

SALISBURY

UNIVERSITY



Student Code of Conduct, Policies and Procedures 2013-2014

Revised August 2013

Salisbury
UNIVERSITY



Table of Contents

Preamble	1	Hazing	10
Student Code of Conduct	1	Guest Policy	10
Jurisdiction	2	Sexual Misconduct	10
Academic Disciplinary Action	2	Procedures for Appeal of Victims of Sexual Misconduct	12
Alcoholic Beverage Policy	2	Telephone Misuse	12
Expectations for Greek and Registered Student Organizations	3	Traffic Rules and Regulations	12
Housing/ Residence Life Contract	4	Theft	12
Event Registration Policy	4	Violations of Local, State or Federal Law	12
Smoke-Free Campus Policy	4	Fire and Safety Equipment	13
Drug Policy	4	Weapons, Firearms, Fireworks, Explosives and Combustibles	13
Prohibited Activities	5	Administration of	
Acceptable Use Policy	5	University Code of Conduct	13
Cyberbullying	6	Basic Policy	13
Conduct Infringing on Others	6	SU Student Conduct Authorities	13
Destruction of Property and/or Acts of Destruction	6	Authority of the President	13
Disruptive Behavior	6	Dean of Students	13
Threats or Acts of Violence	7	University Legal Counsel	14
Event-Related Misconduct Policy	7	Case Administrators	14
Failure to Comply	8	Community Hearing Board	14
False Information	8	SU Hearing Procedures	14
Discrimination and Harassment	8	Complaints of Misconduct	14
Complaints Against Students, Faculty Or Staff	8	Adjudication Options	15
Complaints Against Students	9	Hearing Advisors	16
Complaints Against Faculty	9	Witnesses	16
Policy Prohibiting Discriminatory Harassment	9	Procedures for Administrative Hearing and Community Board Hearing	16

Student Conduct Holds	18	Jurisdictional Disputes	30
Sanctions	18	Confidentiality	30
Refunds	18	Timeline	30
Interim Suspension	18	General Policies and Procedures	30
Primary Sanctions	18	Absence Notification	30
Permanent Dismissal	18	Address of Record	30
Contingent Dismissal	19	Policy on Confidentiality and	
Suspension	19	Disclosure of Student Records	31
Suspension (Held in Abeyance)	19	Policy on Mental Health	32
Disciplinary Probation	19	Dangerous, Disruptive or	
Probation with Restricted Privileges	19	Threatening Behavior	32
Suspension from University Housing	19	Responses to Dangerous, Disruptive or	
Probation	19	Threatening Behavior	32
Social Probation	19	Fair Practices Policies	33
Warning	20	Title IX Statement	33
Withholding a Degree	20	Equal Opportunity and Affirmative	
Secondary Sanctions	20	Action Statement	33
Loss or Restriction of Privileges	20	Policy Prohibiting Sexual Harassment	34
Alcohol or Drug Assessment	20	Policy on the Reporting of	
Educational Requirements	20	Suspected Child Abuse and Neglect	36
Task/Community Service	20	Student Disability Support Services Policy	39
Parent/Guardian Notification	20	Event Registration Policy	40
Restitution	20	Chalking Policy	42
Fines	20	Salisbury University Promise	back cover
Policy on Student Organizations	20		
Procedures	20		
Appeals of SU Disciplinary Action	21		
Student Status Pending Final Action	21		
Disciplinary Records	21		
Procedures for Appeal by Charged Party	21		
Continued Enrollment During Appeal	22		
Procedures for Appeal of Victims			
of Violence	22		
Academic Misconduct Policy	22		
Definitions	22		
Lying	22		
Cheating	22		
Misappropriation of Course-Based			
Intellectual Property	23		
Plagiarism	23		
Procedures	23		
Course-Based Faculty Action	23		
Dismissal from Professionally			
Accredited Programs	24		
Student Appeals of Faculty or			
Professional Program Sanctions	24		
Academic Policies Committee Actions	25		
Appeals of Academic Policies			
Committee Findings	26		
Impact of Academic Misconduct F Grade	26		
University System of Maryland Policy	27		
Student Academic Grievance Policy	27		
Informal Grievance	27		
Formal Grievance	27		
Committee Review of Evidence	28		
Committee Findings	29		
Appeal of Committee's Findings	29		

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Dr. Dane Foust

Publication Information

The information contained within this publication applies to the academic year 2013-2014 and is accurate and current, to the extent possible, as of July 2013. The University reserves the right to update and/or make changes to the code of conduct, 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 website, www.salisbury.edu.**

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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 Salisbury University's community obligates each member to live by the institution's Code of Conduct and to uphold community standards at the University and in the greater Salisbury community and beyond.

Student Code of Conduct

Salisbury University's Code of Conduct applies to all currently enrolled students. Student hosts are responsible for their guests and therefore should inform them of University policies. Additionally, Salisbury University's Code of Conduct applies to persons who have been notified of their acceptance for admission, who withdraw after allegedly violating the Student Code of Conduct, or who are not officially enrolled for a particular term, but have a continuing interest or relationship with the University. Further, students are responsible for knowing University policies; therefore, ignorance of policy will not be considered as a defense or excuse in the student conduct process.

Unless otherwise stated, sanctions for violations of the Code of Conduct may range from a warning to suspension or permanent dismissal 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. Aiding or abetting is defined as, but not limited to, helping, procuring or encouraging another person to engage in the violation of policy.

The following policies, regulations and statutes have particular relevance for students. This is not an exhaustive overview either of University regulations or of applicable local, state and federal law. Students who withdraw or students seeking a withdrawal from the University with a pending complaint, pending report of misconduct or pending charges are still subject to disciplinary action. The Dean of Students has the discretion to amend or modify policies and procedures to accommodate extenuating circumstances.

JURISDICTION

Salisbury University's jurisdiction extends to all behavior by any undergraduate or graduate student and/or student organization or athletic team that occurs on University property, at University-sponsored activities, on University-sponsored trips or functions, and conduct occurring off campus when the alleged conduct would, if true, endanger the health, safety or welfare of the student, student organization, athletic teams or others, would endanger any University, public or private property, or adversely affect the University's integrity. Therefore, **Salisbury University may impose sanctions against a student or student organization or athletic team for the violation of any student regulations that occur on campus. Sanctions also may be imposed against a student or student organization or athletic team for the violation of any regulations that occur off campus as well as violations of the local, state and federal law when the alleged conduct would impair, interfere with, or obstruct the missions, processes or functions of the University.**

ACADEMIC DISCIPLINARY ACTION

Students engaging in behavior that poses a threat or is deemed to be disruptive to the classroom environment and/or individuals are subject to disciplinary action that may result in immediate removal from the course, department and/or program without the opportunity for reinstatement or refund.

While policies and procedures are in place to address issues related to Academic Misconduct, students may also be subject to disciplinary action under the University's Code of Conduct process.

Students participating and/or enrolled in graduate and/or professional accredited programs are also subject to department and/or program level action (please refer to department and/or program policies and expectations for details). Appeals of the Academic Disciplinary Action Policy should be submitted to the Dean of Students office, but may be referred to the Academic Policy appeal process.

ALCOHOLIC BEVERAGE POLICY

The following general provisions apply to individual possession or use of alcoholic beverages on or off campus:

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, emotional harm or rapid consumption. 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 one's life, including academics, social relationships, and health and personal safety. These types of drinking do not simply affect the drinker but hurt the University community as a whole.

It is a violation of the alcohol policy to consume or possess alcohol if you are under 21 years of age or 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 drinking games or disrupting classroom or University-sponsored activities.

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.
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 operate a vehicle, bicycle, scooter, skateboard, etc. under the influence of alcohol.
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 student, per hour may be served, i.e. an event lasting three hours or longer would be limited to 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.

► **Expectations for Greek and Registered Student Organizations and Athletic Teams**

1. Hard alcohol/ liquor, an open bar or free alcohol is not permitted to be served at events sponsored by student organizations.
2. The advertisement of alcohol for any student-sponsored event is prohibited.
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 overall 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. The Dean of Students and University Police must approve all events that involve alcohol at least two weeks prior to the date of the scheduled event. 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.
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 prohibit alcohol being served at any function.
20. A University official (advisor, full-time faculty or staff member) must be present at all times and throughout the duration of any event 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. An organization or individual group members may be subject to SU disciplinary action if found in violation of these policies.
23. RSO, club, Greek lettered organizations or athletic teams assembled on or off campus by three or more (individuals or) members from the same organization may constitute an organization-sponsored or hosted event and must adhere to the guidelines outlined in the policy.
24. Salisbury University assumes no responsibility for organization-sponsored events where alcohol is served, whether on or off campus.

HOUSING/RESIDENCE LIFE CONTRACT

Students residing in Salisbury University residence facilities are held by the policies and procedures of the Student Code of Conduct as well as their signed Residence Hall or Housing contract in terms of student's rights and responsibilities.

EVENT REGISTRATION POLICY

It is the responsibility of each student or student organization to know and abide by Salisbury University's Event Registration Policy. All registered student organizations must submit their event and space requests through the office of Student Activities. The University reserves the right to refuse any student organization's request for an event if it is in conflict with another campus event requiring University Police support, is not adequately supported by University Police, is deemed potentially unsafe or for other unforeseen circumstances.

Please refer to the Office of Student Activities for the most updated Event Registration Policy and/or documents.

SMOKE-FREE CAMPUS POLICY

(Effective August 22, 2010)

Salisbury University is committed to promoting a healthy and safe environment for students, faculty, staff and visitors. Therefore, smoking is prohibited on the campus of

Salisbury University ("University"). This consists of all buildings, including residence halls; all grounds, including exterior open spaces, parking lots and garages, on-campus sidewalks, streets, driveways, stadiums, recreational spaces and practice facilities; and in all University-owned or leased vehicles.

This policy is intended to reduce the health risks related to smoking and secondhand smoke for the campus community. Smoke-free and tobacco-free policies are becoming a standard to foster a healthy environment in municipalities, businesses, and colleges and universities alike. Individuals found in violation of the Smoke-Free Policy will incur a fine in the amount of \$75 along with any other applicable sanctions.

► Definition

For purposes of this policy, "smoking" is defined as the burning of tobacco or any other material in any type of smoking equipment, including, but not restricted to, cigarettes, cigars or pipes. This policy applies to all individuals on Salisbury University's campus, including faculty, staff, students, parents, vendors, and visitors.

► Procedures

Faculty, staff and students who violate this policy are subject to University disciplinary action. Visitors who violate this policy may be denied access to the University campus. Concerns regarding student, faculty/staff, and visitor violations of this policy should be respectively referred to the Office of Student Affairs, the Office of Human Resources and the University Police Department.

DRUG POLICY

The University prohibits the possession, use, consumption, manufacture, sale or distribution of drugs and drug paraphernalia. Students found in violation of this drug policy will normally be subject to sanctions of suspension or dismissal by the University Conduct 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 (for example, prescription or over-the-counter drugs or household product misuses).

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, baggies, strainers, grinders, scales, 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;
- d. The sale, delivery or transfer of a prescription or prescription drug; or
- e. Being in the presence of illegal drugs and/or drug paraphernalia that may suggest to a reasonable person knowledge of use or distribution or intended use or distribution of said drugs or drug paraphernalia.

ACCEPTABLE USE POLICY

The use of IT resources is a privilege, not a right. Access is granted to Authorized Users subject to all University, University System of Maryland (USM) and State of Maryland policies, federal, state, and local laws and ordinances. The following list, while not exhaustive, describes conduct defined as unacceptable use prohibited by this policy.

