee response should also include notification of the timeline for pursuing the grievance at the next level.

► Committee Investigation

If the committee determines that an investigation should be undertaken to resolve the grievance, it shall send written notice to all parties that the committee will be investigating the grievance through a series of interviews at which the committee will collect additional information and evidence necessary for it to render an informed and reasoned judgment. The investigation may include interviews with the parties to the grievance and with any witnesses to the events, a review of any pertinent documents and any other actions that the committee deems appropriate. The investigation, including interviews, will be completed within 20 working days of the decision to conduct an investigation.

Procedural Steps

ACADEMIC/GRADE GRIEVANCE

► Step One

The grievant must submit a formal grievance to the person alleged to be responsible for the actions leading to the grievance within 30 working days of the date on which the grievant knew or should have known of the action that led to the grievance. For faculty, the applicable period for “working days” is the contract year, approximately mid-August until mid-June. For students, the applicable period includes the fall and spring semesters of the academic year.

The person alleged to be responsible for actions leading to the grievance will provide a written response to the grievant within five working days of receiving the formal grievance.

► Step Two

If the response is not satisfactory to the grievant; he or she has five working days to file a formal grievance with the supervisor of the person alleged to be responsible for the actions leading to the grievance. The supervisor of faculty is the department chair. The supervisor of department chairs is the dean.

The supervisor of the person alleged to be responsible for the actions leading to the grievance will provide a written response to the grievant within five working days of receiving the formal grievance.

► Step Three

If the response is not satisfactory and the complaint is from a student and involves a non-academic matter, the grievant has five working days to file a formal grievance with the Office of the Vice President of Student Affairs. These grievances of non-academic matters will be referred to the Student Campus Life Grievance Committee (see “Referral to Committee”).

If the response is not satisfactory and the complaint is from a student and involves academic matters, including grade disputes, the grievant has five working days to file a formal grievance with the dean of the school in which the dispute has occurred. For grievances of these matters, the dean of the school will provide a written response to the grievant within five working days of receiving the grievance.

If the response is not satisfactory and the complaint is from a faculty member and involves an academic matter, the grievant has five working days to file a formal grievance with the dean of the school in which the dispute has occurred. For grievances of these matters, the dean of the school will provide a written response to the grievant within five working days of receiving the grievance.

If the response is not satisfactory and the complaint is from a faculty member and involves a non-academic matter, the grievant has five working days to file a formal grievance with the Office of the Provost. For grievances of these matters, the Associate Provost will provide a written response to the grievant within five working days of receiving the grievance.

► Step Four

If the response in the Step 3 filing is not satisfactory, the grievant has five working days to file a formal grievance with the Office of the Vice President of Student Affairs for students' grievances, or the Office of the Provost for faculty members' grievances.

► Referral to Committee

The Provost or Vice President of Student Affairs or his or her designee shall refer the grievance to the appropriate University committee for review and recommendation. Student grievances of all academic matters, including grade disputes, will be referred to the Academic Policies

Committee. Student grievances of non-academic matters will have been referred to the Student Campus Life Grievance Committee pursuant to Step 3 of the process. Faculty grievances will be referred to committees as described in the Introduction of this policy. The committee shall meet and determine in its sole discretion whether sufficiently significant questions have been raised and remain unresolved. Committees then have 10 working days of receiving the formal grievance to decide among the following options:

1. to initiate an investigation,
2. to forego an investigation and initiate a formal hearing or
3. to render a written decision based on evidence submitted. If requested by a student, a hearing shall be held in all cases where the student alleges sufficient facts to show that the grievable matter could lead to serious implications for graduation or employment.

► Hearing

If the committee determines that a hearing is to be held, the committee shall send written notice of the time, date and location to all parties. The hearing shall be conducted as follows:

- The hearing shall be held at a reasonable time when all parties are available or have an opportunity to be present.
 - The parties shall be entitled to make opening and closing statements.
 - The parties shall be entitled to present evidence through witnesses and documents, and shall be entitled to cross examine the opponent's witnesses. In the discretion of the Chair of the Hearing Board, direct questioning by a party of a witness, including an opposing party, may not be permitted; rather, the parties may be required to convey their questions to the Hearing Board Chair, who then will convey them to the witness.
 - The hearing shall be closed to all persons but the grievant, the alleged responsible person and the committee, unless all of the above persons agree otherwise. The hearing may be tape recorded at the discretion of the Chair of the Hearing Board.
 - No one may be represented by an attorney at the hearing, unless the person alleged to be responsible for the grievance is facing or may face criminal charges relating to the subject of the grievance. If so, both parties may elect to have counsel assist them. In this case, counsel for the committee may be present. The
- role of legal counsel in these hearings shall be limited to the role of advocate for their party in procedural concerns and assistance in the process. At no time may legal counsel give statements or participate in questioning witnesses and committee members.
- In all other grievances, the grievant and the subject of the grievance may be accompanied to the hearing by a non-legal advocate of his or her choosing who may provide support to the individual but otherwise shall not participate formally in the proceedings. The advocate shall be a member of the University student body, faculty, staff or administration.
 - Formal rules of evidence need not be followed at the hearing. The committee may receive such evidence as a reasonable person would consider reliable in making important decisions. If a question arises about the authenticity of a document or the reasonableness, relevance or redundancy of evidence, the Chair of the committee shall be the final decision maker on the evidence's admissibility.
 - The parties may request, in writing, that the committee contact specified persons to appear at the hearing to testify on behalf of the parties. The request must be made at least five working days before the scheduled hearing in order to allow ample time for the committee to make the requests.
 - The Chair of the committee shall be responsible for conducting the hearing in an efficient and decorous manner and shall rule on all disputes related to the procedures used throughout the proceedings. The Chair may set reasonable limits on the length and nature of the opening statements, the evidence presented and on the duration of the hearing. At any time, the Chair may seek the advice of legal counsel.
 - The grievant has the burden to prove by a preponderance of the evidence that the action or inaction complained about did occur and that it was contrary to University policy or procedures.
 - Since the University lacks full judicial authority, such as the power to subpoena or place witnesses under oath, a party's procedural rights cannot be coextensive with or identical to the rights afforded the accused in a civil or criminal legal proceeding. The procedures outlined are designed, however, to assure fundamental fairness and to protect parties from arbitrary or capricious disciplinary

action. Deviations from these procedures shall not necessarily invalidate a hearing or the results of a hearing unless significant prejudice may result.

- The hearing must be completed within 20 working days of the decision to conduct a hearing.

► Findings

After the investigation or hearing has been held, or evidence submitted has been reviewed, the committee shall meet to consider the merits of the grievance. It shall consider only that evidence that was admitted in the investigation or hearing, and only those grievances which were formally part of the process. The deliberations shall be private and no recordings shall be made, nor shall any notes be kept other than purely personal notes of the members.

Upon the conclusion of its deliberations, the committee shall send a brief written notice of a preliminary finding of adequate or inadequate support for the grievance to the Provost or Vice President of Student Affairs and to the parties. The committee shall have five working days to provide such notice.

Upon receipt of the written notice, the grievant shall have five working days to decide to pursue or withdraw the grievance. If the grievant elects to pursue the grievance, he or she must provide written notice to the Chair of the committee. In order for a sanction to be imposed or a decision reversed, the grievance must be pursued beyond the committee's deliberations. The grievant may confer with the Chair of the committee before making this decision at which time the Chair will explain the committee's rationale for its decision.

If the grievance is pursued, the committee shall issue a full report of its findings and its recommendations, including any dissenting views, after the report has been reviewed by all committee members. The report shall be sent to the Provost or Vice President of Student Affairs within 10 working days from the time the committee receives notice that the grievant wishes to pursue the grievance. A copy of the committee report will be sent to the grievant and the allegedly responsible party by the Provost or Vice President of Student Affairs.

The Provost, in instances of grievances filed by faculty and instances of grievances filed by students grieving academic matters, or the Vice President of Student Affairs, in instances of

grievances filed by students other than academic matters, will make a determination as to findings and sanctions, will issue a report, and convey it to the parties and the Chair of the committee within five working days of receiving the committee report.

► Appeal

If either party wishes to challenge the determination of the Provost or Vice President of Student Affairs, he or she may file an appeal to the President of the University within five working days of receiving the report. The basis for an appeal are only the following:

1. committee's failure to follow the procedures set forth in this policy in a way which could have significantly prejudiced the appellant;
2. bias on the part of a committee member; or
3. the decision was based on a clearly erroneous interpretation of the evidence. The President may review the matter at his or her discretion and shall issue a decision upholding or rejecting in whole or in part the findings of the committee within 10 working days of receiving the appeal. The decision of the President shall be final.

► Miscellaneous

The matters addressed in any grievance will be kept in confidence by the parties directly involved. Under no circumstances shall any findings be provided to anyone other than the committee members, the Office of the Provost, the Office of the Vice President of Student Affairs, the Office of the President, the grievant, the person(s) allegedly responsible and their attorneys if such have been consulted. All time limitations contained within this policy may be extended for good cause as determined by the relevant committee, Provost or the Vice President of Student Affairs. Failure to adhere strictly to the timelines shall not be grounds for appeal unless significant prejudice has occurred. The committee may seek the advice of legal counsel at any time during the process.