- a. Knowingly using IT resources for illegal activity including, but not limited to.
 - i. Sexual harassment
 - ii. Discrimination on the basis of a federally

- protected characteristic or sexual orientation
- iii. Intellectual property rights, including federal copyright law, trademark, patent, trade secret or software licensing, such as pirating, installing, copying, distributing or using digital content such as software, music, text, images or video without appropriate license or as qualifies under “Fair Use”
- iv. Exporting software, technical information, encryption software or technology in violation of international or regional export control laws – Legal counsel and appropriate administration should be consulted prior to export of any material in question
- v. Obscenity
- vi. Child pornography
- vii. Threats or harassment by means of e-mail, instant messaging, telephone or paging, whether through language, frequency or size of messages
- viii. Defamation
- ix. Theft, including identity theft
- b. Unauthorized access, altering or reverse engineering system software or hardware configurations
- c. Disrupting, interfering with, or denying service to any Authorized User or IT service administration, including overloading or otherwise adversely impact system performance and support, regardless of whether the conduct actually impacts other Authorized Users’ use of the IT resources
- d. Access, attempted access or facilitating access to another User’s accounts, private files, e-mail messages, or intercepting network communication without the User’s permission, except in accordance with job responsibilities for legitimate University purposes
- e. Misrepresenting oneself as another individual electronically
- f. Any effort, regardless of whether successful, to circumvent IT system security
- g. Use for commercial gain or private profit, including running a non-affiliated University business or personal consulting outside the scope of University job responsibilities, except as permitted by University intellectual property policies or University spinoffs endorsed and managed through University research and technology transfer offices
- h. Representing oneself as an agent of the University without authority
- i. Accessing and/or disclosing sensitive or confidential information without authority
- j. Intentionally or recklessly introducing or trans-

mitting destructive or malicious programs such as viruses into the network or networked devices

- k. Allowing use of Authorized User's or other accounts by others, including family and other household members including, but not limited to, for the purpose of committing academic integrity violations
- l. Circumventing user authentication or security of any host, network or account
- m. Forwarding restricted University e-mail to unauthorized recipients
- n. Sending or posting unsolicited and/or inappropriate mass e-mail messages without proper authorization; examples of unacceptable use include "spam" junk e-mail, chain letters, pyramid schemes or other commercial advertising
- o. Unauthorized use, deliberate disguising of the sender or forging of e-mail header information, including alteration of the content of an e-mail message originating from another sender with an intent to deceive.

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 or other behavior deemed inappropriate are unacceptable. Such behaviors include, but are not limited to, loud music or noise, water fights, shaving cream battles, food fights, playing outdoor sports indoors and playing in outdoor fountains.

DESTRUCTION OF PROPERTY AND/OR ACTS OF DESTRUCTION

Acts of destruction against the property of others or the rights or 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 will not be tolerated. No student shall engage in behavior that causes damage to personal, community or college property, damage or litter, attempt to destroy, or assist another student in destroying damaging or littering any property of the University, community or of another individual. These prohibitions apply to conduct that is motivated by any reason whatsoever, including, but not limited to, reasons related to sex, color, age, marital status, race, religion, ethnicity, gender, sexual orientation or national origin.

CYBERBULLYING

Consistent with the University's Computer Use and Discrimination and Harassment policies, it is also a violation of University policy for any student, faculty or staff to engage in online behavior or conduct using any form of technology in a manner that is believed to be threatening, demeaning, abusive or that would otherwise be viewed as harassing.

Cyberbullying includes, but is not limited to, behavior that utilizes computers, iPads, cell phones, instant messaging, e-mail, chat rooms or social networking sites such as Facebook and Twitter to harass, threaten or intimidate another person.

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.

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 is any action that impedes, obstructs or interferes with the educational intent of the University and are detrimental to University interests or compromises the integrity of the University or University community, 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 a class session and/or 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 classroom environment, the community or the public generally (i.e., parties, loud music, excessive noise, etc.).
- g. Behaving obscenely or indecent exposure in public places.
- h. Pranks which cause or have the potential for causing damage to the University or personal or public property.
- i. Hosting or attending a party or social event on or off campus that causes a disruption to the community or that violates local, state or federal laws or ordinances.

Individuals found in violation of hosting a disruptive gathering or social event will normally incur a fine of \$150 along with any other applicable sanctions. Individuals found in violation of participating in a disruptive gathering or social event will normally incur a fine of \$75 along with any other applicable sanctions.

THREATS OR ACTS 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. Threats or actions of violence include, but are not limited to:

- threatening or causing physical harm
- severe verbal abuse
- conduct that threatens or that can be construed as threatening
- conduct endangering the health and safety of any person
- intentional or unintentional attempts to cause harm

Engaging in physical altercation is prohibited. Students who engage in any level of physical altercation will be considered for contingent dismissal from the University for no less than one calendar year and may also be considered for permanent dismissal.

Students who participate as a bystander will also be subject to disciplinary action under this policy.

Prohibited conduct also can include threats or attempts to create harm 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.

Students may also be subject to criminal prosecution and/or civil actions as provided by Maryland and federal law.

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 and convicted in any state or federal court, or found responsible in any campus judicial proceeding, ordinarily shall be dismissal. 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 conduct proceedings and policies, in order to avoid dismissal for a finding of event-related misconduct, the student will have to demonstrate specific mitigating or extenuating circumstances that warrant a lesser charge or penalty. Campus disciplinary action for event-related misconduct may take place regardless of the existence, status or outcome of any criminal charges in a court of law related to the misconduct.

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.

Additionally, students dismissed 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. A record of any dismissal or suspension under this policy shall be noted on the student's transcript.

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 dismissal, including suspension, 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

It will be a violation of University Policy if a student fails comply with a disciplinary sanction imposed in accordance with this Code of Conduct. It is also a violation of the Code of Conduct and University Policy if a student fails to comply with the directions of University or Law Enforcement officials in the performance of their duties. Students found in violation of the Failure to Comply policy are subject to a fine or further disciplinary action.

FALSE INFORMATION

Students may not knowingly furnish false or misleading information to anyone, to include University or Law Enforcement officials, withhold information pertinent to a Code of Conduct matter and/or academic policies of the University, or misrepresent themselves or others. Other actions or behaviors noted as a violation of this policy include:

- possession of or use of a false ID or ID that is not yours
- allowing someone else to use your ID
- manufacturing, selling or distributing fake or false IDs
- using a false ID to obtain University services
- using a false ID to obtain alcohol
- failure to provide identification when requested to do so by a University or law enforcement official

- manufacturing, selling or distributing counterfeit items

Individuals found in violation of the false ID policy will incur a fine of \$100 along with any other applicable sanctions.

DISCRIMINATION AND HARASSMENT

Federal and state laws make it illegal to discriminate in employment and education on the basis of sex, gender, marital status, pregnancy, race, color, ethnicity, national origin, age, disability, genetic information, religion, sexual orientation, gender identity or expression, veteran status or other legally protected characteristic. These laws affect students, faculty and staff. Complaints of discrimination and harassment against students will be adjudicated under the Salisbury University Code of Conduct disciplinary process. For complaints reported or documented against students participating at University affiliates (for example, a clinical affiliate or teaching site), the University will attempt to promptly resolve the complaint with the affiliate and the student. If necessary, the University may also work with the affiliate to assist in the investigation and adjudication of the complaint under the affiliate's process. Information about a student's rights under federal or state anti-discrimination and/or harassment statutes may be obtained from the Fair Practices Office or the Students Affairs Office.

► Complaints Against Students, Faculty Or Staff

Complaints against students, faculty or staff should be reported to the Fair Practices Officer:

■ **Humberto Aristizabal**

*Director of Fair Practices and EEO/AA,
Title IX Coordinator, Fair Practices Officer*
Fair Practices Office

Holloway Hall Room 131

410-548-3508

hxaristizabal@salisbury.edu

www.salisbury.edu/president/fairpractices.html

Students may alternatively choose to report complaints as follows:

► **Complaints Against Students**

- **Dean of Students**, Guerrieri University Center 212, 410-543-6080
- **Gwen Owen**, *Assistant Dean of Students*, Guerrieri University Center 212, 410-543-6080
- **Dr. Dane Foust**, *Vice President of Student Affairs*, Guerrieri University 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. Bob Wood**, *Dean Perdue School of Business*, 410-543-6316
- **Dr. Cheryl Parks**, *Dean Seidel School of Education and Professional Studies*, 410-543-6335

A complete copy of SU's anti-discrimination statements, policies and procedures can be found at: www.salisbury.edu/president/fairpractices.html or Salisbury University's website under Office of Fair Practices.

POLICY PROHIBITING DISCRIMINATORY HARASSMENT

Unwanted contact or communication, or behavior, by any means that threatens to injure or endangers the health, safety or welfare of another person is prohibited.

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:

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

- b. **Sexual Harassment:** Sexual harassment is prohibited at Salisbury University and in its programs, activities and functions. Unwelcomed 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. 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.

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."

Students, faculty, staff or guests who believe that they have been subjected to harassment by another member of the University community should contact the Fair Practices Office or the Office of Student Affairs. 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.

- c. **Stalking:** Stalking is defined as repetitive, menacing pursuit, following, harassment and/or interference with the peace and /or safety of a member of the community or the safety of any of the immediate family of members of the community.

Examples of repeated conduct include, but are not limited to:

- following that person
- 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
- unwanted obscene, abusive or repetitive telephone calls

- telephone messages, electronic mail, instant messages using electronic mail programs, social networking sites or similar communications with intent to harass;
- intentional or unintentional contribution to creating an intimidating, hostile or offensive environment
- damage to property or any other form of indirect destruction.

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 expressed or implied consent of the victim will not be a defense.** Even if the victim of hazing consents or willingly participates, the behavior is still considered an act of hazing and is a violation of the Code of Conduct.

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

Salisbury University does not tolerate sexual misconduct or abuse, including, but not limited to, sexual assault, rape (by acquaintance or stranger), nor does it tolerate other forms of non-consensual sexual activity. Any and all activity of a sexual nature that violates another individual's physical or emotional well being or personal space is prohibited. Any and all non-consensual sexual activity and any non-consensual behavior of a sexual nature constitute a violation of the University's Sexual Misconduct Policy.

Sexual misconduct encompasses any non-consensual physical contact or behavior, or attempted physical contact or behavior of a sexual nature that is committed either by force or intimidation or through the use of the victim's mental or physical incapacity, including through consumption of drugs or alcohol. Sexual misconduct consists of a range of behaviors or attempted behavior including, but not limited to:

1. **Non-consensual sexual contact** – is any sexual touching, however slight, with any object by a man or a woman upon a man or a woman without effective consent; the touching of an unwilling person or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, and/or clothing covering them); touching an unwilling person with one's own intimate parts; or forcing an unwilling person to touch another's intimate parts.

2. **Non-consensual sexual intercourse** – is any sexual intercourse (anal, oral or vaginal), however slight, with any object by a man or a woman upon a man or a woman without effective consent; unwilling or non-consensual penetration of any bodily opening with any object or body part. This includes but not limited to penetration of a bodily opening without consent through the use of coercion.
 3. **Forced sexual intercourse** – is forced sexual intercourse (anal, oral or vaginal) with any object using force, threat, or intimidation by a man or a woman upon a man or a woman; unwilling or non-consensual penetration of any bodily opening with any object or body part that is committed either by force, threat, intimidation or through exploitation of another’s mental or physical condition of which the assailant was aware or should have been aware.
 4. **Sexual harassment** – refer to the Harassment Policy as listed in the Student Code of Conduct.
 5. **Sexual exploitation** – is when a student takes non-consensual, unjust or abusive sexual advantage of another; for his/her own advantage or benefit; or to benefit or advantage anyone other than the one being exploited; and that behavior does otherwise constitute non-consensual sexual contact, non-consensual sexual intercourse or sexual harassment. This includes but is not limited to utilizing any video or recording device for the purpose of posting or publishing and/or capturing images of a sexual act without the consent or knowledge of the involved parties; intentionally or unintentionally publish, recreate or reproduce images of a sexual act without the knowledge or consent of the parties involved; peeping tomery/voyeurism; inducing incapacitation for the purpose of having sex with the incapacitated person regardless if sexual activity actually takes place; transmission of HIV or STD; prostitution.
2. **Sexual touching** – is any contact with the breast, buttocks, groin, genitals, mouth or other bodily orifice of another, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
 3. **Effective consent** – is informed; freely and actively given; mutually understandable words or actions; which indicate a willingness to engage in mutually agreed upon sexual activity. Effective consent cannot be obtained by force, threat, intimidation or through the use of the victim’s mental or physical helplessness of which the accused was aware or should have been aware. Alcohol intoxication or being under the influence of another drug or substance may produce a state of mental or physical incapacitation. **Furthermore, one may not engage in sexual activity with another who one knows or should reasonably know to be mentally and or physically incapacitated.**

Because of the serious nature of acts of sexual misconduct, the SU hearing procedures may be modified to ensure that such cases are pursued with sensitivity as well as fairness. Additionally, victims of sexual misconduct will be notified of the outcome of a judicial process and will be afforded an opportunity to appeal the outcome of their hearing. If the victim chooses to not be a part of the hearing process, the University reserves the right to bring charges against the accused on behalf of the institution.

Any student found **responsible** for a violation of the Non-Consensual Sexual Contact statement of the Sexual Misconduct Policy will typically face, at a minimum, a **sanction** of suspension from the University. Any student found responsible for violation of the Non-Consensual Sexual Intercourse, Forced Sexual Intercourse, or the Sexual Exploitation statement of the Sexual Misconduct Policy or the Sexual Harassment Policy will typically face a **sanction** of permanent dismissal from the University.

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 sexual misconduct cases to also pursue appropriate remedies in the state judicial system.

For the purpose of this policy, the following definitions apply:

1. **Intercourse** – includes vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact)

Victims or anyone with knowledge of sexual misconduct should contact University Police, the Campus Against Violence Program Coordinator, Counseling Center, Student Health Services and/or the Dean of Students. An individual can speak confidentially with certain persons in legally protected roles. They include Counseling Center, Student Health Services, Campus Against Violence Program Coordinator, clergy, or off-campus rape crisis resources. While all other University officials are committed to protecting the privacy of victims of violence and sexual assault, in instances where there is a need to preserve the health and safety of the victim and other members of the University community, information may be shared on a need to know basis.

PROCEDURES FOR APPEAL OF VICTIMS OF SEXUAL MISCONDUCT

Students who are determined by the Dean of Students or designee to be a victim of sexual violence in the disciplinary process will be afforded an opportunity to appeal. Appeals must be submitted within five business days of being notified of the hearing outcome. Charged party and victim each have one opportunity to appeal (see "Appeals of SU Disciplinary Action" for further information on the appeal process and procedures).

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.

TRAFFIC RULES AND REGULATIONS

Students, faculty and staff are required to abide by all traffic rules and regulations set forth by the University (e.g., motor vehicle registration, parking permits, parking garage and regulations regarding skates, skateboards and scooter use). Failure to adhere to these rules and regulations may result in judicial action (Code of Conduct or legal) and/or a restriction or loss of privileges. (Please refer to the University Police website for details regarding Traffic Rules and Regulations).

THEFT

Theft is defined as the unauthorized taking, misappropriation, use or possession of property. Theft includes, but is not limited to, stealing the resources of the University and or any agency directly or indirectly affiliated with the University, public or private entity, or individual. Students committing acts of theft are subject to suspension from the University and/or loss of campus employment if appropriate.

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 Code of Conduct 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.

FIRE AND SAFETY EQUIPMENT

Any tampering with or misuse of fire alarms, extinguishers, blue lights or security cameras is prohibited and will typically result in suspension 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 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 University disciplinary action. Any student found in possession of the aforementioned items is subject to immediate removal from the University.

Administration of University Code of Conduct

I. BASIC POLICY

The disciplinary 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 conduct 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. SU STUDENT CONDUCT 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 policies and procedures.

B. Dean of Students

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

1. interpretation of University disciplinary system policies and procedures;
2. ruling on questions of University disciplinary system policies and procedures, and appeals;
3. maintenance of accurate records of all student conduct cases;
4. filling vacancies on boards by making interim appointments from among the pool of avail-

- able board members or other eligible members of the University faculty, administration or student body;
- attendance (or designee) at board hearing in an advising and nonvoting capacity;
 - determining the disposition of certain cases for hearing;
 - conducting administrative hearings in certain cases; and
 - reviewing appeals of disciplinary action.

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 University Code of Conduct process.

C. University Legal Counsel

The University Legal Counsel may attend SU disciplinary 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 Legal Counsel 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 SU conduct process. The University Legal Counsel'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, the Assistant Dean of Students, the Student Conduct Administrator, Graduate Assistant for Student Conduct, Student Affairs Administrators, Area Directors and Resident 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 will usually involve at least one faculty or administrator, and at least one student (to include graduate or professional students) appointed by the Dean of Students. Board decisions will be made by majority vote.

III. SU HEARING PROCEDURES

Salisbury's University Code of Conduct process is designed to allow the University to hold accountable students who violate University policies and procedures.

A. Complaints of Misconduct

- A complaint or report 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.
- Complaints or reports of misconduct should 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 or Dean of Students.
- 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.
- A preponderance of evidence standard will be used in adjudicating complaints of misconduct. 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.
- If a student fails to appear at a hearing 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.

6. **Hearing in Absentia:** If a student fails to respond to the request to schedule a meeting with a hearing administrator or the University is notified during final exams of an incident, the University reserves the right to move forward with the student's case to conduct a hearing in absentia. The student is still afforded the right to appeal the decision based on the appeal procedures as outlined in Section VI.

B. Adjudication Options

Upon receiving a complaint or report of misconduct, the Dean of Students or designee (i.e., a case administrator) will review the report or complaint, conduct any investigation as needed, and determine all appropriate alleged Code of Conduct violations. The Dean of Students or designee will then inform the student or student organization in writing (normally via e-mail) of the charges brought against the student or student organization as a result of the alleged Code of Conduct violations, as well as the date, time and location for the hearing and/or adjudication process to follow.

Students receiving a notice outlining alleged misconduct may request in writing within two (2) working days after receiving the charges, an informal conference through the Dean of Students Office to review the adjudication process, as well as discuss hearing proceedings. As part of the informal conference, if the report of misconduct is not disputed by the student or student organization, and it is classified as a "less serious" case, the matter may be resolved through an informal proceeding that may occur at the time of the informal conference upon the student signing a hearing waiver.

The Dean of Students or designee will classify each matter and/or charge as "less serious" or "more serious" at the time charges are issued and will assign an adjudication option/process based on this classification.

Administrative Hearing: Used in "less serious" as well as "more serious" cases, an admin-

istrative hearing is a formal hearing proceeding before an administrative hearing officer designated by the Dean of Students, where the accused student or student organization is presented with the documentation related to the complaint or report of misconduct. The student or student organization is then given an opportunity to respond by verbally sharing or providing documentation regarding their own accounts related to the matter. At the discretion of the administrative hearing officer, witnesses or witness statements relevant to the case may be considered. (All requests to have witnesses present at an Administrative Hearing proceeding must be made at least 24 hours in advance of the scheduled hearing.)

Community Hearing: Typically used in "more serious" cases, a community hearing is a formal hearing proceeding before a panel consisting of three or five members (i.e., student, faculty and/or administrators). During a Community Hearing, the accused student or student organization is presented with the documentation related to the complaint or report of misconduct. The student or student organization is then given an opportunity to respond by verbally sharing or providing documentation regarding their own accounts related to the matter. At the discretion of the board chair, witnesses or witness statements relevant to the case may be considered. (All requests to have witnesses present at a Administrative Hearing proceeding must be made at least 24 hours in advance of the scheduled hearing.)

A request for an Administrative Hearing in a "more serious" case, a request for a Community Hearing in a "less serious" case, or a request for an informal resolution outside of an informal conference and prior to a hearing may be considered by the Dean of Students or designee. However, classification of a case's level of seriousness and method of adjudication shall ultimately be the responsibility of the Dean of Students or designee.

Timeline. Hearings for student or student organization matters, will normally be scheduled within five working days from the notice of misconduct and/or informal conference unless the case administrator grants an extension for good cause or the nature of the incident requires immediate action.

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 or designee.

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. Students exercising their right of appeal must address one or more of the grounds for appeal outlined in Section VI of the Administration of University Code of Conduct. (See "Appeals of SU Disciplinary Actions.")

C. Hearing Advisors

Students are permitted to seek the support of a non-legal advisor for assistance in preparation and attendance during the conduct and/or hearing proceeding. Attorneys and parents are not permitted to serve as hearing advisors and are not permitted in University hearing proceedings. The complainant and charged student(s) may both seek the support of a hearing advisor and the advisor must be a current employee of the University community. All students must notify the Dean of Students at least 24 hours in advance of the hearing regarding their intent to have an advisor and the advisor's name. The advisor will not participate formally in hearing proceedings and, if disruptive, may be removed or restricted at the discretion of the Dean of Students or administrative hearing officer. For students facing, or likely to face, federal criminal charges (i.e. firearms, fraud, larceny, robbery, etc.), a student may request through the Dean of Students that their attorney be present. If granted, the University's legal counsel must be present. Please be advised that the inclusion of attorneys in the judicial process may affect the time frame for adjudication of a Code of Conduct matter

D. Witnesses

A witness is a person who has personal knowledge of the incident at issue. Character witnesses are considered irrelevant and will not be permitted to testify. A person who serves as a witness may not serve in any other capacity during the hearing unless the presentation of information warrant charges against the witness or witnesses. The complainant and charged student must submit in writing at least 48 hours in advance of the hearing to the Dean of Students a list of witnesses intended to be called at the hearing. The respondent and complainant are responsible for bringing their witnesses to the hearing at the specified place, date and time for the hearing. If a witness is submitting a written statement for consideration in a hearing, they must sign an acknowledgement form in person to the Office of Student Affairs at least 48 hours prior to the hearing or unless otherwise directed by the Dean of Students. Any individuals that provide false information in writing or as part of their participation during a conduct hearing or investigation may be charged with violation of University policy themselves.

E. Procedures for Administrative Hearing and Community Board Hearings

The hearing shall be conducted as follows:

- The case administrator will present the charges and all relevant documentation to be considered.
- The parties shall be entitled to present evidence through witnesses and documents. At the discretion of the administrator or the community hearing board chair, direct questioning by a party of a witness, including an opposing party, may not be permitted and all questions will be directed to the chair who would then convey them to the witness.
- The parties shall be entitled to make closing statements

Determination of Responsibility:

- After all information is presented and there are no further questions or statements, the Community Hearing Board or Administrative Hearing Officer will deliberate in closed session to determine whether or not the charged party has violated the Code of Conduct as charged. For a charged party to be found responsible for a

violation, a majority opinion by the Community Hearing Board members or an Administrative Hearing Officer must conclude that the charge is supported by a preponderance of evidence. In a Community Hearing Board matter, the decision and sanction imposed must be agreed to by a majority opinion of the Hearing Board.