Policy on Misconduct in Scholarly Work

The inherent requirement for integrity in the quest for knowledge and in the creation of scholarly and artistic works is fundamental to the academic purpose. Deviations from the proper conduct of scholarly work erode the public's confidence in science, in scholarship and in institutions of higher education. Salisbury University expects that the highest ethical standards as well as compliance with public laws and regulations will prevail in the conduct of its activities. The University considers misconduct in scholarly work by any of its employees a breach of contract. Accordingly:

1. It is the policy of Salisbury University to maintain high ethical standards in science and other scholarly work, to prevent misconduct where possible, and promptly and fairly to evaluate and to resolve instances of alleged or apparent misconduct.
2. It is the policy of Salisbury University to terminate the employment and/or to take other disciplinary action against any individual found guilty of misconduct.
3. It is the policy of the Salisbury University to award no degree if misconduct in science or other scholarly work contributed to that degree, and when warranted, to revoke such a degree if misconduct is discovered after its award.

The policy applies primarily to faculty, staff and student research, scholarly writing and the creation of works of art. It is not intended to address issues such as the conduct of students in examinations and in fulfilling course requirements, which are covered by other policies.

PROCEDURES FOR HANDLING CASES

Allegations of student scholarly misconduct as described in the Salisbury University Policy on Misconduct in Scholarly Work will be lodged in writing with the Academic Policies Committee for investigation and hearing. The Academic Policies Committee shall follow the procedures described in the Policy on Student Academic Integrity.

Allegations of faculty scholarly misconduct as described in the Salisbury University Policy on Misconduct in Scholarly Work will be filed in writing with the Academic Policies Committee. The Academic Policies Committee shall investigate and hear such allegations, make findings of fact based upon the merits of the allegations and provide a recommendation to the President as set forth in subparagraph C.7 of the Salisbury University Policy on Appointment, Rank and Tenure of Faculty.

Allegations of administrative staff scholarly misconduct as described in the Salisbury University Policy on Misconduct in Scholarly Work will be filed with the Provost. The Provost will investigate and hear such allegations, make findings of fact based upon the merits of the allegations and forward the same to the President for disposition under the Salisbury University Policy on Misconduct in Scholarly Work.

Policy on Confidentiality and Disclosure of Student Records

The Family Educational Rights and Privacy Act of 1974, also known as FERPA or the Buckley Amendment, is a general law (20 U.S.C. § 1232g; 34 CFR Part 99) that protects the privacy of student educational records and controls access to them. Under FERPA, students have the right to:

- Annual notification of their privacy rights.
- Inspect and review their education records.
- Request an amendment to their educational records where appropriate to ensure accuracy.
- Limit disclosure of their education records without prior written consent, with the exception of directory information allowed by FERPA.
- File a complaint with the US Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.

This information is made available annually to students in the *Student Handbook* and can also

be viewed on the Salisbury University Web site.

Salisbury University complies with FERPA through the establishment of this policy and the following processes.

DEFINITIONS

Student is an individual who is attending or has attended Salisbury University. Applicants for admission pending matriculation are not considered students.

Educational Records are those records that contain information directly related to a student and are maintained as official files by the University. Files of instructors, advisors or administrators maintained for their own use and not shared, viewed or accessed by others are not included. Other files not included are:

- Student medical or counseling records created, maintained and used only in treatment at Student Health Services or Student Counseling Services.
- University Police records maintained solely for law enforcement purposes
- Alumni records
- Employment records unrelated to a student's academic program

Directory Information is that information that the University is permitted to disclose without prior consent of the student. This information is limited to:

Name

Local address

Date and place of birth

Major and/or field of study

Participation in officially recognized activities and sports

Weight and height of athletic team members

Dates of attendance

Degrees and awards received

Most recent previous educational agency or institution attended

Listing of student organizations

Students who want more or less than directory information listed above to be released without prior notification or consent should notify the Registrar.

Salisbury University does not sell or otherwise provide mailing lists of student information to anyone outside of the university. The University Registrar is responsible for compiling and maintaining directory information.



Salisbury University Promise

The "Salisbury University Promise" is a statement of integrity and respect for others and reflects the core values of the institution. All current and new students are expected to abide by this pledge as a way of accepting the University's core values and expectations for all students.

I will connect what I learn with how I live.

I will demonstrate personal and academic integrity.

I will respect diverse groups and individuals.

I will strive to bring honor to the University as well as myself.

Acceptance of admission by any student to the University also carries with it the assumption of a sense of responsibility for the welfare of the community. In addition to the college's code of conduct, students are expected to obey local, state and federal laws. However, the University reserves the right to take necessary and appropriate judicial action against any individual or group whose conduct on or off campus threatens the safety and well being of the campus community and/or is viewed to be detrimental to the University's interest. Being associated with Salisbury University does not establish immunity or leniency from civil authorities.