A preponderance of evidence (the standard of review) does not require evidence that is beyond a reasonable doubt. Rather it is defined as that degree of proof that 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.

- If a student is found responsible for any of the charges outlined, the Administrative Hearing Officer or Community Hearing Board may then consider any relevant information from the Dean of Students or designee on any previous violations of University regulations by the student, any precedent for similar situations and any administration recommendations concerning sanction.
- After the administrator or the community hearing board officer has completed its review, it shall issue a written decision usually within three to five days

The procedures outlined are designed 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. Upon receiving written confirmation of the results of the hearing, the Dean of Students or designee will be available to inform the student regarding the hearing and the impact of the decision.

Authority of the Hearing Body: The Administrative Hearing Officer 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.

Authority of the Community Hearing 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.

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 Administrative Hearing Officer or Community Hearing Board will summarize the evidence presented and the findings 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.

Case Review and Notification: The Dean of Students of designee will return to the case administrator any finding and/or sanction that is inconsistent with University policy or practice. The Dean of Students or designee will notify the student in writing of the decision of the administrator or community hearing board usually within two working days after the administrator's summary is filed.

Appeal: The right of appeal is assured regardless of the administrative and community hearing methods of adjudication assigned. Upon appeal, the file and all relevant materials are forwarded to the appropriate appellate authority depending upon the method of adjudication. Students exercising their right of appeal must address one or more of the grounds for appeal outlined in Section V of the Administration of University Code of Conduct (See "Appeals of SU Student Conduct Actions").

Appeals of administrative or community hearing board's decisions will be reviewed by the Dean of Students or designee in accordance with the principles outlined under "Appeals of SU Student Conduct Actions."

Reinstatement Hearing: When a Board assigns the sanction of contingent dismissal, the Dean of Students or designee at the appropriate time will determine whether the charged party has met the conditions necessary for reinstatement.

The Dean of Students will be given access to all file materials from the original hearing, may require the charged party to make a personal appearance before the Dean of Students and may solicit other information to reach a decision. Students must have all assigned sanctions completed and turned in prior to requesting a reinstatement meeting.

V. STUDENT CONDUCT HOLDS

The Dean of Students or designee reserves the right to initiate a student conduct hold on a student account/record based on the following reasons, which include, but are not limited to:

- failure to respond to student conduct charges
- pending investigations
- failure to comply with assigned sanctions
- student status that includes the following: permanent dismissal, contingent dismissal and suspension

Student conduct holds may affect a student's ability to enroll for classes, request or receive official transcripts, and/or obtain his or her degree.

VI. 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.

► 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.

For students who are recipients of Federal Student Aid, specific policies may apply causing a reduction or cancelation of aid.

Interim Suspension

The President has empowered the Dean of Students to suspend a student in extraordinary circumstances pending a full hearing before the appropriate University hearing body or adminis-

trator. 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 given an opportunity to show why his/her continued presence does not pose a threat sufficient to impose the suspension. If reinstatement is not granted based on the student's initial conversation with the Dean of Students or designee, a hearing and conclusion thereof will be necessary before reinstatement to the University will be granted.

When the sanction of interim suspension is imposed:

- A full hearing will normally be scheduled for the student within 10 working days or as soon as the student's condition permits.
- 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.
- An interim suspension hold will be placed on your student record prohibiting any enrollment or student record activity

Please note that the University reserves the right to expedite or amend hearing proceedings for students placed on interim suspension regardless of pending criminal charges and/or court schedule action.

When a status of interim suspension is imposed, notification of this status is communicated to Academic Deans and relevant faculty by the Dean of Students Office.

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 University-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 Dean of Students by his/her conduct and record that he/she is in fact entitled to reinstatement. 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.

Reinstatement is not guaranteed. A decision regarding a student's reinstatement request will be made after the reinstatement hearing.

► **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 permitted on campus property or eligible to participate in classes or any University-sponsored or related activity. The Student Affairs Office will notify the Dean of the school the student belongs that he or she will no longer be attending classes for the year or semester. 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. Students who have been placed on suspension will not be eligible to register during open enrollment periods. The sanction of suspension is noted as a hold on the student's account but is removed once the sanctions have been satisfied and period of suspension has been completed. Please note that the student conduct hold will restrict privileges for course registration and release of transcripts.

► **Suspension (Held in Abeyance)**

At the discretion of the Dean of Students, a student facing a suspendible offense may be permitted to continue classes under stated conditions. However, the student's activities may be restricted to class-related activities only. Should

a student incur any Code of Conduct violations while under this status, the student will be asked to leave the University immediately without the option for a hearing.

► **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 (Sometimes Referred to as Social Probation)**

Enrollment, but under stated conditions, such as 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 prohibited 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.

► **Social Probation**

Continued enrollment but under stated conditions. Social probation may be assigned for individual students, groups or roommates whether living on or off-campus, particularly where the behavior observed or documented compromises the integrity of the University or is disruptive to the community. Social probation constitutes that further misconduct or violation of Code of Conduct Policies may result in more severe sanctions, including, but not limited to: suspension 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 or based on a hearing outcome, 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.

▶ **Alcohol or Drug Assessment**

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

For certain drug offenses, students may be required to submit to random drug screening for a period of time to be incurred at the student's expense.

▶ **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.

▶ **Parent/Guardian Notification**

Salisbury University reserves the right to notify parents under FERPA (Family Education Rights Privacy Act) particularly regarding alcohol and drug offenses. Salisbury University encourages its students to talk with their parents about any disciplinary sanctions from the University.

▶ **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 financial 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 \$50.

▶ **Fines**

A monetary assessment not connected with financial 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 \$50 fine. The student will still need to complete original sanctions as assigned.
2. Off-campus misconduct (individual or student organization) detrimental to University interests or resulting in violations of one of the following policies:
 - Disruptive Behavior
 - Destruction of Property
 - Conduct Infringing on Others.Fines will range from \$75-\$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 be assessed a fine of \$100.
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 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, engaging in risky behavior, or hosting a party on or off campus resulting in disruptive behavior.
5. Violations relating to drugs or drug paraphernalia (see "Drug Policy" section for definitions) will result in a fine of \$300.

Policy on Student Organizations

▶ **Procedures**

The SU disciplinary 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 SU DISCIPLINARY ACTION

Students may appeal SU disciplinary 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) specified procedural errors or errors in interpretation of University regulations were so substantial as effectively to deny the student a fair hearing;
 - b) new and significant information became available and could not have been discovered by a properly diligent student before or during the original hearing; or

- c) the finding is unsupported by any evidence.
- d) student requests an evaluation of assigned sanction(s) in relation to the violation.

4. The appeal review will be assigned to the appropriate board or administrator by the Dean of Students.
5. The appellate 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 University pending disciplinary action in cases where the continued presence of the accused may constitute a real and/or potential danger to people and/or property or is disruptive to the conduct of University business.

► 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 or graduated with SU disciplinary 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. Expungement requests must be submitted in writing to the Dean of Students.

Procedures for Appeal by Charged Party

The following procedures apply for appeals of, administrative hearings or community board hearings.

1. Appeals 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 Appellate Body may decide one of the following:
 - There is no basis for the appeal. The appeal is then dismissed and the original decision stands.
3. If the appellate authority decides that the appeal has merit, then the appeal is considered. The appellate board may consider one of the following:
 - Reverse a finding of responsibility;
 - Order a rehearing before a new hearing board;
 - Modify the sanction to be fair to the facts or findings of the case; and/or
 - Uphold the decision(s) of the original hearing body.

Continued Enrollment During Appeal

- a. Students appealing SU disciplinary action involving involuntary separation from the University will continue to take part in any University function including scheduled classes while the appeal is pending. Where appropriate, the Dean of Students may restrict a student from parts of the University or specific functions or activities during the appeal period.
- b. 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 be prohibited.
- c. A student who has been placed on interim suspension will continue to be restricted during the Appeal period unless prior authorization from the Dean of Students or designee is received (see "Interim Suspension").

Procedures for Appeal of Victims of Violence

Students who are determined by the Dean of Students or designee to be a victim of violence (ie. sexual assault, physical altercation, etc.) in the disciplinary process will be afforded an opportunity to appeal under these procedures. Appeals must be received within five business days of being notified of the hearing outcome. The charged party and victim each have one opportunity to appeal.

Academic Misconduct Policy

Integrity is a principle that permeates all the activities of the University and 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. This policy applies to both undergraduate and graduate students.

DEFINITIONS

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

► Lying

Communicating untruths or withholding information as part of an investigation, or in order to gain an academic 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. Acts of cheating include but are 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 tests, quizzes, assignments or projects;
- submitting as one's own work material written by someone else, whether purchased or not;
- altering or falsifying any information on tests, quizzes, assignments or projects;
- working on any project, test, quiz or assignment outside of the time constraints imposed;
- submitting an assignment in a somewhat altered form or 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;

- failing to adhere to an instructor's specific directions with respect to the terms of academic integrity or academic honesty;
- using fraudulent methods in laboratory, studio, field, computer work or professional placement;
- other acts generally recognized as dishonorable or dishonest which bear upon academic endeavors.

▶ **Misappropriation of Course-Based Intellectual Property**

Lectures delivered by faculty in class, as well as course materials faculty create and distribute, are protected by federal copyright law as their original work.

Misappropriation of intellectual property is the act of intentionally taking the intellectual property of faculty or others, and/or the sale or distribution of class notes, tests, assignments or class projects for profit, either directly or through a third party, without the express consent or permission of the faculty member or lecturer, or without documentation to demonstrate the need for such accommodations. Such property includes, but is not limited to, class notes, tests, assignments, class projects or other academically related work.

All academic work undertaken by a student must be completed independently unless instructed otherwise by a faculty member or other responsible authority.

▶ **Plagiarism**

Students are responsible for learning proper scholarly procedures which 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. Acts of plagiarism include but are not limited to:

- intentionally or unintentionally deceiving or disregarding proper scholarly procedures;
- participating in illicit collaboration with other individuals in the completion of course assignments;
- presenting information, thoughts or ideas from another source as if they are your own, or without giving appropriate attribution;
- other acts generally recognized as plagiarism.

PROCEDURES

The following procedures are intended to provide direction to all parties (e.g., faculty and students) regarding the appropriate steps necessary to initiate and administratively adjudicate a reported act of academic misconduct. While the purposed steps are designed with most case and/or situation types in mind, the Office of Academic Affairs reserves the right to modify the process to best accommodate special situations or circumstances as necessary.

Course-Based Faculty Action

Individual faculty members will, in most cases, 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 following procedures should be followed:

1. **Advise Student** - 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.
2. **Determine Sanction** - The sanction issued should reflect the seriousness of the act. The faculty member may impose the following sanctions:
 - warning
 - reduction in grade recorded for a test, assignment, etc.
 - issuance of an F on test, assignment, etc.
 - issuance of an F and removal from a course
 If the faculty member or professional program determines that the academic misconduct warrants a sanction greater than issuance of an F and removal from the course and/or dismissal from a program (e.g. suspension or expulsion from the University) the faculty member or professional program may recommend a greater sanction for consideration by the Academic Policies Committee (APC). To recommend suspension or expulsion as a sanction, the faculty member or professional program must submit to the Office of Academic Affairs a letter of recommended sanction and letters of endorsement from the Chair of the department or program involved and the Dean of the School, for review and consideration by

the Academic Policies Committee. A copy of all such referrals must be sent to the student.

3. **Complete Report** - The faculty member must complete an Academic Misconduct Incident Report form (available in the Faculty Handbook and online at www.salisbury.edu/provost/handbook) for any incident in which a sanction has been issued or recommended, including a warning sanction. This form and all materials or documents that may be pertinent to the Academic Misconduct Incident (e.g. correspondence, copy of assignment/test, etc.) must be sent in a timely manner to the Office of Academic Affairs.
4. **Maintain Records** - All materials or documents that may be pertinent to an act of Academic Misconduct (e.g. Academic Misconduct Incident Report, correspondence, etc.) must be retained in the Office of Academic Affairs for a period of five years. This provides a long-term central location of Academic Misconduct sanctions which is important for reviewing repeat offenders.
5. **Repeat Offenders** - The Office of Academic Affairs will forward the names of students who have been reported for more than one act of academic misconduct to the APC. Based on the severity of the offender history, the Academic Policies Committee may elect to impose additional sanctions which may include but are not limited to suspension or expulsion from the university.
6. **Communication** - The Office of Academic Affairs will send a copy of the Academic Misconduct Incident Report and an official letter outlining the sanction to the student, faculty member, faculty's Department Chair, student's major Department Chair, Registrar's Office and Dean of Students.

Dismissal from Professionally Accredited Programs

The sanction of dismissal from a professional accredited program (i.e., M.B.A., Nursing, Social Work, Education, etc.) based on an academic misconduct incident may be issued at the departmental level but must follow a clearly stated program policy and procedure that has been made available to stu-

dents. The program must submit an Academic Misconduct Incident Report and a copy of the program dismissal letter to the student and the Office of Academic Affairs within 10 working days from any dismissal action taken. A copy of all materials or documents associated with the professional program dismissal including, but not limited to, the Academic Misconduct Incident report form, correspondence, etc. should be forwarded to the Office of Academic Affairs, the Dean of the school within which the program resides, and must also be retained in the department central office for a period of five years.

Student Appeals of Faculty or Professional Program Sanctions

A student has the right to appeal an Academic Misconduct sanction issued by a faculty member or professional program, but must follow the following procedures:

1. **Submit An Appeal** - A student appeal, including a detailed statement of the grounds for the appeal and any supporting documentation, must be submitted in writing to the Office of Academic Affairs within five working days of receiving the Academic Misconduct Incident Report from the Office of Academic Affairs and/or faculty member.

The student's written appeal ordinarily will be forwarded to the Academic Policies Committee by the Office of Academic Affairs within a reasonable time of its filing, usually within 10 working days. In the event the Academic Policies Committee is not available, the Office of Academic Affairs will forward the appeal to the Provost, who will attempt to create an ad hoc committee to handle the review as soon as practicable. (All further references in this policy to the Academic Policies Committee include the ad hoc committee where appropriate.)

The Office of Academic Affairs will send a copy of the student appeal to the faculty member or program director and the faculty member's department chair. The Office of Academic Affairs will request from the faculty and/or professional program a copy of all documents used to determine the sanction and any additional correspondence or documents pertinent to the case.

2. Continue Coursework - In most cases, the student shall remain in the course pending the results of the appeal; charges related to incidents occurring in the field may result in immediate removal or reassignment in the field. The department chair, the program director and/or the Academic Dean have the discretion to remove the student from the course, from concurrent courses, and /or prevent enrollment in future courses pending the appeal decision where appropriate and where course continuation compromises the integrity of the classroom or instructional environment and will inform the Office of Academic Affairs at the time of this decision.

Academic Policies Committee Actions

Under this policy, the Academic Policies Committee serves to consider student appeals of faculty-imposed and professional program-imposed sanctions, adjudicates cases referred by faculty members where the recommended sanction may include suspension or expulsion from the University, and considers additional sanctions above and beyond faculty imposed sanctions in cases of repeat offenders. For appeals of faculty-imposed and professional program-imposed sanctions, the APC's scope of review will be limited and the student shall have the burden to prove that the faculty member or professional program exceeded their given authority and/or discretion and/or materially failed to follow proper procedures.

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

- render a written decision based on the evidence submitted, or
 - render a written decision based on further investigation, or
 - initiate a formal hearing and render a written decision.
1. **Review of Evidence** – A written decision may be determined based on the documents and materials submitted with the appeal.
 2. **Investigation** – A written decision may be determined based on a series of interviews, a review of documents, and any other action deemed appropriate for the purpose of collecting additional information and evidence necessary for an informed and reasoned judgment to be rendered.

3. Hearing - A hearing shall be held when a student appeals the dismissal from a program, a faculty member or professional program recommends suspension or expulsion from the University, or if the APC chooses to hold a hearing in any other case. 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:

- The hearing shall be held at a reasonable time when all parties (to the extent possible) 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 question witnesses. At the discretion of the Chair, 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 Chair, who will then convey them to the witness.
- The scope of any hearing conducted by the APC on any given matter shall be consistent with the role of the APC in reviewing such matter.
- Students are permitted to seek the support of a non-legal advocate for assistance in the preparation and presentation of a case before the Academic Policies Committee. The advocate shall otherwise not participate formally in the proceedings. In all cases, the advocate must be a member of the University faculty, staff, or student body.
- Neither party may be represented by an attorney at the hearing, unless they are facing or are likely to face criminal charges relating to the alleged academic misconduct. Under these circumstances, both parties may elect to have counsel assist them. Under such circumstances the university legal counsel must also be present. Legal counsel may not give opening or closing statements, present documents, or question witnesses.
- The hearing shall be closed with attendance limited to individuals directly connected with the case as determined by the Chair of the Academic Policies Committee.

- 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 shall be the final decision maker on the admissibility of the evidence.

- 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 should normally 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.
- The Chair of the Academic Policies 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 and closing statements, the evidence presented and on the duration of the hearing. At any time, the Chair may seek the advice of legal counsel. 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.

4. **Findings** - After the Academic Policies Committee has completed its review, it shall issue a written decision based on findings of fact and conclusions, usually within three to five days, and shall provide a copy of the findings to the student, faculty member, program director, department chair, dean of the school, Registrar and Office of Academic Affairs. All parties must abide by these findings unless they are modified by the Provost as part of a limited appeal process in the

circumstances outlined in the appeals section of this policy.

Appeals of Academic Policies Committee Findings

For student appeals of faculty imposed sanctions the decision of the Academic Policies Committee is final. For sanctions imposed by the APC (e.g. suspension or expulsion from the university or additional sanctions imposed by the Academic Policy Committee for repeat offenders) and committee findings of sanctions imposed by a professional program (e.g. dismissal from the program), the student or the professional program may appeal the Committee's findings to the Provost. 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. 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. The decision will be conveyed in writing to the student, the faculty member, department chair, dean of the school, Registrar, the Office of Academic Affairs and the Academic Policies Committee.

Impact of an Academic Misconduct F Grade

If the sanction imposed is an F in the course, the student 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 imposition of an F grade shall stand for the course, unless the student successfully appeals the sanction.

Although students can repeat courses, a course repeated based on an imposed F grade for an act of academic misconduct will have both grades calculated in the student's GPA and not replaced as it is under normal circumstances. The sanction of an F in a course will not be designated on the transcript as an academic integrity F unless it is an action deter-

mined by the Academic Policies Committee for an academic integrity violation repeat offender. A student who has received a course grade of F for an academic integrity violation will not be allowed to graduate from the University with 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

Revisions Approved by the Faculty Senate April 21, 2009 and the Provost May 15, 2009

Student Academic Grievance Policy

(Document revised: May 1999, March 2001, October 2002, May 2005, May 2009, December 2012)

Salisbury University has established the Student Academic Grievance Policy to give students of the University community a forum in which to address concerns related to academic matters (e.g. grade disputes and professional program dismissals when they do not involve an academic integrity violation). The policy provides a method for aggrieved students to express substantive complaints about academic matters and have them resolved in a timely fashion. The following matters are not covered by these grievance procedures:

- Claims involving alleged discrimination or 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
- Student judicial matters
- Grievances against University police officers that could result in the imposition of any discipline against the officer(s)
- Student Academic Integrity violations
- Student Academic Misconduct violations

INFORMAL GRIEVANCE

Students are encouraged to attempt to resolve differences between themselves and others in an informal manner prior to initiating a formal grievance under this policy. 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. In the cases in which the differences involve a faculty member, and the differences are not resolved informally between the faculty member and the student, the student is encouraged to consult with the department Chair prior to filing a formal grievance. If an informal resolution cannot be achieved, the grievant may elect to begin the formal grievance procedure that follows.

FORMAL GRIEVANCE

NOTE: Extenuating circumstances may cause the Office of Academic Affairs to extend the suggested time outlined below.

► Step One

The grievant must submit a formal grievance in writing to the person alleged to be responsible for the actions leading to the grievance before the mid-semester point of the following major semester as noted on the University's master calendar. Nothing in this policy is to be construed to inhibit or prevent the grievant from withdrawing a formal grievance once the formal grievance procedures have begun.

A formal grievance must set forth in writing a statement which clearly defines the basis of the grievance, 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. Any documentation relevant to the grievance should be attached to the letter. If known, information about relevant University academic policies should be provided. 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 inconsistent with University policies or procedures.

The person alleged to be responsible for actions leading to the grievance will provide a written response to the grievant within 10 working days of receiving the formal grievance. The written decision should address the specific issues raised in the grievance and include all pertinent information.

► Step Two

If the response is not satisfactory to the grievant, he or she has 10 working days to file the formal grievance with the supervisor of the person (department Chair or faculty member) alleged to be responsible for the actions leading to the grievance. The grievant must include all prior written responses. The supervisor of the person alleged to be responsible for the actions leading to the grievance will provide a written response to the grievant and the person alleged to be responsible within 10 working days of receiving the formal grievance.

► Step Three

If the supervisor's response is not satisfactory, the grievant has 10 working days to file a formal grievance with the Dean of the school in which the dispute has occurred. The grievant must include all prior written responses. The Dean of the school will provide a written response to the grievant within 10 working days of receiving the grievance.

► Step Four

If the response from the Dean of the school is not satisfactory, the grievant has 10 working days to forward the formal grievance to the Assistant Vice President of Academic Affairs who will refer the grievance to the

Academic Policies Committee (APC) for review. In the event the Academic Policies Committee is not available, the Assistant Vice President of Academic Affairs will forward the appeal to the Provost, who will attempt to create an ad hoc committee to handle the review as soon as practicable. (All further references in this policy to the Academic Policies Committee include the ad hoc committee where appropriate.)

COMMITTEE REVIEW OF EVIDENCE

The committee normally has 15 working days from receiving the formal grievance to decide among the following options:

1. **Review Submitted Evidence** - Render a written decision based on the documents and materials submitted with the appeal.
2. **Investigation** - Render a written decision based on a series of interviews, a review of documents, and/or any other action deemed appropriate for the purpose of collecting additional information and evidence necessary for an informed and reasoned judgment to be rendered. The investigation, including interviews, will usually be completed within 20 working days of the decision to conduct an investigation.
3. **Hearing** - Render a written decision based on a 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 (to the extent possible) 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 question witnesses. At the discretion of the Chair of the Committee, 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 Committee Chair, who will convey them to the witness.

- Students are permitted to seek the support of a non-legal advocate for assistance in the preparation of a case before the Academic Policies Committee. The advocate may counsel the grievant during the hearing but shall not officially speak or participate formally in the proceedings. In all cases, the advocate must be a member of the University faculty, staff or student body.
- Neither party may be represented by an attorney at the hearing, unless they are facing or are likely to face criminal charges relating to the subject of the grievance. Under such circumstances the University legal counsel must also be present. At no time may legal counsel give statements or participate in questioning witnesses or Committee members.
- The hearing shall be closed with attendance limited to individuals directly connected with the case as determined by the Chair of the Committee. The University may record the hearing at the discretion of the Chair. Any University recording will be University property for University reference only and will not be made part of the student's University record.
- 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. Reasonable limits may be set by the Chair 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.

- 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 results.
- When possible the hearing should be completed within 20 working days of the decision to conduct a hearing.

► **Committee Findings**

After the Committee has completed its review, the Committee shall issue a written decision based on findings of fact and conclusions, including procedures followed and any applicable University policies and procedures, usually within 10 working days, and shall provide a copy of the findings to all directly involved parties, including, but not limited to, the parties involved, the department chair, the dean of the school, the Office of Academic Affairs and the Assistant Vice President of Academic Affairs.

► **Appeal of Committee's Findings**

If either party elects to appeal the decision of the committee, he or she must provide written notice of the appeal to the Provost, within 10 working days from the date of the Committee's written decision. The written appeal should set forth all of the reasons that support reversal of the Committee's decision and include any supporting documentation.

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. The decision will be conveyed in writing to the student, the faculty member, department Chair, Dean of the school, the Office of Academic Affairs, the Assistant Vice President of Academic Affairs and the Academic Policies Committee usually within 10 working days.

JURISDICTIONAL DISPUTES

If a dispute arises over the jurisdiction of the committee assigned to decide the matter, the jurisdictional dispute shall be resolved by the Assistant Vice President of Academic Affairs.

CONFIDENTIALITY

Matters pertaining to any grievance must be kept in confidence by the parties directly involved. Committee findings will only be provided to the parties, and other University personnel on a need-to-know basis (e.g. Committee members, department chair, dean of the school, the Office of the Provost, and the Office of the Vice President of Student Affairs).

TIMELINE

All time limitations contained within this policy may be extended for good cause as determined by the relevant committee, Provost or the Office of Academic Affairs. Failure to adhere strictly to the timelines shall not be grounds for appeal unless significant prejudice has occurred.

General Policies and Procedures

ABSENCE NOTIFICATION

Absence notifications are a courtesy offered to students who are unable to communicate with their instructor(s). It is not an official excuse from classes and work missed. Instructor(s) establish their own attendance policies and expectations, and are under no obligation to accept a notice from the Office of Student Affairs as an official excuse. Moreover, notifications cannot be backdated.

Students are encouraged to communicate with their instructor(s) directly concerning all absences from class. However, in the case of an uncommon circumstance that will keep a student from attending class (generally a sudden or prolonged illness, or the death of an immediate family member) and unable to make contact with their instructor, they may request an Absence Notification from the Office of Student Affairs.

Students will be required to provide their name, student identification number, the first date of absence, the circumstances surrounding the absence and the expected date of return. The Office of Student Affairs will contact the student's instructor(s) and pass along limited information.

ADDRESS OF RECORD

- Students are responsible for maintaining and updating current local, campus and permanent addresses with the University Registrar.
- If a student lives on campus, he or she is responsible for regularly checking his or her University mailbox for mail.
- Mail sent to a student's address in the Registrar's records, to include campus, local or permanent home address and/or their IT-issued e-mail, shall constitute proper notification.
- IT-issued e-mail accounts are the primary form of communication; therefore, students are expected to maintain and regularly check their IT-issued e-mail accounts.
- Failure to check and/or read e-mail will not serve as an excuse for failing to participate in or meet any deadline in a Code of Conduct matter.

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 affords students certain rights with respect to their education records. These rights include:

- Annual notification of their privacy rights under FERPA.
- Inspect and review their education records.
- Request an amendment to their educational records where appropriate to ensure accuracy.
- Limit disclosure of their education records.
- 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 Code of Conduct, Policies and Procedures* and can also be viewed on the Salisbury University website.

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

Definitions

Student is an individual who is attending or who has been notified of his or her acceptance for admission or readmission to the University.

Education Records are those records that directly relate to a student and are maintained 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 Counseling Center.
- University Police records maintained solely for law enforcement purposes
- Alumni records
- Employment records related exclusively to the student's capacity as an employee

Directory Information is that information that the University is permitted to disclose without prior consent of the student unless otherwise requested to be suppressed in writing. 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 to restrict disclosure of any directory information listed above should notify the Registrar's Office.

The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor or collection agent); or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University.

Upon request, the University also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. Salisbury University also reserves the right to notify parents regarding alcohol and drug offenses if the student is younger than 21 years of age.

Salisbury University does not sell mailing lists of student information. The University Registrar is responsible for compiling and maintaining directory information.

POLICY ON MENTAL HEALTH

Dangerous, Disruptive or Threatening Behavior

The purpose of this Policy on Mental Health is to address dangerous, disruptive or threatening behavior and 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 conduct 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 be asked to produce documentation regarding any treatment action plan that articulates the student's readiness to return to the University environment. 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 Counseling Center 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 reinstatement.

Students may appeal administrative decisions rendered through the 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 or designee is not empowered to increase the level of action but may refer the case to an appropriate hearing body for review.

Responses to Dangerous, Disruptive or Threatening Behavior

When the University's protocol is initiated to respond to dangerous, disruptive or threatening behavior, 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.

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 Counseling Center, 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.

FAIR PRACTICES POLICIES

Salisbury University is committed to Fair Practices in support of its institutional mission. The University is committed to providing a safe and welcoming learning, working and living environment of tolerance, civility and mutual respect. SU believes that its environment is enriched with diverse views and people and therefore, it promotes an institutional character that accepts and celebrates differences among people, helping to free them of any misconceptions and prejudices. This includes promoting an environment free from discrimination and harassment.

The University serves a highly diverse community, and we seek to have our campus community reflect that diversity. Discrimination and harassment of any kind will not be tolerated at SU. The University has enacted Fair Practices policies to ensure that the members of the University community enjoy the right to be free from discrimination and harassment. SU considers illegal discrimination and harassment in all its forms to be a serious offense. Fair Practices policies have been developed to reaffirm that principle and to provide the University community with defined expectations and to establish a mechanism for determining when those expectations have been violated.

Title IX Statement

It is the policy of Salisbury University to comply with Title IX of the Education Amendments of 1972 (Title IX), which protects individuals from discrimination based on sex in any educational program or activity operated by recipients of federal financial assistance. Any form of sex discrimination (which includes acts of sexual harassment, sexual assault and sexual violence) is prohibited by Title IX. Retaliation for asserting claims of sex discrimination is also prohibited under Title IX.

Pursuant to Title IX, "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any

education program or activity receiving Federal financial assistance..." Some of these programs and activities include: admissions, recruitment, financial aid, academic programs, athletics, housing and employment.

As a recipient of federal funds, SU has an obligation to operate in a nondiscriminatory manner. More important is SU's own mandate of equal opportunity, inclusiveness and nondiscrimination in employment and educational opportunities. The Office of Fair Practices supports Salisbury University in its compliance and enforcement efforts by serving as an integral resource for Title IX issues. The Office of Fair Practices partners with other SU departments and offices to assist in their Title IX compliance efforts.

The Office of Fair Practices also provides assistance by serving as an entry point for Title IX complaints of discrimination. The objective of the complaint handling process is to resolve the complaint of discrimination in a fair and appropriate manner, as promptly as possible. Important components of the process include ascertaining the basis for the complaint and identifying strategies or tools for its resolution.

The Director of Fair Practices and EEO/AA has been designated as the individual responsible for the campus-wide administration and implementation of SU's Title IX compliance efforts. Complaints or concerns related to Title IX can be directed to:

■ **Humberto Aristizabal**

Director of Fair Practices and EEO/AA,

Title IX Coordinator

Fair Practices Office

410-548-3508

hxaristizabal@salisbury.edu

www.salisbury.edu/president/fairpractices.html

Equal Opportunity and Affirmative Action Statement

Salisbury University has a strong institutional commitment to diversity and equal employment and educational opportunities for its faculty, staff, and students. To that end, the University does not discriminate on the basis of sex, gender, marital status, pregnancy, race, color, ethnicity, national origin, age, disability, genetic information, religion, sexual orientation, gender identity or expression, veteran status or other legally protected characteristic. The University adheres to the EEO/AA policies set forth by federal and Maryland laws.

SU values diversity among its students, faculty and staff and believes that interactions with those holding various perspectives backgrounds and believes contribute to a well-rounded educational experience and promotes personal and professional development. Therefore, the University is committed to providing qualified individuals access to all academic and employment programs, benefits and activities on the basis of demonstrated ability, performance and merit without regard to personal factors that are irrelevant to the program involved.

The University's equal opportunity policy is essential to its institutional mission and applies to all academic programs administered by the University, its educational policies, admission policies, scholarship and loan programs and athletic programs. It applies to all employment decisions, including those affecting hiring, promotion, demotion or transfer; recruitment; advertisement of vacancies; layoff and termination; compensation and benefits; and selection for training. Consistent with its obligations under law, it also extends to the maintenance of affirmative action programs for minorities, women, persons with disabilities and veterans.

SU assigns a high priority to the implementation of its equal opportunity policy, and significant University resources are devoted to assuring compliance with all laws prohibiting discrimination in employment and educational programs. The Office of Fair Practices is responsible for the campus-wide administration and implementation of equal opportunity policies and affirmative action programs. Members of the University community are encouraged to contact the Director of Fair Practices and EEO/AA for questions, complaints or concerns about these matters:

■ **Humberto Aristizabal**

*Director of Fair Practices and EEO/AA,
Title IX Coordinator*

Fair Practices Office

Holloway Hall Room 131

410-548-3508

hxaristizabal@salisbury.edu

www.salisbury.edu/president/fairpractices.html

Policy Prohibiting Sexual Harassment

Salisbury University is committed to creating a safe work and learning environment of tolerance, civility and mutual respect. This policy is enacted to prohibit sexual harassment, includ-

ing sexual violence, sexual discrimination and sexual exploitation; to establish a complaint procedure to investigate allegations of sexual harassment; and to provide appropriate sanctions for violators of this policy. Any action of retaliation against or interference with a witness, investigator or person who reports an alleged violation of this policy is strictly prohibited and will be subject to disciplinary action.

Policy Scope

This policy applies to the University Community, including all faculty, staff and students, as well as applicants for employment or applicants for admission to University programs, third-party vendors and contractors, and any person who serves as an agent of the University under the control of the University. Any employee in a supervisory position who has knowledge that conduct involving Sexual Harassment or other Sexual Misconduct may have occurred must report and/or take action to address the matter immediately. Failure to report the behavior as provided in this policy may have serious legal implications for the employee and the University and may result in disciplinary action.

Definitions

Sexual Harassment

There are generally two kinds of sexual harassment characterized by non-consensual, unwelcome sexual behavior whether between people of the same or different genders or sexual orientation.

1. **Quid Pro Quo:** Sexual harassment as a "bargain for exchange" includes unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature by one in a superior or authority position when submission to or rejection of the conduct by one person
 - is made either a term or condition, either explicitly or implicitly, of employment or academic standing
 - is used as the basis for employment or academic decisions affecting that person.

The key to this form of sexual harassment is the unequal power relationship between the accused and the victim. This authority relationship may take the direct form of a supervisor and subordinate or a teacher and student, or indirectly such as when the harasser has the power to direct others who

have power over the victim. Quid pro quo sexual harassment may be created in a single act. Examples may include, but are not limited to, the request for sexual favors in exchange for a favorable grade in a present course, the expectation of a future reference or job evaluation, or condition of employment or participation in a University-sponsored program or activity.

2. **Environmental Sexual Harassment:**

Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute environmental sexual harassment. In this manner, the conduct is intended or has the effect of creating an intimidating, hostile or offensive environment that unreasonably interferes with the work, academic performance or privacy of the victim. Environmental sexual harassment is generally a persistent, severe and pervasive course of conduct that may cause emotional or psychological harm and/or cause relationships or the campus environment to become unpleasant, threatening and unproductive. Actual emotion or psychological harm is not required to be proven to trigger a violation of this policy and the law.

Examples may include, but are not limited to:

Visual: Displaying degrading sexual images whether in writing, telephone, electronically (e-mail, video or social media); offensive sexually oriented objects, pictures, cartoons, posters; or exposure of a person's body.

Verbal: Crude suggestive comments, conversations, sexual jokes, slurs, epithets, sexual comments about appearance, clothing, body, sexual orientation or sexual preferences or sexual relations.

Non-verbal: Making sexual gestures, staring or leering.

Physical: Physical contact of a sexual nature, touching, impeding or blocking movement that interferes with usual work or class movement, tools or possessions, sexual assault, attempted sexual assault or sexual violence.

• **Sexual Violence:** Sexual violence is a form of sexual harassment that may include, but is not limited to, rape, non-consensual sodomy, sexual assault or sexual battery.

- **Sexual Contact:** Any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman.
- **Sexual Exploitation:** When one person takes non-consensual or abusive advantage of another person for advantage or benefit of him/herself or for any person other than the victim.
- **Sexual Misconduct:** Generally and broadly encompasses any sexual harassment, sexual assault, sexual battery, sexual violence, sexual exploitation, or other illegal or inappropriate conduct of a sexual nature.
- **Consent:** Consent is active words or actions that create mutually understood and voluntary permission. Silence alone is not sufficient. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Likewise, previous relationships or previous consent does not imply consent to future sexual interaction. Consent is attained neither with use of physical force, threats or coercion, nor when a victim is incapable of giving consent due to mental or physical incapacitation due to, for example, excessive alcohol, drugs, lack of consciousness or mental disability.
- **Coercion:** Unreasonable pressure in an effort to obtain consent for sexual activity. Coercion arises after the victim clearly communicates, verbally or nonverbally, intent to stop or refrain from sexual activity.

Student:

Students are broadly defined to include all people taking University courses, whether full time or part time, online, in person in practicum, internship or study abroad, pursuing undergraduate, graduate, professional, certificate or continuing studies.

University Community:

The University Community is broadly defined to include all University administrators, faculty, staff, students, alumni, volunteers and some third parties, such as contractors hired by the University or agents under contract with and acting on behalf of the University.

Please refer to www.salisbury.edu/president/fairpractices.html for additional information related to this policy and procedures.

POLICY ON THE REPORTING OF SUSPECTED CHILD ABUSE AND NEGLECT POLICY VI-1.50

I. Policy Statement

The purpose of this Policy is to provide guidance to staff, faculty and students of the Salisbury University (“University”) community regarding the mandatory requirements in Maryland law and Maryland Attorney General opinion that govern the reporting of suspected cases of Child Abuse and Child Neglect, and to affirm the commitment of the University to the protection of the safety and welfare of children who come into contact with the University Community.

This Policy is implemented as directed by the University System of Maryland (USM) Policy on Suspected Child Abuse and Neglect. The reporting requirements addressed in this Policy implement the mandatory Child Abuse and Neglect reporting provisions of the Family Law Article of the Maryland Annotated Code, Sections 5-701 through 5-708, as they apply to the University. A Maryland Attorney General opinion expands beyond requirements in the Maryland Code to require Maryland state agencies, including the University, to report suspected Child Abuse or Neglect disclosed by the victim who is now an adult with the purpose of protecting other minors who may be at risk for Child Abuse or Neglect by the perpetrator.

II. Scope

This Policy applies to the University Community as that term is defined in this Policy. Failure to report as provided in this Policy may have serious legal implications for the University Community member and the University, and may result in disciplinary action.

III. Definitions

a. **Abuse.** Abuse means:

- i. The physical or mental injury of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances indicating that the child’s health or welfare is harmed or at substantial risk of being harmed; or
- ii. Sexual abuse of a child, regardless of whether physical injuries are sustained, defined as any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.

b. **Child.** A Child is any individual under the age of 18 years.

c. **Director.** Director means the Director of the University Counseling Center:

■ **Kathleen Scott, Ph.D.**

kjscott@salisbury.edu

Guerrieri University Center 263

410-543-6070 or on campus ext. 36070

d. **Local Department of Social Services.** The Department of Social Services for the county jurisdiction in which

- i. The child resides; or
- ii. The abuse or neglect occurred; or
- iii. If neither location is known, the jurisdiction in which the University is located.

The Local Wicomico County

Department of Social Services in the

University’s jurisdiction may be contacted during business hours at 410-713-3900 (select option 1).

e. **Mental Injury.** Mental injury means the observable, identifiable and substantial impairment of a child’s mental or psychological ability to function.

f. **Neglect.** Neglect means the failure to give proper care and attention to a child, including leaving the child unattended, by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances indicating:

- i. That the child’s health or welfare is harmed or placed at substantial risk of harm; or
- ii. Mental injury to the child or a substantial risk of mental injury.

- g. **Other Person(s).** All Other Persons include members of the University Community and people affiliated with the University, other than a Professional Employee acting as a staff member of the University including, but not limited to, other staff, students, volunteers, Board members, agents and entities under contract with or acting on behalf of the University.
- h. **Professional Employee.** A Professional Employee is a person employed by the University as a:
- i. Faculty member;
 - ii. Administrator;
 - iii. Coach; or
 - iv. Other employee who provides academic support, student service or institutional support activities, whose duties require either a college degree or comparable experience.
- i. **University Chief of Police.** University Chief of Police means:
- **Edwin Lashley**
 ellashley@salisbury.edu
 East Campus Complex 166
 410-543-6222 or on
 campus ext. 36222
- j. **University Community.** The University Community is broadly defined to include all University administrators, faculty, staff, students, Board members, volunteers and some third parties, such as contractors hired by the University or agents under contract with and acting on behalf of the University, regardless of location.
1. **An oral report.** An oral report shall be made as immediately as is practicable, within 48 hours of the event that caused the Professional Employee or Other Person to believe that a Child has been subject to Abuse or Neglect.
- a. **In an emergency or in the event the Abuse or Neglect is presently occurring, dial 911;** and
 - b. An oral report shall be made to the Local Department of Social Services and/or to the local police department; and
 - c. When acting as a staff member of the University, a report shall also be made to the Director of the Counseling Center ("Director"); and
 - d. In the event the suspected Abuse or Neglect occurred on University property, a report shall also be made to the University Chief of Police.
2. **A written report.** A written report shall be documented within 48 hours of the event that caused the person who has reason to believe that a Child has been subject to Abuse or Neglect.
- a. The written report shall be provided to the Local Department of Social Services; and
 - b. A copy of the written report shall also be submitted to the Director; and
 - c. A copy of the written report shall also be submitted to the University Chief of Police if the suspected Child Abuse or Neglect:
 - i. Took place in University facilities or on University property;
 - ii. Was committed by a current or former employee or volunteer of the University;
 - iii. Occurred in connection with a University sponsored, recognized or approved program, visit, activity or camp, regardless of location; or
 - iv. Took place while the victim was a registered student at the University.
 - d. The employee shall utilize the Child Abuse Reporting Form found online at www.salisbury.edu/CAN. The report shall include the following information, to the extent that it is known by the employee:
 - i. The name, age and home address of the Child;

IV. Procedures

a. REPORTING REQUIREMENTS

i. People Responsible for Reporting Suspected Child Abuse or Neglect

1. **University Professional Employees.** A Professional Employee, when acting in a professional capacity, who has reason to believe that a Child has been Abused or Neglected is required to report suspected Child Abuse or Neglect.
2. **All Other Person(s).** All Other Persons affiliated with or members of the University Community, other than a Professional Employee, are also required to report suspected Child Abuse or Neglect.

ii. Procedure to Report Suspected Child Abuse or Neglect

- ii. The name and home address of the parent or other person responsible for the care of the Child;
 - iii. The Child's whereabouts;
 - iv. The nature and extent of the suspected Abuse or Neglect, including any information regarding possible previous instances of Abuse or Neglect; and
 - v. Any other information that may help to identify the person responsible for the Abuse or Neglect or to determine the cause.
- e. A copy of the written report may also be sent to the local State's Attorney by the Local Department of Social Services and/or local police department, if Abuse is suspected.
- f. Any individual responsible for reporting suspected Child Abuse or Neglect shall not be obligated to investigate or question any other individual in an effort to secure more information in connection with a report under this Policy. Any investigation shall be conducted by the Local Department of Social Services and/or local police department.
- 3. Confidentiality Privileges.**
- a. The reporting requirements apply regardless of the generally accepted confidentiality privileges otherwise applicable to professional-client relationships, except that the reporting requirements may not apply to attorneys, members of the clergy or health practitioners under the specific circumstances described in Family Law Article Section 5-705(a).
 - b. The requirement to report suspected Abuse or Neglect to the Director under Section IV.A.ii.2. above is subject to generally accepted confidentiality privileges applicable to professional-client relationships.
 - iii. **Questions Regarding the Reporting Requirements.** Questions regarding the applicability of these requirements to a particular individual or situation may be directed to the local Department of Social Services or the Director for the reporting of suspected Child Abuse or Neglect.
- iv. **Reporting of Past Abuse or Neglect.** The obligation to report suspected Child Abuse or Neglect applies, even if the individual who may have been the victim of past Child Abuse or Neglect is no longer a Child at the time the past Abuse or Neglect is disclosed or otherwise suspected.
- b. POLICY IMPLICATIONS AND CONSEQUENCES**
- i. **Immunity.** Under State law (Family Law Article Section 5-708), any individual who in good faith makes or participates in making a report under the law shall be immune from any civil liability or criminal prosecution. In addition, any person who in good faith makes or participates in making a report under this Policy shall be free from any reprisal at the University that might otherwise result from compliance with the Policy.
 - ii. **Failure to Report.** Any member of the University Community who fails to report suspected Child Abuse or Neglect
 1. May be in violation of State law and may be subject to prosecution; and
 2. Is in violation of this Policy and may be subject to disciplinary action as follows:
 - a. **Employees/Volunteers/Board Members.** Discipline for professional misconduct, up to and including termination of employment with or appointment to the University.
 - b. **Persons under Contract with the University.** Immediate termination of underlying contract with the University for cause.
 - c. **Students/Prospective Students.** Discipline for violation of the Student Code of Conduct, up to and including dismissal from the University or revocation of offer of acceptance for admission.
 - iii. **Confidentiality.** The confidentiality of a report of suspected Child Abuse or Neglect, including the identity of an individual who makes a report under this Policy, the individual suspected of Abuse or Neglect, and the Child who may have been Abused or Neglected, will be protected consistent with relevant Federal and State laws.

c. RESPONSIBILITIES OF THE UNIVERSITY

The University shall take the following actions to implement this Policy and support compliance with State law requirements:

- i. **President's Designee.** The President of the University hereby designates the Director of the University Counseling Center to receive oral and written reports of suspected Child Abuse or Neglect from employees, students and others at the University as defined above in this Policy.
- ii. **Information Dissemination.** Employees, students and other members of the University Community shall be informed through employee or student handbooks, University websites, contracts and other appropriate means of communication of:
 1. The requirements of this Policy and relevant State law requirements;
 2. University policies and procedures for compliance with this Policy; and
 3. Contact information for the Local Department of Social Services, local law enforcement agency, State's Attorney and the Director for the reporting of suspected Child Abuse or Neglect.
- iii. **Training.** Employees and students who have regular contact with children shall receive periodic training in the requirements of this Policy.
- iv. **Cooperation with Other Agencies.** The University shall cooperate fully and appropriately with any investigation of suspected Child Abuse or Neglect by a Local Department of Social Services or law enforcement agency. If the individual suspected of Child Abuse or Neglect is an employee, student or contractor of the University, the University shall coordinate its own investigation or other activities in response to a report with the appropriate local agency.
- v. **Disciplinary Action.** The University shall ensure that its own policies and procedures for addressing alleged employee, student and contractor misconduct include provisions and measures to respond swiftly and appropriately to reports of suspected Child Abuse and Neglect. Any reports of suspected Child Abuse or Neglect alleged against any member of the University Community shall be further reported by University Police and/or the Director for timely and appropriate mitigation, disciplinary and contractual action as follows:

1. **Employees/Volunteers/Board**

Members. To that person's supervisor and the Associate Vice President for Human Resources.

2. **Persons under Contract with the University.**

To the Vice President for Administration & Finance.

3. **Students/Recruits/Prospective Students.**

To the Dean of Students.

- vi. **Reporting to the Chancellor.**

The President shall inform the Chancellor of any serious incident arising at the University under this Policy, consistent with the confidentiality requirements of Federal and State law.

For more information please visit the Child Abuse or Neglect University website at www.salisbury.edu/CAN.

STUDENT DISABILITY SUPPORT SERVICES POLICY

Salisbury University is committed to fostering curricular and co-curricular environments that provide accessible learning opportunities for students with disabilities.

The Office of Student Disability Support Services (OSDSS) provides guidance, access to resources and accommodations for students with disabilities. Such disabilities could include: medical, psychiatric, and/or learning disabilities, and/or mobility, visual, and/or hearing impairments.

Student Rights

Students with disabilities have the right to self-identify to OSDSS and seek classification as a student with a disability by following the OSDSS's procedures for Registering for Services. Further, students with disabilities have the right to request reasonable accommodations, auxiliary aids and services, and/or modifications to University policies, by initiating such requests with the OSDSS by following the OSDSS's procedures for requesting accommodations, modifications, aids and services.

Students with disabilities have the right to be approved for and receive reasonable accommodations, auxiliary aids and services, and/or modifications to University policies, as related to the impact(s) of their disability(ies) and which do not impose a fundamental alteration to the nature of a service, program, or activity, and/or

an undue financial and administrative burden to the University. Commonly requested reasonable accommodations, aids and services, and modifications may include, but are not limited to, extended time for completing timed course assessments (tests, quizzes, etc.); alternatively formatted course materials (enlarged handouts, texts in audio format, texts in Braille, etc.); access to sign language interpreting services; and approval for priority registration.

Students with disabilities have the right to initiate, terminate and request changes to their accommodations, auxiliary aids and services, and/or modifications plans, as approved by the OSDSS, at any time during their enrollment at the University by contacting the OSDSS.

Students with disabilities have the right to appeal any and all decisions made by the OSDSS by initiating the Student Grievance Procedures for Decisions Made by the OSDSS.

Students with disabilities have the right to confidentiality regarding their disability(ies) and disclosure of information, except when required or permitted by law.

Student Responsibilities

Those students with disabilities who wish to request accommodations, modifications, aids, and/or services, as related to their disability(ies), are responsible for following the OSDSS's procedures for requesting accommodations, modifications, aids and services, in a timely fashion.

Students with disabilities are responsible for meeting with their professors and relevant University staff, in a timely fashion, in order to communicate the accommodations, modifications, aids and/or services for which they are eligible, as approved by the OSDSS, and to discuss plans for implementing them in the classroom or other environment. During these meetings, students with disabilities are responsible for providing their current Memorandum of Accommodations, as issued by the OSDSS, to the professor or University staff member. Additionally, students with disabilities are responsible for engaging with their professors and University staff in an ongoing basis, as needed, in order to maintain the implementation of their accommodations. Testing accommodations are one type of accommodation that often requires eligible students to engage with their professors on an ongoing basis (as tests dates approach during the semester) so that appropri-

ate logistics related to the administration of each test can be carried out by both the student and the professor in timely manner.

Students with disabilities are responsible for meeting and maintaining the University's fundamental academic and technical standards, either with or without use of accommodations, modifications, aids and/or services as related to their disability(ies).

Students with disabilities are responsible for notifying the OSDSS staff of any questions, issues or concerns that they may have regarding their accommodations, modifications, aids and/or services in a timely fashion.

For more detail information about policies and procedures regarding the OSDSS, visit their website at www.salisbury.edu/students/dss/.

EVENT REGISTRATION POLICY

Policy for Dances, Parties and Performances Held on the Campus of Salisbury University

Note: It is the reserving group's responsibility to know and abide by Salisbury University event policies. By signing the Event Policy form, Registered Student Organizations (RSO) are agreeing to adhere to University policies written herein. Failure to comply may result in the loss of event privileges and other possible University sanctions.

Step 1: Obtain the Event Policy form which includes the Event Permit. The Event Policy form may be obtained from the Office of Student Activities, Organizations and Leadership or online at www.salisbury.edu/saol/rsopolicies.html. The Event Policy must be initialed by the student organization president and advisor and the Event Permit must be signed by the student organization president and advisor, as well as the director of student activities before a request for space can be made.

Step 2: Obtain a Space Request form from the Facilities Reservations Office. Space requests remain tentative until all required signatures are obtained on the Event Permit (RSO event planner, president and advisor; Appropriations Board representative, director of student activities, dean of students and/or their designee, and chief of police and/or their designee).

Step 3: Take the Event Policy form, **tentative** Space Request form and the Event Permit form to meet with University Police. The signature of the University Police chief or his or her designee is required on the permit prior to receiving a confirmation of space.

Step 4: Return the Event Policy form (initialed) along with the signed Event Permit with all required signatures to the Office of Student Activities, Organizations and Leadership for final approval to obtain confirmation of your space request. Reminder: Please note that the signed permit along with a confirmed space request must be completed **two weeks prior** to the planned event.

The University reserves the right to refuse any student organization's request for sponsoring dances, parties, concerts and performances if it is in conflict with another campus event requiring University Police support, is not adequately supported by University Police, is deemed potentially unsafe, or other unforeseen reasons.

All individuals attending the event must present a valid college/university picture ID. Students who do not present ID will not be admitted. The RSO will be responsible for checking the validity of IDs under the direct oversight of the RSO advisor. Advisors and/or approved designee of the student organization sponsoring the event must be in attendance for the duration of the event. All unclear situations should be directed to the University Police officers on duty at the event.

Ticket Sales: Ticket sales must begin two weeks prior to the scheduled event and must be conducted through the Guerrieri University Center Information Desk. Absolutely no tickets will be sold at the door. Tickets may be purchased until sold out or by 6 p.m. on the day of the event. Students and student guest(s) who have not obtained a ticket for the event may not hang out around the general area of the event.

Guest Guidelines

- Guest attendance requirements will be determined on an event-by-event basis as designated by the director of student activities, dean of students and/or his or her designee and the chief of University Police and/or his or her designee.
- If guests are permitted to attend an event, students will be limited to one guest.
- The Salisbury University student is responsi-

ble for his or her guest and must sign his or her guest in at the event.

- All guests must have a valid college ID.
- Guest attendance cannot exceed more than 15 percent of the total allowable event attendance.
- Although tickets for guest may be purchased in advance, guest must appear at the information desk with their valid college/university IDs to claim their ticket.

Additional Guidelines

On the night of the event, tickets will be collected and students will be issued wristbands. Once a student leaves the building, he or she will not be permitted to re-enter the event. Wristbands will be clipped and removed.

For dances and other events held in the Wicomico Room of the Guerrieri University Center, doors will be locked at 11:30 p.m.

Please note, the room capacities must be established prior to the event based on room size and event set-up requirements. Members of the RSO working the event must be included within room capacity figures. Co-sponsoring group members attending must be included in the 15 percent of the total allowable event attendance as guest. A comprehensive list of co-sponsoring group member's names must be provided to the Information Desk with the ticket sale application that includes the name of the university/college they are attending. Co-sponsoring members must pick up their ticket for the event at the Information Desk and provide a valid university/college ID. The advisor and the student organization sponsoring the event must monitor attendance so that event capacities are abided by. Fire code guidelines will be strictly enforced by University Police.

Sponsoring organizations are responsible for maintaining the condition of the facility they are using. At all events, the performance and/or music must end by 1 a.m. At this time, the room lights will be turned on. Premises must be vacated by 1:30 a.m. by all attendees and 2 a.m. by all performers.

Advertising Guidelines and Requirements

Advertising must meet the guidelines detailed on the Student Activities, Organizations and Leadership website (www.salisbury.edu/saol/rsopolicies.html). Organizations and/or individuals who do not adhere to said guidelines may be subject to judicial sanctions. All advertising must include the event hours (beginning and ending), University ID requirements and “no admission after 11:30 p.m.” Sponsoring organizations must post “No Loitering, No Bags, No Bottles, No Purses” signs in the lobby of event locations.

University Police Guidelines and Requirements

The University reserves the right to restrict event attendance if a question of safety or the welfare of the University is in question. Attendance approval will be treated on a case-by-case basis through the Office of Student Activities, Organizations and Leadership and in conjunction with University Police.

Sponsoring organizations will still incur the cost of University Police for events not canceled prior to 48 hours of the scheduled event.

The University Police will electronically scan students and their guest to promote safety at all events. The Salisbury University Police chief or his or her designee reserves the right to terminate disorderly events determined that such termination would be in the best interest of the students, guest, staff and the University.

Individuals attending the event observed to be under the influence of alcohol or other drugs will be denied entrance escorted out of the building at University Police’s discretion and/or may be subject to the University judicial sanctions.

CHALKING POLICY

Salisbury University recognizes the use of chalking as an effective medium utilized to advertise programs and events, as well as to allow for the freedom of expression that contribute to intellectual development and social discourse among members of the University community. Pursuant the Salisbury University Promise, all are expected demonstrate respect for diverse groups, individuals and opinions. Therefore, chalking may be used by students, faculty or staff based on an adherence to the following guidelines:

1. Chalking must be done with water-soluble chalk only. No permanent paint, chalk or spray chemical may be used on any surface.
2. No chalking is permitted on porches, the University pergola, overhangs of buildings and buildings generally.
3. No messages may be written on walkways other than sidewalks and must be on flat horizontal surfaces where rain or natural elements can wash it away.
4. Chalking or chalked messages my not deface decorative symbols or sculptures.
5. Chalking must not contain language that constitutes the following:
 - Obscenities
 - Hate speech
 - Defamation
6. Chalked messages or advertisements are intended to be short term and temporary, and should normally not exceed a time frame of 48 hours.
7. Students or student organizations shall not remove or alter the message of another student or organization.

Salisbury University reserves the right to remove or restrict any messages or images that serve to compromise the integrity of the University, or that may contribute to a hostile environment. Individuals found in violation of this policy will be subject to disciplinary action under the University’s Student Code of Conduct, Policies and Procedures.

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.

A black and white photograph of a brick wall with the Salisbury University logo. The logo features the word "Salisbury" in a large, stylized serif font with a decorative flourish over the 'i', and the word "UNIVERSITY" in a smaller, all-caps serif font below it. The wall is made of dark bricks and has a decorative top edge. In the foreground, there are some bushes and grass. The background shows trees and a cloudy sky.

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